

FORM 7B  
LOCAL COURT

Rule 7.02(1)(b)

STATEMENT OF CLAIM  
IN RELATION TO MOTOR VEHICLE COLLISION

IN THE LOCAL COURT  
AT \_\_\_\_\_

Claim No. \_\_\_\_\_

BETWEEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

TO THE DEFENDANT

The plaintiff claims that you owe the plaintiff the amount of \$ \_\_\_\_\_ in respect of a motor vehicle collision on the following grounds: *(give particulars – see notes for plaintiff)*

The plaintiff seeks an order by the Court that you pay \$ \_\_\_\_\_ to the plaintiff.

\*If you pay the amount of \$ \_\_\_\_\_ and costs of \$ \_\_\_\_\_ to the plaintiff or the plaintiff's legal practitioner without giving notice of defence you may avoid further costs

.....  
Signature of plaintiff

Filed: .....

.....  
Deputy Registrar

1. This statement of claim was filed —  
\*by the plaintiff in person.  
\*for the plaintiff by \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_, legal practitioner(s), of \_\_\_\_\_  
\_\_\_\_\_.
2. The address of the plaintiff is — \_\_\_\_\_
3. The address for service of the plaintiff is — \_\_\_\_\_
4. The address of the defendant is — \_\_\_\_\_

\* Delete if inapplicable.

## NOTES FOR PLAINTIFF

WHAT IS THE NATURE OF YOUR CLAIM? (e.g. *cost of repairs to motor vehicle; cost of repairs to damaged fence.*)

WHERE DID YOUR CLAIM ARISE? (Give the location of the collision, and in the space below draw a sketch plan of the collision with names of roads, &c., identify your vehicle as "1", the vehicle driven by the defendant as "2" and any other vehicles involved as "3", "4", "5", &c.)

WHEN DID YOUR CLAIM ARISE?

HOW DID THE COLLISION HAPPEN? (You must set out in as much detail as you can how the collision happened and why you believe the defendant is at fault. If the space is insufficient you may attach other sheets.)

#HOW MUCH ARE YOU CLAIMING?

# You must attach an itemised quotation giving full details of property damage.

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## NOTES FOR DEFENDANT

IF YOU INTEND TO DEFEND this claim **YOU MUST, NOT LATER THAN 28 DAYS** after being served with this statement of claim —

- (a) file a notice of defence with a Registrar of the Local Court at Darwin; and
- (b) serve a copy on the plaintiff.

IF YOU DO NOT file and serve a notice of defence, the plaintiff may OBTAIN JUDGMENT AGAINST YOU on the claim without further notice.

## WHAT TO DO WHEN YOU GET A STATEMENT OF CLAIM

The person called the plaintiff has a claim against you and wants the Court to decide it.

You can:

1. File a notice of defence.

You must fill out the form headed "NOTICE OF DEFENCE" that came with this claim explaining why you are not responsible for part or all of the amount the plaintiff claims. This form should be filed with the Court and a copy served on the plaintiff.

2. Pay the amount of the claim and the plaintiff's legal costs.

If you intend to do this you should contact the plaintiff or his or her legal practitioner immediately and make arrangements to pay. Make sure you get any agreements in writing.

3. File an application for an instalment order.

If you admit you owe the amount claimed but cannot pay it all at once you may apply to the Court for an instalment order. **Form 50A** is available from the Court office. You must file the original with the Court and serve a copy on the plaintiff. You must also obtain from the Court office a Declaration of Financial Circumstances **Form 47C** (not a Corporation) or **Form 47D** (is a Corporation). The application to pay by instalments cannot be processed without the Declaration of Finances.

**Warning: DO NOT IGNORE THIS FORM OR A JUDGMENT MAY BE MADE AGAINST YOU FOR THE WHOLE AMOUNT OF THE CLAIM AND ADDITIONAL LEGAL COSTS.**

**IF JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.**

If you do not understand what you have to do or need help contact:

- . A legal practitioner — look under "solicitors" in the Yellow pages.
  - . Law Society of the Northern Territory — they will refer you to a legal practitioner who can help with your particular matter (Phone: 89815104)
  - . Northern Territory Legal Aid Commission (Phone: Darwin 89993000, Alice Springs 89515377, Katherine 89738704)
  - . Aboriginal Legal Aid (Phone: Darwin 89815266, Alice Springs 89522933, Katherine 89721133, Nhulunbuy 89871300)
  - . A Registrar of the Court.
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**AFFIDAVIT OF SERVICE**

IN THE LOCAL COURT  
AT DARWIN

Claim No. \_\_\_\_\_

BETWEEN

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

NAME OF DEPONENT:  
DATE SWORN:

I,  
(full name)  
of  
(address)

say on oath

I did at (time) on (day) (month) (year)

serve the defendant  
(full name of defendant)

with this statement of claim by delivering a true copy of the statement of claim to the defendant at

(address)

I identified the defendant as follows:

Sworn at on (place) (date)

before me

\* Justice of the Peace/Commissioner for Oaths\*

\*Commissioner for Affidavits or Declarations or Notary Public (for service under Service and Execution of Process Act 1992 (Cwlth))

\* Delete if inapplicable.

Filed by — \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_