**FORMAL OFFER**

[*SUPREME/DISTRICT/MAGISTRATES*] **Delete all but one** COURT OF SOUTH AUSTRALIA

[*COURT OF APPEAL*] **If applicable**

CIVIL JURISDICTION

[*MINOR CIVIL*] **If applicable**

[*NAME OF LIST*] LIST **If applicable**

**Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for party. Each party should include a party number if more than one party of the same type.**

First Applicant

First Respondent

First Interested Party

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| Lodging Party |  | |
| **Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))** | |
| Name of law firm / solicitor  **If any** |  |  |
| **Law Firm** | **Solicitor** |

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| **Formal Offer** |
| **Mark appropriate sections below with an ‘x’**  1. Offer made by the following parties (‘the Offeror’)  **List the Party title and names**  to the following parties (‘the Offeree’)  **List the Party title and names**  (collectively ‘the parties’).  2. Offer to  [ ] settle the entire matter (all claims between the parties).  [ ] settle only the  [ ] claim  [ ] counterclaim  [ ] third party claim  [ ] contribution notice  [ ] appeal  [ ] cross appeal  [ ] notice of alternative contention  [ ] other [*specify*]  between the parties.  [ ] settle part only of the  [ ] claim  [ ] counterclaim  [ ] third party claim  [ ] contribution notice  [ ] appeal  [ ] cross appeal  [ ] notice of alternative contention  [ ] other [*specify*]  between the parties, namely  **Claim offered to be settled by reference to pleading or otherwise**  **Offer basis**  3. This offer is  [ ] without prejudice save as to costs.  [ ] an open offer.  [ ] other [*specify basis*].  **Offer type**  4. This offer is a  [ ] judgment offer.  [ ] contract offer.  [ ] hybrid offer.  **Terms of Offer**  5. The Offeror offers to  [ ] consent to judgment  [ ] enter into an agreement  [ ] consent to judgment and enter into an agreement  on the following terms:  **Terms of judgment that would be entered/agreement that would be entered into if offer accepted in numbered paragraphs**  1.  6. The offer is made on the terms that the  [ ] judgment  [ ] agreement  [ ] judgment and agreement  include the following term as to costs:  [ ] the Offeree pay the costs of the Offeror  [ ] on a standard costs basis in respect of the period :  [ ] on a solicitor/ client basis in respect of the period :  [ ] on an indemnity basis in respect of the period :  [ ] in the fixed amount of $[*amount*]  [ ] the Offeror pay the costs of the Offeree  [ ] on a standard costs basis in respect of the period:  [ ] on a solicitor/ client basis in respect of the period:  [ ] on an indemnity basis in respect of the period :  [ ] in the fixed amount of $[*amount*]  [ ] the Offeror will submit to any order the Court may make in the exercise of its discretion.  [ ] there be no order as to costs.  [ ] [*specify other term*]  **If applicable**  7. The offer is subject to the following conditions:  **Conditions in numbered paragraphs**  1.  **Expiry of offer**  8. This offer expires:  [ ] [*date or method by which expiry date is to be ascertained*]  [ ] if and when withdrawn.  and in any event unless the Court otherwise orders will expire 7 clear calendar days before the first day of trial.  …………………………………………  Signature of party / solicitor (if represented)  …………………………………………  Name printed  ………………………….  Date |

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| **Note to Parties**  The offer must be either a judgment offer or a contract offer: see rule 132.4(1).  If the offer is intended to be a “relevant offer” within the meaning of rule 132.10(1), it must comply with the definition of that term contained therein: see rule 132.10. |

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| **Service**  The party filing this document is required to serve this document on all other parties in accordance with the Rules of Court. |

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| **Note to Offeree**  If you do not wish to accept this offer but wish to make a counter offer, you are required to file and serve your own Formal Offer. |