

## NOTICE OF MOTION DEFAULT JUDGMENT FOR DETENTION OF GOODS

### COURT DETAILS

Court

#Division

#List

Registry

Case number

### TITLE OF PROCEEDINGS

[First] plaintiff **[name]**

#Second plaintiff #Number of  
plaintiffs (if more than two)

[First] defendant **[name]**

#Second defendant #Number of  
defendants (if more than two)

### FILING DETAILS

Person seeking orders **[name]** [role of party eg plaintiff]

#Filed in relation to [eg plaintiff's claim, (number) cross-claim]  
[include only if form to be eFiled]

#Legal representative [solicitor on record] [firm]

#Legal representative reference [reference number]

Contact name and telephone **[name]** [telephone]

### PERSON AFFECTED BY ORDERS SOUGHT

**[name]** [role of party eg 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 [role of party] for delivery of goods as described in the statement of claim to the plaintiff [#with the exception of the goods described in paragraph 4 of the affidavit annexed].

- 2 #Judgment for the plaintiff against the [role of party] for payment to the plaintiff of the value of the goods as described in the statement of claim (as assessed by or in accordance with the directions of the court).
- 3 The [role of party] pay the plaintiff's costs.

**SIGNATURE**

#Signature of legal representative

#Signature of or on behalf of party if not legally represented

Capacity [eg solicitor, authorised officer, role of party]

Date of signature

[on separate page]

## AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1 #I am the 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 The source of my knowledge of the matters contained in this affidavit concerning the delivery or non-delivery of the goods is [specify].

3 The statement of claim was served on the [#first] defendant [specify mode of service (eg #personally #by post #by the registry by post #in accordance with the order for substituted service)] on [date]. [#The source of my knowledge is the affidavit of service of (name and date).]

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

4 #None of the goods claimed in the statement of claim have been returned.

#The following goods have been returned by the defendant since the statement of claim was filed: [list goods]

5 #No payments have been made by the defendant in respect of the goods since the statement of claim was filed.

#The amount paid by the defendant in respect of the goods since the statement of claim was filed is \$[amount].

6 The amounts claimed for costs are:

Filing fees	\$
Service fees	\$
Solicitors fees	\$
TOTAL	\$

#SWORN #AFFIRMED at

Signature of deponent

Signature of witness

Name of witness

Address of witness

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

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