

STATEMENT OF CLAIM

COURT DETAILS

Court	Local Court
#Division	Small Claims Division
#List	
Registry	Burwood
Case number	

TITLE OF PROCEEDINGS

plaintiff	Rob Taylor
defendant	Mick Johnstone

FILING DETAILS

Filed for	Rob Taylor, plaintiff
Contact name and telephone	Rob Taylor 02 9999 8888
Contact email	r.taylor@tmail.com

TYPE OF CLAIM

[Select type of claim from the list available on the UCPR website www.ucprforms.nsw.gov.au by clicking on the link to Publications, or at any NSW court registry]

Torts - Negligence - Motor Vehicle Accident - Driver

[on separate page]

[Note: If the completed RELIEF CLAIMED will fit in the available space appearing after TYPE OF CLAIM on the first page of this form, you may delete the page break, include the RELIEF CLAIMED on the first page and start this page with PLEADINGS AND PARTICULARS.]

RELIEF CLAIMED

1 That the defendant pay the plaintiff the total amount claimed below.

[If you are making a liquidated claim (ie claiming a specific amount of money), include the following information:]

Amount of claim	\$700.00
Interest	\$0.00
Filing fees	\$172.00
Service fees	\$53.00
Solicitors fees	\$0.00
TOTAL	\$925.00

PLEADINGS AND PARTICULARS

- 1 At all material times the plaintiff was the driver and owner of a black Mazda 3, NSW registration number ABC 123.
- 2 At all material times the defendant was the driver of a red Toyota Yaris, NSW registration number DEF 456.
- 3 On 1 December 20XX, the plaintiff was reversing his car out of a parking space at the shopping centre on Burwood Road, in Burwood NSW, 2124.
- 4 Before the plaintiff reversed his car, the plaintiff checked his rear and side mirrors, and the car park lane was clear.
- 5 As the plaintiff was slowly reversing his vehicle, the defendant's car suddenly entered the lane and collided with the plaintiff's car.
- 6 The collision was caused by the defendant's negligence, for the following reasons:
 - a. The defendant drove too fast in the circumstances;
 - b. The defendant failed to keep a proper lookout;
 - c. The defendant didn't stop or control his car to avoid the collision;
 - d. The defendant failed to safely control his car;
 - e. The defendant didn't sound his car horn or provide any warning that he was approaching.

- 7 As a result of the defendant's negligence, the plaintiff's car was damaged.
- 8 The costs of repairing this damage are as follows:
- a. Repair to back bumper \$350.00;
 - b. Repair to back left side boot lid \$350.00.
- 9 The plaintiff has paid a total sum of \$700.00 to repair the damage caused by the defendant's negligence.
- 10 By letter dated 5 February 20XX, the plaintiff demanded payment of \$700.00 from the defendant.
- 11 The defendant has failed to pay this amount to the plaintiff. The defendant did not respond to the plaintiff letter at all.
- 12 The plaintiff claims \$700.00.

SIGNATURE

I acknowledge that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

R Taylor

Capacity

plaintiff

Date of signature

20 February 20XX

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.

- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
- 2 If money is claimed, and you believe you owe the money claimed**, by:
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
 - Filing an acknowledgement of the claim.
 - Applying to the court for further time to pay the claim.
- 3 If money is claimed, and you believe you owe part of the money claimed**, by:
 - Paying the plaintiff that part of the money that is claimed.
 - Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	7-9 Belmore Street Burwood NSW 2134
Postal address	PO Box 235 Burwood NSW 1805
Telephone	02 9744 4044