

Sample Notice of Motion – Default Judgment for Detention of Goods (Form 37)

This is a sample. It is important to complete this form with your own details and based on your own circumstances. If you need more help get legal advice.

Form 37 (version 2)
UCPR 16.3 and 16.5

NOTICE OF MOTION DEFAULT JUDGMENT FOR DETENTION OF GOODS

COURT DETAILS

Court	Local Court
Division	Small Claims Division
List	
Registry	Penrith
Case number	LC/2010158

TITLE OF PROCEEDINGS

Plaintiff	Natalie Saad
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Defendant	Rachel Smith
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FILING DETAILS

Person seeking orders	Natalie Saad, Plaintiff
Contact name and telephone	Natalie Saad, 02 9000 1000

PERSON AFFECTED BY ORDERS SOUGHT

Rachel Smith, defendant

[repeat for each additional defendant/cross-defendant default judgment sought against]

HEARING DETAILS

This motion is to be dealt with in the absence of the parties.

ORDERS SOUGHT

1. Judgment for the plaintiff against the defendant for delivery of goods as described in the statement of claim to the plaintiff.
2. The defendant to pay the plaintiff's costs.

SIGNATURE

Signature of or on behalf of party if not legally represented	<i>Natalie Saad</i>
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Capacity	Plaintiff
Date of signature	01/04/2013

[on separate page]

AFFIDAVIT

Name	Natalie Saad
Address	Unit 1/22, Example Street, Penrith NSW 2750
Occupation	IT Consultant
Date	01/04/2013

I say on oath:

- 1 I am the plaintiff.
- 2 The source of my knowledge of the matters contained in this affidavit concerning the delivery or non-delivery of the goods is that I am the plaintiff.
- 3 The statement of claim was served on the defendant personally on 1 March 2013
- 4 None of the goods claimed in the statement of claim have been returned.
- 5 No payments have been made by the defendant in respect of the goods since the statement of claim was filed.
- 6 The amounts claimed for costs are:

Filing fees	\$ 88
Service fees	\$ 37
TOTAL	\$125

SWORN at	Penrith
Signature of deponent	<i>Natalie Saad</i>
Name of witness	Michael Hampton
Address of witness	37 Roseby Street Penrith
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.
~~#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.~~
I have confirmed the deponent's identity using the following identification document:

Drivers licence

Identification document relied on (may be original or certified copy) [†]Signature of witness ***Michael Hampton***

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.]

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