

District Court - Schedule C - Forms in civil proceedings

S.I. No. 596 of 2014

No. 40.02

Claim notice: debt claim not exceeding €15,000

*Schedule C
O.40, r. 5*

District Court Area of
District No.

Record number:

Between

..... Claimant

..... Respondent

CLAIM NOTICE: DEBT CLAIM

This claim notice is issued at the request of the claimant(s), who makes a claim in the District Court to recover against the respondent damages not exceeding €15,000 for
*debt *liquidated damages

Particulars of first claimant:

Name	
Address	*(in the above Court *(area) and district)
*Solicitor	
Address for service of documents	

[Repeat particulars for second and any subsequent claimant]

Particulars of first respondent:

Name	
Address	*(in the above Court *(area) and district)
*Solicitor (if known)	
Address for service of documents (if known)	

[Repeat particulars for second and any subsequent respondent]

STATEMENT OF CLAIM

[Set out in numbered paragraphs a statement of all material facts on which the claimant relies, including necessary particulars of such fact, which must include the place where and the date when the claim arose, but not the evidence by which those facts are to be proved. Specify in that statement the specific provisions of any enactment that is relied on and the amount or other relief or remedy sought. An example is provided at the end of this form.]

LIST OF CORRESPONDENCE AND OTHER DOCUMENTS ON WHICH THE CLAIMANT WILL RELY AT TRIAL

	Document	Date	Description
1	e.g. letter of offer	1 September 2013	Letter of offer from the claimant to the respondent
2	e.g. contract	10 September 2013	Contract signed by the claimant and the respondent
Etc			

(A) IF YOU DISPUTE THE CLAIM and wish to defend the proceedings, then you must give, or send by post, to the claimant or claimant's solicitor at the address for service mentioned above an appearance and defence in Form 42.03, Schedule C of the District Court Rules, not later than 28 days after the service on you of this claim notice, and at the same time file a copy of your appearance with the District Court Clerk at the address below.

(B) IF YOU PAY THE AMOUNT of €..... and costs of € to the claimant or the claimant's solicitor within ten days and without filing and serving an appearance and defence you may avoid further costs.

IF YOU DO NOT ACT IN ACCORDANCE WITH (A) OR (B) ABOVE you will be held to have admitted the claim and the claimant may, without further notice to you, lodge an affidavit of debt in the District Court, obtain judgment and proceed to execution for the full amount claimed and costs.

Signed:

*(Solicitor for) Claimant

To the respondent(s) at the address(es) given above

This claim notice is issued at on the day of 20.... by the District Court Clerk assigned to the above Court area and district

**Delete where inapplicable*

Sample statement of claim: debt claim

Outstanding invoices

1. The claimant is a wholesale supplier of food and ingredients to the catering industry, and operates his business from 1 Main Street, Dublin 4.

2. The respondent is the operator of a restaurant at 6 New Street, Dublin 4, within the

Court area and Court district mentioned above.

3. The claimant has supplied food and ingredients to the respondent since 1997. Since 2012, the respondent's payments have been erratic and often considerably in arrears.

4. The claimant's claim is to recover against the respondent the sum of €9,500.00 being the amount due and owing to the claimant by the respondent pursuant to invoices issued in the course of business by the claimant to the respondent on foot of the respondent's account with the claimant for the supply of food and ingredients.

5. Despite demands made in writing (details of which are set out below), the respondent has failed, refused and/or neglected to pay the amount due and owing to the claimant of €9,500.00, which remains due and owing by the respondent to the claimant after all just credits and allowances.

PARTICULARS OF AMOUNT DUE

Date of invoice or payment	Amount invoiced €	Amount paid €	Balance due €
1 January 2013	4,000.00		4,000.00
20 January 2013		1,500.00	2,500.00
6 February 2013	1,200.00		3,700.00
26 February 2013	2,300.00		6,000.00
4 March 2013		500.00	5,500.00
9 April 2013	3,100.00		8,600.00
16 May 2013	2,400.00		11,000.00
2 June 2013		1,500.00	9,500.00
Total due			9,500.00