Form 41 (version 3)
UCPR 35.8

AFFIDAVIT OF SERVICE [NAME]

Write the name of person signing the affidavit

[DATE]

Write date affidavit is signed

COURT DETAILS	
Court	Write 'Local Court'
#Division	Write 'Small Claims Division'
#List	Leave blank or delete
Registry	Write the court where statement of claim was filed
Case number	Write the case number given when statement of claim filed
TITLE OF PROCEEDINGS	
[First] plaintiff	**[name]**
#Second plaintiff #Number of plaintiffs (if more than two)	
[First] defendant	**[name]**
#Second defendant #Number of defendants (if more than two)	
FILING DETAILS	
Filed for	**[name]** [role of party eg plaintiff] Write the name of the party the document was served for, and whether they are the plaintiff or defendant
#Filed in relation to	[eg plaintiff's claim, (number) cross-claim] [include only if form to be eFiled] Delete or leave blank
#Legal representative	[solicitor on record] [firm] Delete or leave blank if you are not represented by a lawyer
#Legal representative reference	[reference number] Delete
Contact name and telephone	[name] [telephone] Write the name and telephone number of the party the document was served for
Contact email	[email address] Write the email address of the party the document was served for

[on separate page]

AFFIDAVIT

Name	Write the name of the person who served the statement of claim or other document.
Address	Write the address of the person who served the document
Occupation	Write the occupation of person who served the document
Date	Write the date that the affidavit is signed

I [#say on oath #affirm]: Delete the word 'oath' or 'affirm', whichever does not apply. For more information on affidavits, oaths and affirmations see, Affidavit.

1 #I am [role of deponent]. You should write down what your role is in the case, for example, you may write that you are the 'plaintiff' or the 'defendant'.

If you are representing your company or business, you should write down your relationship to the company or business, for example 'Director of plaintiff or defendant ' or 'Authorised Officer of plaintiff or defendant'.

You should delete this paragraph if the document was served by someone who is not involved in the court case, for example your friend or a professional process server.

2 I am over the age of 16 years.

3 On [date] write the date the document was posted or given to the person being served] at [write the address where the document was given to or left for the person being served, or if posted leave blank at [place], I served [name of person served] with the following documents [describe documents served. If the document served is a filed document include the date the document was filed in the description eg statement of claim filed (date). Do not attach a copy of any document already filed.]

4 I served the documents by [method of service]. Write a description of how the document was served. For example:

a) handing it to defendant
b) leaving it in presence of defendant and explaining what the document is (make sure you describe the name of the document served, for example statement of claim)
c) leaving it with a person who appeared to be over 16 years and asking him/her to give the document to the defendant

d) mailing the document and stating the address where the document was mailed to (for company or business defendants).

5 #At the time of service [name of person served] stated [record what, if anything, the person served said]. Delete if nothing was said at time of service or if posted. If you have served the defendant by leaving documents with someone at their home, workplace or place of business, make sure that you explain how you knew that the defendant worked or lived at that address.

6 *Insert paragraph regarding your use of generative artificial intelligence (AI) and fill out what applies to you, for example:*

Generative artificial intelligence was not used to generate:

a. this affidavit.

b. any annexure/exhibit to this affidavit prepared or created to the deponent's knowledge for the purposes of these proceedings. Delete this if it does not apply to you.

c. [where applicable] other than annexure/exhibit marked [insert] in accordance with leave granted by [name of decision maker] and [date]. Delete this if it does not apply to you.

#SWORN #AFFIRMED at Delete 'sworn' or 'affirmed' whichever does not apply	Write the town/suburb where affidavit signed
Signature of deponent Deponent is person who signs an affidavit	The deponent should sign here once they have completed the affidavit
Name of witness	Write the name of the person who witnessed the deponent sign the affidavit
Address of witness	Write the address of the witness
Capacity of witness	[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public] Delete whichever does not apply

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

The witness must select one from options 1 and 2 to verify the identity of the person making the affidavit:

1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]

#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.*

2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]

#I have confirmed the deponent's identity using the following identification document:

Identification document relied on (may be original or certified copy)†

Signature of witness	Signature of person signing affidavit must be witnessed by a Solicitor, Barrister, Justice of the Peace, Notary Public

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[† "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]