

NOTICE OF MOTION

COURT DETAILS

Court Write 'Local Court'
#Division Write 'Small Claims Division'
#List Delete or leave blank
Registry Write court where statement of claim was filed
Case number Write case number from statement of claim

TITLE OF PROCEEDINGS This section should be completed with the same details as in the 'TITLE OF PROCEEDINGS' section of the statement of claim form.

[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 defendant #applicant (if not a party to the proceedings)] Write your name, then 'defendant'
#Filed in relation to [eg plaintiff's claim, (number) cross-claim] Delete or leave blank
[include only if form to be eFiled]
#Legal representative [solicitor on record] [firm] Delete or leave blank
#Legal representative reference [reference number]
Contact name and telephone [name] [telephone] Write your name and telephone number
Contact email [email address] Write your email address

PERSON AFFECTED BY ORDERS SOUGHT

[name] [role of party eg plaintiff #respondent (if not a party to the proceedings)] Write name of plaintiff. If there is more than one plaintiff, write each name and first plaintiff, second plaintiff

HEARING DETAILS You do not need to fill in anything in this section.

This motion is listed at [time, date and place to be inserted by the registry unless otherwise known (Court registry will leave blank if being dealt with in chambers.)]. The court will complete these details.

[on separate page]

ORDERS SOUGHT

- 1 [] Write the orders you are seeking, for example:
- 2 That the default judgment in case number (write the case number from statement of claim) entered on (write the date default judgment was entered) be set aside.
- 3 That the defendant file a defence within 28 days.
- 4 That enforcement is stayed until the application to set aside judgment is decided.
- 5 That the application for a stay of enforcement be dealt with on an urgent ex parte basis, in Chambers.
- 6 That costs of the motion be costs in the cause.

Note: In this form 'ex parte' means without the plaintiff being notified of the application for the stay of enforcement.

SIGNATURE

- #Signature of legal representative Delete or leave blank
- #Signature of or on behalf of person seeking orders if not legally represented Sign in this space once you have completed the form
- Capacity [eg solicitor, authorised officer, role of party] Write Defendant
- Date of signature Write the date you signed the form

#NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

REGISTRY ADDRESS

- Street address Write the street address of the court where statement of claim filed
- Postal address Write the postal address of the court where statement of claim filed
- Telephone Write the telephone number of the court where statement of claim filed

[on separate page]

[Only include this section if a non-party is (a) seeking orders (ie an applicant), or (b) affected by orders sought (ie a respondent). Do not include the contact details for any person who is already a party to the proceedings. "Person" includes a corporation. See Guide to preparing documents for further information about parties and non-parties in the proceedings]

#FURTHER DETAILS ABOUT APPLICANT [Leave blank or delete](#)

Applicant

[A person is an applicant only if not already a party to the proceedings.]

Name

Address

[The applicant must give the applicant's address.]

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]

#Frequent user identifier

[include if the applicant is a registered frequent user]

#Legal representative for applicant[s]

Name

[name of solicitor on record]

Practising certificate number

Firm

[name of firm]

#Contact solicitor

[include name of contact solicitor if different to solicitor on record]

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

DX address

Telephone

Fax

Email

Electronic service address

[#email address for electronic service eg [service@emailaddress.com.au](#) #Not applicable]

#Contact details for applicant acting in person or by authorised officer

#Name of authorised officer

#Capacity to act for applicant

Address for service

[The applicant 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 applicant's address for service is the same as the applicant's address stated above.]

#as above

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#Telephone

#Fax

#Email

#FURTHER DETAILS ABOUT RESPONDENT[S] [Leave blank or delete](#)

[A person is a respondent only if not already a party to the proceedings.]

Respondent

Name

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]