Guidance on Using the Affidavit of Service Template

(Form 16 of the District Court Rules 2014)

About the affidavit of service

The affidavit of service (Form 16), is used to prove service of documents. It must be filed when a party is applying for judgment by default.

How to use the template

All the required fields are set out in the template on the following two pages.

The sections that you have to fill out are marked with red text. The red text explains what you need to put in. These are fillable form fields, so click on the red text and start typing. The red text will be replaced by the content that you type. If you want to leave the field blank, just enter a space.

The blue text is explanatory notes. Delete these notes before printing the form.

Formatting your form

Before printing the form, check that the pages are numbered. Numbering should start at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

You may print the form either single or double-sided. However, the cover sheet must not be double sided. If you print double sided you must adjust the margins as follows:

* In the “Margins” section in Word, select “Custom Margins”. In the box that pops up, find the field called “Multiple pages”. Select “Mirror Margins” from the dropdown menu, and click OK.
* The wide margin should now be on the left of every front page, and on the right of every reverse page.

Once you have completed the form, print and sign it.

In the District Court

Choose an item. Registry

No: Enter the CIV number

Under the: Enter the Act under which the proceeding is being brought (for example, “Fair Trading Act 1986”). Delete this line if not applicable.

In the matter of Enter in a few words what the dispute is about. For example, “a breach of contract”.

Between: Enter plaintiff’s name. If there is more than one plaintiff, it is not necessary to list all the names. Enter the name of the first plaintiff, followed by “and another” or “and others”. For example “J. Smith and others”.

(plaintiff)

And: Enter defendant’s name here. If there is more than one defendant, it is not necessary to list all the names. Enter the name of the first defendant, followed by “and another” or “and others”. For example, “J. Smith and others”.

(defendant)

Note: if there are additional parties involved in the proceeding who are not plaintiffs or defendants/respondents, repeat the fields above for them. Specify the role of the party, e.g. “defendant’s insurer”, “third party”, etc.

If there is a counterclaim, repeat the fields above for any counterclaim plaintiffs/defendants.

Affidavit of Service by Deponent’s name

Next event date: Next court event date (if known). Delete this line if unknown.

Judicial officer: Judge hearing next event (if known). Delete line if unknown.

Fill out the option that applies and delete the other option.

**NOTE**: the party who files the affidavit/affirmation is not necessarily the person who makes the affidavit/affirmation. The term ‘party’ means a party to the legal proceeding; the party would be presenting the affidavit as evidence for their case. **NOTE:** enter enough lines above sothis section is at the bottom of the cover page.

For an individual: Filed by Person’s name, the Your role in proceedings, e.g. “plaintiff” in person.

OR; for an organisation: Filed by Person’s name, an authorised officer for the Your organisation’s role in proceedings, e.g. “plaintiff”, Enter the name of the organisation.

I, enter the full name, place of residence (only the city or town is required) and occupation of the deponent, swear/affirm:

1. On day of the week and date I served the defendant, name of the party who was served with the following documents:

List here the documents that you served on the party

Note: if the documents have been filed in the Court before they were served you do not need to annex copies of the documents that were served. You simply need to describe the document in sufficient detail and include the date of the document in the description (if there is a date).

1. I served the documents on the defendant at place where you served them in New Zealand by specify how the documents were served; e.g. personally.
2. I believe it was the defendant that I served because –

Select one of the following options, and delete the other two options.

The defendant acknowledged that he/she is the defendant.

OR

I know the defendant.

OR

Specify any other reason

Omit paragraph 4, below, if the documents are not annexed because they have been filed in the Court before they were served, and are described in sufficient detail in paragraph 1 (including the date of the document if there is a date).

1. True copies of the documents served are attached to this affidavit/affirmation and marked enter here the letters that mark the attachments; e.g. “A” and “B”.

Sign this affidavit in front of a person authorised to take an oath or declaration.

Signature of deponent:

Sworn/affirmed at:

(a solicitor of the High Court of New Zealand/Registrar/Deputy Registrar)