

## Checklist: Starting your Case

Use this checklist to follow the steps to start a case in the Local Court – Small Claims Division.

Tick on each box as you go.

### Starting your case

#### Before you start

- Get Form 3B - statement of claim from a [Local Court](#) registry or on the [Uniform Civil Procedure Rules \(UCPR\) website](#).
- Make sure you have all the information you need:
  - name and address of defendant(s) (and Australian company number if defendant is a company)
  - amount of your claim
  - amount of interest you are claiming
  - amount of filing fee
  - amount of service fee
  - brief explanation of how the claim arose, including relevant dates
  - name and address of the court where you will be filing the statement of claim.
- Make sure you have the correct name and address of the other party (the defendant).

#### Filing with the court

- Fill out the statement of claim form.
- Sign and date the statement of claim form.
- Make copies of the signed statement of claim form (two copies if there is one defendant, three copies if there are two defendants etc).

Take or mail the original statement of claim and the copies to the Local Court and pay the filing fee (and service fee if the Local Court is going to serve the statement of claim by post). Cheques and money orders should be made out to NSW Local Court.

The court will stamp the original statement of claim and copies. The court will keep the original and return the copies to you.

Keep one of the stamped copies for your own records.

### Serving the other party

Decide how you will serve your statement of claim:

- postal service by the court
- personal service by a process server
- postal or personal service by yourself or a friend or relative (remember that only the court can serve an individual defendant by post).

If you are getting a process server or other person to serve the statement of claim, provide an additional stamped copy of their affidavit of service.

If you or a friend or relative are serving the statement of claim, keep a record of when, where and how the statement of claim was served, and any words said by the person serving and the person served.

Ask the person who served the statement of claim to provide you with an affidavit of service.

### Wait 28 days

After the statement of claim has been served wait 28 days to see whether the defendant pays your claim or files a defence.