**TASMANIA**

**MAGISTRATES COURT (CIVIL DIVISION)**

**FORM 1**

## CLAIM

**MAGISTRATES COURT** ACTION No.

Address:

Phone No: Fax No:

# CLAIMANT :

*(full name and address)*

**DEFENDANT(S):**

*(full names and addresses)*

**TYPE OF CLAIM:**

Debt 🞏 Building Dispute 🞏 Contract 🞏

Personal Injury 🞏 Motor Vehicle Property 🞏

Other 🞏 (Specify) :………………………………………………………………………………………………

**SUMMARY OF CLAIM:**

$ Amount of claim

$ Court fee on filing

$ Service and other fee

$ Solicitors costs

**$ TOTAL AMOUNT CLAIMED**

**PARTICULARS OF CLAIM:** (Briefly state the date, place and circumstances from which the claim arose. If insufficient space below, please attach extra pages as required)

Dated: Signed ..............................................................(Claimant or Solicitor)

Filed by or on behalf of ..................…………...............................................whose address for the service of documents is:..........................................................................................................
Phone: Fax: DX:
Contact:

|  |
| --- |
| **NOTICE TO THE DEFENDANT**IF YOU ADMIT THE CLAIM: Contact the Claimant or their solicitor within 21 days to arrange a settlement of the matter; or you may pay the total amount claimed within 21 days of receiving this claim to the Claimant’s address for service and no further action will be taken.IF YOU DENY THE CLAIM. You may file a Defence at the Magistrates Court AND, if you have one, a counter claim within 21 days of receiving this Claim. IF YOU ADMIT PART ONLY OF THE CLAIM You may pay that part admitted to the Magistrates Court, and notify the Claimant that you have done so, *and so avoid further costs*. You may also file a defence, at the Magistrates Court, for that part not admitted, within 21 days.DEFENCE FORM: A Defence form, or a Defence and Counterclaim form, may be obtained from any Registry of the Magistrates Court or from the Magistrates Court website at : [www.magistratescourt.tas.gov.au](http://www.magistratescourt.tas.gov.au) YOU MUST file 3 copies of your Defence at the Magistrates Court registry which issued the Claim. You will be given back two stamped copies. One is to be served on the Claimant at their address for service. One is for your own record.IF YOU DO NOTHING A JUDGMENT MAY BE ENTERED AGAINST YOU WITH ADDITIONAL COSTS |

**AFFIDAVIT OF SERVICE OF CLAIM**

I , ...............................................................................of ..................................................…………………………

*(Full name) (Address)*

Occupation:.................................................................……………………………………………………....

MAKE OATH AND SAY that –

I did on the …………day of………………………………..…20..……. at...….....am / pm

duly serve the Defendant……………………………………………………………………………………

*(name of defendant)*

with a sealed copy of this Claim and Notice to Defendant by:

(*Please tick the appropriate box)*

🞎 personal service on the Defendant at ……………………………………………………………………

🞎 registered post addressed to the usual place of residence or business of the

\* Defendant / \*the practitioner acting on behalf of the Defendant at the following address:

....................…*…………………………………*............................………………………………………….

🞎 leaving it for the Defendant at the usual place of residence or business of the Defendant at the following address:

....................……………………………………............................……………………………………...

with .....................…………………………………….............................……………………………….

*(identity of person served)*

who was apparently 16 years of age or older.

🞎 leaving it at the registered office of the corporation at the following address:

....................……………………………………............................……………………………………..

with .....................…………………………………….............................………………………………

*(identity of person served).*

🞎 posting it to the registered office of the corporation at the following address:

....................……………………………………............................……………………………………..

🞎 .........................................................................................................……..................……………………

*(describe here any other authorised means of service).*

Signature...........................................................................................………………………

SWORN before me at

this day of 20

 Signature: .......................................... (*Justice of the Peace)*