

Common Boundaries Act 1981—Form 5

(see s 6 (5))

In the Small Claims Court,

(*Name of applicant*)

Applicant

(*Name of respondent*)

Respondent

Application under the *Common Boundaries Act 1981*, section 6 (5)

- 1 Application is made by (*full name*), of (*address*), for a determination under the *Common Boundaries Act 1981*, section 7 (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 occupies adjoining land, being block , section , division of .
- 5 The fence separating the land of the respondent from that of the applicant was, on , damaged (*or* destroyed) as a result of .
- 6* It was necessary that the fence be repaired (*or* replaced) without delay in order to protect persons residing on the land of the applicant (*or* the respondent).
- 6* It was necessary that the fence be repaired (*or* replaced) without delay in order to prevent the escape of animals from the land of the applicant (*or* the respondent).
- 7 The applicant repaired (*or* replaced) the fence at a cost of \$.
- 8 The applicant, on , gave to the respondent a notice in writing requesting the respondent to contribute to the cost of the repair (*or* replacement) of the fence.

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 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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