

## Instructions for filling out a Statement of Claim - Goods (Form 3B)

These are instructions. 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 3B (version 4)  
UCPR 6.2

### STATEMENT OF CLAIM

#### COURT DETAILS

Court	Local Court
#Division	Small Claims Division
#List	Leave blank or delete
Registry	Location of court where you will file your claim.  For example, Downing Centre, Parramatta, Dubbo.
Case number	Leave blank. The court will write a file number here when you file your Statement of Claim.

#### TITLE OF PROCEEDINGS

[First] plaintiff	<b>[name]</b>
Delete "First" if only one plaintiff.	In bold type: <ul style="list-style-type: none"><li>Your first name and family name as individual plaintiff, or</li><li>Your first name and family name plus business name if you are a sole trader (eg. Meena Vishwana trading as MV IT Services), or</li><li>Your name and the name of each partner if you are a partnership, plus the business name (eg. Meena Vishwana, Mark Vishwana, trading as MV IT Services), or</li><li>Your company name and ACN (eg. MV IT Services Ltd ACN 123456789), or</li><li>Your association name (eg. Blacktown IT Club Inc).</li></ul>
#Second plaintiff #Number of plaintiffs (if more than two) Delete all if only one plaintiff. If two plaintiffs: delete "Number of plaintiffs" If three or more plaintiffs: do not delete.	<b>[#name #number]</b> Refer to Party Details at rear for full list of parties] Delete all if only one plaintiff. If two plaintiffs: write name of second plaintiff as for first plaintiff. Delete "Number" and "Refer to Party Details at rear for full list of parties." If three or more plaintiffs: write name of second plaintiff as for first plaintiff. Write total number of plaintiffs. Write name of third etc plaintiffs on page 5 of this form.
[First] defendant	<b>[name]</b>
Delete "First" if only one defendant.	In bold type: <ul style="list-style-type: none"><li>First name and family name of individual</li></ul>

defendant, or

- First name and family name plus business name (eg. Fiona Frame trading as Fantastic Florists), or
- name and the name of each partner if a partnership, plus the business name (eg. Fiona Frame, Robert Frame, trading as Fantastic Florists), or
- Company name and ACN (eg. Fantastic Florists Ltd ACN 123456789), or
- Association name (eg. Blacktown Floristry Club Inc).

#Second defendant #Number of defendants (if more than two)  
Delete if only one defendant.  
If two defendants: delete "Number of defendants".  
If three or more defendants: do not delete

[#name #number

Refer to Party Details at rear for full list of parties]

Delete all if only one defendant.

If two defendants: write name of second defendant as for first defendant. Delete "Number" and "Refer to Party Details at rear for full list of parties".

If three or more defendants: write name of second defendant as for first defendant. Write total number of defendants. Write name of third etc defendants on page 5 of this form.

## FILING DETAILS

Filed for	<b>[name]</b> plaintiff[s] Your name, Plaintiff
Contact name and telephone	[name] [telephone] If you are not represented by a lawyer this should be your own name and telephone number.
#Contact email	[email address] Your email address.

## TYPE OF CLAIM

[Select type of claim from the list provided in section 6 of the Guide to preparing documents, available on the UCPR website at [http://www.lawlink.nsw.gov.au/lawlink/spu/ll\\_ucpr.nsf/pages/ucpr\\_form\\_info](http://www.lawlink.nsw.gov.au/lawlink/spu/ll_ucpr.nsf/pages/ucpr_form_info) - 3 or at any NSW court registry]

Leave this section blank.

[on separate page]

[Note: If the completed RELIEF CLAIMED will fit in the available space appearing after TYPE OF CLAIM on the first page of this form, you may delete the page break, include the RELIEF CLAIMED on the first page and start this page with PLEADINGS AND PARTICULARS.]

## RELIEF CLAIMED

- 1                    That the defendant return the plaintiff's (enter the type of good you are claiming, for example, dog).
  
- 2                    In the alternative, the defendant pay the plaintiff for the value of the (enter the type of good you are claiming, for example, dog).

[If you are making a liquidated claim (ie claiming a specific amount of money), include the following information:]

Amount of claim	\$ total amount of your claim
Interest	\$ calculated interest - you can only claim interest if <ul style="list-style-type: none"> <li>• your claim is \$1000 or more</li> <li>• you are claiming a sum of money (for example, for compensation).</li> </ul>
Filing fees	\$ fee you paid for filing this form
Service fees	\$ fee you paid to have this form served on defendant (if applicable)
Solicitors fees	\$ leave blank if you are representing yourself
TOTAL	\$ Add up all the amounts listed above

For more information on calculating interest, and filing and service fees, see the page [Interest, filing and service fees on LawAssist](#).

## PLEADINGS AND PARTICULARS

In this section you need to set out a description of your claim in numbered paragraphs. You need to include:

- relevant dates – for example when you left the goods, when you asked for the goods back or when the goods were meant to be returned, any conversations you had with the other person regarding the goods.
- the reason for your claim (for example, goods left behind and not returned)
- the amount of your claim (if you are making a claim for the value of the goods)
- whether you are claiming interest and how the interest is calculated.

**Instructions only.** This is not legal advice

Refer to yourself as the plaintiff and to the person who has your goods as the defendant – here is an example:

- 1 At all material times, the plaintiff was the owner of a blue Honda Rebel motorbike, NSW registration number XYZ 123 ('the motorbike').
- 2 The plaintiff paid a total sum of \$800.00 for the motorbike.
- 3 On 10 July 2008, in Burwood NSW, the plaintiff and the defendant agreed that the plaintiff could leave the motorbike in the defendant's garage for a period of 12 months whilst the plaintiff was in Italy.
- 4 The plaintiff and defendant agreed that the defendant would return the motorbike when the plaintiff returned from Italy.
- 5 The plaintiff returned from Italy on 1 July 2009.
- 6 The plaintiff contacted the defendant when he returned from Italy, asking the defendant to give the motorbike back.
- 7 The defendant has failed to return the motorbike to the plaintiff.
- 8 The plaintiff claims the defendant return the motorbike to the plaintiff.
- 9 In the alternative, the plaintiff claims a sum of \$800.00 for the value of the motorbike.

## SIGNATURE

I acknowledge that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature Your signature.

Capacity [eg authorised officer, role of party] You would write here "Plaintiff" or your capacity if signing on behalf of a company or organisation eg. "Director of Plaintiff" or "Authorised Officer of Plaintiff".

Date of signature Date you signed the form.

**NOTICE TO DEFENDANT** You do not need to fill in anything in these sections.

**If you do not file a defence within 28 days of being served with this statement of claim:**

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

**Instructions only.** This is not legal advice

**HOW TO RESPOND** [You do not need to fill in anything in these sections.](#)

**Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
- 2 If money is claimed, and you believe you owe the money claimed**, by:
  - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
  - Filing an acknowledgement of the claim.
  - Applying to the court for further time to pay the claim.
- 3 If money is claimed, and you believe you owe part of the money claimed**, by:
  - Paying the plaintiff that part of the money that is claimed.
  - Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at [www.lawlink.nsw.gov.au/ucpr](http://www.lawlink.nsw.gov.au/ucpr) or at any NSW court registry.

**REGISTRY ADDRESS** [Complete address details](#)

Street address	<a href="#">Court address</a>
Postal address	<a href="#">Court PO Box, if any</a>
Telephone	<a href="#">Court telephone number</a>

[on separate page]

[Do not include the affidavit verifying in Local Court proceedings. See Guide to preparing documents for other circumstances where affidavit not required.]

**#AFFIDAVIT VERIFYING** [Delete this page or leave blank](#)

Name

Address

Occupation

Date

I [#say on oath #affirm]:

- 1 #I am the [first] plaintiff.  
#I am [give details of the capacity of the person making the affidavit and the facts that qualify the person to make the affidavit].
- 2 I believe that the allegations of fact in the statement of claim are true.

#SWORN #AFFIRMED at

Signature of deponent

Name of witness

Address of witness

Capacity of witness [#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

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. [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

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.]

[on separate page]

**#PARTY DETAILS** Fill in this section if there are more than two plaintiffs and/or more than two defendants. Otherwise delete or leave blank.

[Include only if more than two plaintiffs and/or more than two defendants.]

## PARTIES TO THE PROCEEDINGS

### Plaintiff[s]

[name] [role of party eg first plaintiff]

[repeat as required for each additional plaintiff]

### Defendant[s]

[name] [role of party eg first defendant]

[repeat as required for each additional defendant]

## FURTHER DETAILS ABOUT PLAINTIFF[S]

### [First] plaintiff

Name

Your first name and family name.

Address

[The filing party must give the party's address.]

#[unit/level number] #[building name] Your street address.

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode]

#[country (if not Australia)]

#Frequent user identifier

[include if the plaintiff is a registered frequent user] Delete

[repeat the above information as required for the second and each additional plaintiff]

### Contact details for plaintiff[s] acting in person or by authorised officer

#Name of authorised officer

Delete, unless a company or incorporated association is plaintiff and you are representing the company or association. In this case put your name.

#Capacity to act for plaintiff[s]

Delete, unless a company or incorporated association is plaintiff and you are representing the company or association. In this case put your role eg. director, secretary, public officer.

Address for service

[The filing party must give an address for service This must be an address in NSW unless the exceptions listed in UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address stated above.]

#as above

This is the address that you want the court to send documents to you. It should be an address in NSW.

#[unit/level number] #[building name]

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode]

Delete everything apart from "as above" if your mailing address is same as your street address above. Otherwise, delete "as above" and fill in your mailing address.

#Telephone

Your phone number.

#Fax

Your fax no, or delete if you don't have a fax.

#Email [Your email address.](#)

**DETAILS ABOUT DEFENDANT[S]**

**[First] defendant**

Name [Name of defendant.](#)

Address [Address for defendant.](#)

#[unit/level number] #[building name]  
[street number] [street name] [street type]  
[suburb/city] [state/territory] [postcode]  
#[country (if not Australia)]

[repeat the above information as required for the second and each additional defendant]