

# Subpoena for Production

To (*name*): **The Proper Officer**  
of (*address*): **Port Macquarie-Hastings Council**  
**PO Box 84, Port Macquarie NSW 2444**

You are required to attend and produce this subpoena and such of the documents and things described in the schedule as are in your possession or control:

- (a) before the Court; **Port Macquarie Local Court,**
- (b) at (*Court location*) **22-26 Murray Street, Port Macquarie NSW 2444**
- (c) on (*date*) **31 August 20XX**

and until you are excused from further attending; but

- (i) you need not attend or produce any document on any day unless reasonable expenses have been paid or tendered to you; If you are requested to produce to the Court by a police officer or public officer, the costs of production may be reimbursed to you after the date of production.
- (ii) you need not comply with this subpoena if it is served on you after (*date*): **23 August 20XX**
- (iii) if you are not a party to these proceedings, instead of so attending you may produce this subpoena and such of the documents and things described in the schedule as are in your possession or control to the registrar of this court not later than the day before the first day on which you are required to attend.

## Schedule

**1. A copy of all documents relating to the property located at 154 Draft Street, Port Macquarie NSW 2444, featuring the name and address of the registered proprietor, including but not limited to land rates, for the period 1 July 2020 to present.**

Parties: **Jim Mitchell v Maria Herczeg**  
Proceedings (*short description of Proceedings*): **Application for order under the Dividing Fences Act**

This subpoena is issued on behalf of the (*select one*) (~~prosecutor~~/**applicant** or ~~defendant~~/~~respondent~~)

Contact details (*name, address & telephone number of prosecutor/applicant or defendant/respondent issuing the subpoena*):

**Jim Mitchell**

**156 Draft Street, Port Macquarie NSW 2444**

**0400 000 000**

### **Declaration of issuing party:**

*(To be completed by the issuing party's legal representative by ticking the boxes below)*

- The material sought to be produced are not documents that contain a protected confidence\* as defined in s296 of the *Criminal Procedure Act 1986*, or
- Leave has been granted to issue this subpoena to produce a document/s recording a protected confidence (s298 *Criminal Procedure Act 1986*). *The order granting leave was made on [insert date], or*
- The principal protected confider to whom these proceedings relate has consented to the production of the document/s sought under this subpoena (s300(1) *Criminal Procedure Act 1986*). *A copy of the consent from the protected confider is attached to this subpoena.*

\*A protected confidence means a counselling communication that is made by, to or about a victim to alleged victim of a sexual assault offence.

**Name of issuing party:**

**Legal representative:**

**Signature:**

**Date:**

**This subpoena was issued by:**

**Name: R. Beston**

**Address: Port Macquarie Local Court, 22-26 Murray Street Port Macquarie.**

**~~Police Officer /Public Officer/Registrar (select one)~~**

**Date: 10 August 20XX**

Notes:

1. A public officer or police officer commencing proceedings may sign and issue a subpoena.
2. A registrar may issue a subpoena at the request of any other party to proceedings.
3. Where this subpoena requires you to produce a document, you may comply with the subpoena by producing a **clean sharp photocopy** of the document.
4. If you do not comply with this subpoena you may be arrested.
5. The person who produces a document pursuant to a subpoena must advise the registrar as to whether the document is an original document or a copy and must elect whether the document is to be disposed of by registrar or returned to the person.

Election by named in Subpoena on return of documents

The document is (tick one):

- An original  
 A copy

I elect to have the documents (tick one):

- Returned to me  
 Disposed of by a Registrar

Signed:            Date:  
Name:            Address:

## Statement of Service

I (name) **John Smith** of **10 Sample Street, Port Macquarie** (occupation)  
**Process Server**

I am aged 16 years or more

I did serve a copy of this subpoena on the witness on (date) **12 August 20XX** by delivering a copy (state manner of service): **to a person at the reception desk at the offices of Port Macquarie-Hastings Council.**

**The person at the reception desk and I had a conversation in words to the following effect:**

**I said “Are you authorised to accept service of a subpoena?”**

**She replied “Yes. I am.”**

I said “You have been served with a Subpoena Produce. Can I have your name please?”

She said “My name is Joan Krikitos”

Signed: *J Smith*

Name: John Smith

Witness: *M Lim*

Name: Mary Lim

### Registry address

Street address: **Port Macquarie Local Court, 22-26 Murray Street Port Macquarie.**

Postal address: **PO Box 6 Port Macquarie NSW 2444**

Telephone: **1300 679 272**