Form 40 (version 8)
UCPR 35.1

AFFIDAVIT OF FIONA FRAME- 31 JANUARY 20XX

COURT DETAILS	
Court	Local Court of NSW
Division	Small Claims Division
Registry	Blacktown
Case number	20XX/1234XXX

TITLE OF PROCEEDINGS	
Plaintiff	**Meena Vishwana**
Defendant	**Fiona Frame trading as Fantastic Florists**

FILING DETAILS	
Filed for	**Fiona Frame, Defendant**
Contact name and telephone	Fiona Frame 02 2334 4556
Contact email	f.frame@teamail.com

SAMPLE

[on separate page]

AFFIDAVIT

Name	Fiona Frame
Address	42 Lancaster Road, Cowra NSW 2794
Occupation	Unemployed
Date	31 January 20XX

I affirm:

1 I am the defendant.

2 I did not file a defence because I did not receive the statement of claim and was not aware of any court proceedings.

a. On 20 November 20xx I moved from Blacktown to Cowra to care for my aunt, who is very ill.

b. I have not had any contact with the plaintiff since I received her letter of demand on 15 October 20xx.

3 On 30 January 20xx, my accountant advised me that default judgment had been entered against me at Blacktown Local Court on 22 January 20xx.

4 I have a valid defence to this claim:

a. I deny that I owe the plaintiff the amount claimed. A draft defence is attached and marked “A”. The plaintiff did not finish the IT work she was contracted to do, the website does not work and the computer system keeps crashing.

5 The reason why there was a delay in bringing proceedings to set aside judgment is:

a. I was only notified of the default judgment on 30 January 20xx and I believe the delay has been reasonable.

b. I have been caring for my ill aunt and this is the first opportunity I have had to bring proceedings to set aside judgment.

6 Generative artificial intelligence was not used to generate:

a. this affidavit.

b. any annexure to this affidavit prepared or created to my knowledge for the purposes of these proceedings.

Fiona Frame *Jason Loor*

SAMPLE

AFFIRMED at	Cowra
Signature of deponent	*Fiona Frame*
Name of witness	Jason Loor
Address of witness	7 Now Street, Cowra NSW 2794
Capacity of witness	Justice of the peace

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

1 I saw the face of the deponent.

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

	NSW Driver's Licence
	Identification document relied on (may be original or certified copy)[*]
Signature of witness	*Jason Loor*

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

SAMPLE

[* "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 or refer to the guidelines in the NSW Department of Attorney General and Justice's "Justices of the Peace Handbook" section 2.3 "Witnessing an affidavit" at the following address: http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf]