

## Common Boundaries Act 1981—Form 2

(see s 4 (1))

In the Small Claims Court,

(*Name of applicant*)

Applicant

(*Name of respondent*)

Respondent

### Application under the *Common Boundaries Act 1981*, section 4 (1)

- 1 Application is made by (*full name*), of (*address*), for a determination under the *Common Boundaries Act 1981*, section 5.
- 2 The respondent to this application is (*full name*), of (*address*).
- 3 The applicant is the occupier of land situated at (*address*) being block , section , division of .
- 4 The respondent is the occupier of land situated at (*address*), being block , section , division of .
- 5 There is no fence separating the respondent's land from the land occupied by the applicant.
- 6 The fence proposed would consist of (*here insert details*).
- 7\* The fence proposed would follow the boundary of the land occupied by the applicant.
- 7\* The fence proposed would not be constructed along the boundary of the land occupied by the applicant but along a line as follows:
  
- 8 The cost of the proposed fence would be \$ .
- 9 The applicant, on , gave to the respondent a notice in writing with a view to settling the matter by agreement.
- 10† The respondent has refused to join in the construction of a fence between the respondent's land and the land occupied by the applicant.

10† The applicant and respondent have not been able to agree upon the following matters:

Dated

*(Signature of applicant or his or her representative)*

- ‡ The applicant is represented by *(name and address of representative)*.
- \* Strike out whichever is inappropriate
- † Strike out whichever is inappropriate
- ‡ Strike out if inappropriate

## Endnotes

- 1 This form was originally in the *Common Boundaries Act 1981* (the **authorising Act**), schedule. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the authorising Act and became a form approved under section 29 of that Act (see amdts 1.773 and 1.774).
- 2 Under the *Court Procedures Act 2004* A2004-59, pt 8, this form became a form approved under that Act.
- 3 This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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