

FORM 5A

Rule 5.02(1)

IN THE SUPREME COURT OF VICTORIA
[INSERT DIVISION]
[INSERT LIST]

S E C I

BETWEEN

Plaintiff

and

Defendant

WRIT

Date of Document:

Solicitors Code:

Filed on behalf of:

Telephone:

Prepared by:

Ref:

Email:

TO THE DEFENDANT

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this writ.

IF YOU INTEND TO DEFEND the proceeding, or if you have a claim against the plaintiff which you wish to have taken into account at the trial, **YOU MUST GIVE NOTICE** of your intention by filing an appearance within the proper time for appearance stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by—

- (a) filing a "Notice of Appearance" with the Prothonotary by submitting the Notice of Appearance for filing electronically. See www.supremecourt.vic.gov.au; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this writ.

IF YOU FAIL to file an appearance within the proper time, the plaintiff may **OBTAIN JUDGMENT AGAINST YOU** on the claim without further notice.

***THE PROPER TIME TO FILE AN APPEARANCE** is as follows—

- (a) where you are served with the writ in Australia, within 10 days after service;

- (b) subject to paragraph (c), where you are served with the writ out of Australia, within 42 days after service;
- (c) where you are served with the writ in New Zealand under Part 2 of the Trans-Tasman Proceedings Act 2010 of the Commonwealth, within 30 working days (within the meaning of that Act) after service or, if a shorter or longer period has been fixed by the Court under section 13(1)(b) of that Act, the period so fixed.

IF the plaintiff claims a debt only and you pay that debt, namely, \$ and \$ for legal costs to the plaintiff or the plaintiff's solicitor within the proper time for appearance, this proceeding will come to an end. Notwithstanding the payment you may have the costs taxed by the Court.

FILED [*insert date*]

Prothonotary

THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

IN THE SUPREME COURT OF VICTORIA
[INSERT DIVISION]
[INSERT LIST]

S ECI

BETWEEN

Plaintiff

and

Defendant

INDORSEMENT OF CLAIM OR STATEMENT OF CLAIM

Date of Document:

Solicitors Code:

Filed on behalf of:

Telephone:

Prepared by:

Ref:

Email

[Plaintiff's indorsement of a statement of claim or of a statement sufficient to give with reasonable particularity notice of the nature of the claim and the cause thereof and of the relief or remedy sought in the proceeding.]

1. Place of trial—

(If no place of trial is specified, trial will be in Melbourne.)

2. Mode of trial—

(If trial before a Judge of the Court and jury is not specified, trial will be before a Judge of the Court sitting alone.)

3.** This writ was filed—

(a) by the plaintiff personally;

(b) for the plaintiff by [*name or firm of solicitor*], solicitor, of [*business address of solicitor*];

(c) for the plaintiff by [*name or firm of solicitor*], solicitor, of [*business address of solicitor*] as agent for [*name or firm of principal solicitor*], solicitor, of [*business address of principal*].

4. The address of the plaintiff is—

5. The address for service of the plaintiff is—

[Where the plaintiff sues by a solicitor, the address for service is the business address of the solicitor or, where the solicitor acts by an agent, the business address of the agent. Where the plaintiff sues without a solicitor, the address for service is stated in 4.]

6. The email address for service of the plaintiff is—

7. The address of the defendant is—

* [*Strike out this paragraph where order made fixing time for appearance and substitute "THE PROPER TIME TO FILE AN APPEARANCE is within days after service on you of this writ."*]

** [*Complete or strike out as appropriate.*]