

Sample 6: Statement of claim

MAGISTRATES COURT OF QUEENSLAND

REGISTRY: Toowoomba
NUMBER: M123456 of 2021

Plaintiff: *Jane Wright*

AND

Defendant: *George Gretz*

Filed in the Toowoomba registry on 21/11/2021

STATEMENT OF CLAIM

This claim in this proceeding is made in reliance on the following facts:

1. At all material times:

- (a) the plaintiff was the owner of a Mazda 3 registration ABC246.
- (b) the defendant was the owner and driver of a Ford Falcon registration XYZ890.

2. On 1 October 2021, at about 9.30am at the intersection of Black and White Streets, Redwood, Queensland, the vehicle owned and driven by the defendant, registration XYZ890, collided with the front of the plaintiff's vehicle, registration ABC246.

3. The collision was caused solely by the negligence of the defendant. The driver's negligent behaviour included:

- (a) failing to keep a proper lookout
- (b) failing to take evasive action in the circumstances
- (c) failing to steer or control their vehicle to avoid the collision
- (d) failing to apply the brakes on their vehicle to avoid the collision
- (e) failing to sound any warning of the approach of their vehicle
- (f) driving at an excessive speed in the circumstances
- (g) disobeying a red light and entering an intersection.

4. As a result of the defendant's negligence, the plaintiff has suffered loss and damage.

STATEMENT OF CLAIM
Filed on behalf of the plaintiff
Form 16 – Rules 22 and 146
Version 2
Uniform Civil Procedure Rules 1999

Jane Wright
200 Tenth Avenue
Redwood Qld 4350
Telephone: 07 3238 300
Facsimile:
Email:

Statement of claim cont'd

The plaintiff claims the following relief:

PARTICULARS OF LOSS AND DAMAGE –

Repair to vehicle \$2500 and towing fee of \$200, total \$2700.

The plaintiff also claims the sum of \$2700 against the defendant, together with interest under the Supreme Court Act 1995 and costs.

Signed: *J Wright*

Description: *Plaintiff*

Dated: *21/11/2021*

NOTICE AS TO DEFENCE

Your defence must be attached to your notice of intention to defend.

Note:

The Magistrates Court website (www.courts.qld.gov.au) has an interest calculator available along with information about the interest rate to use.