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ESSENTIALS PRECEDENT BANK

# Precedent and Document List

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## Commercial

- 1-Page NDA
- Confidentiality Agreement
- Deed of Amendment
- Deed of Guarantee
- Deed of Novation
- Deed of Termination and Release
- OneNDA
- Services Agreement for a Single Client
- Terms of Business for Services

### Website documents

- Privacy Policy
- Website Returns Policy
- Website Terms of Use

## Company Secretarial

- Adoption or replacement of constitution (shareholder approvals package)
- Appointment of Company Officers (Director Approvals Package)
- Change of company name (shareholder approvals package)
- Constitution - proprietary company limited by shares
- Deed of Access and Indemnity
- Execution of documents (director approvals package)
- Power of Attorney - execution of documents
- Resignation of company officers (director approvals package)

### Issue of securities

- Applications for new securities
- Certificates for newly-issued securities
- Issue of securities (director approvals package)

### Sale/Purchase of securities

- New certificates for transferred securities
- Securities transfer forms
- Transfer of securities (director approvals package)

## Co-ownership

- Partnership Agreement

## Corporate

- Asset Sale Agreement
- Business Sale Agreement
- Deed of Accession
- Share or Unit Sale Agreement
- Shareholders' or Unitholders' Deed
- Simple Agreement for Future Equity

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# Court Forms

## Magistrates Court of Victoria

- Affidavit in support of application
- Case transfer - County Court to Magistrates' Court
- Notice of address for service
- Video conference booking request sheet
- Form 4A - Overarching obligations certification
- Form 4B - Proper basis certificate
- Form 5A - Complaint
- Form 6A - Affidavit of service
- Form 8A - Notice of defence
- Form 10A - Counterclaim
- Form 10B - Notice of reply
- Form 21A - Application for order in default
- Form 42A - Subpoena to attend to give evidence (Civil)
- Form 42AA - Subpoena for production to registrar
- Form 42B - Subpoena to produce (Civil)
- Form 42C - Subpoena both to attend to give evidence and to produce (Civil)
- Form 61D - Notice of objection

## NSW Supreme Court Corporations

- Form 2 - Originating Process
- Form 3 - Interlocutory Process
- Form 4 - Notice of Appearance
- Form 8 - Consent of Liquidator

## NSW UCPR

- Form 1 - General
- Form 2 - List of Parties
- Form 3A - Statement of Claim - filing party legally represented
- Form 3B - Statement of Claim - filing party acting in person or by authorised officer
- Form 4A - Summons - filing party legally represented
- Form 4B - Summons - filing party acting in person or by authorised officer
- Form 5 - Notice to Occupier
- Form 6A - Appearance
- Form 6B - Submitting Appearance
- Form 7A - Defence - filing party legally represented
- Form 7B - Defence - filing party acting in person or by authorised office
- Form 8 - Reply
- Form 9 - Statement of Cross-Claim
- Form 10 - Cross-summons
- Form 12 - Statement of issues
- Form 13 - Scott schedule
- Form 14 - Statement of particulars - personal injury proceedings
- Form 15 - Statement of particulars - compensation to relatives proceedings
- Form 16 - Notice to plead facts - money claims
- Form 21 - Interrogatories Form
- Form 22 - Statement of answers to interrogatories
- Form 23A - Notice of intention to elect trial by jury in defamation proceedings

- Form 23B - Requisition for trial by jury
- Form 24 - Notice to produce to court
- Form 25 - Subpoena to attend to give evidence
- Form 26A - Subpoena to produce with subpoena notice and declaration
- Form 27A - Subpoena to give evidence and produce with subpoena notice and declaration
- Form 29 - Order for production
- Form 30 - Consent to act as tutor
- Form 31 - Arbitrator award and registrar's notice
- Form 32 - Notice of motion - rehearing after arbitration
- Form 33 - Notice of discontinuance
- Form 34 - Notice of payment
- Form 35 - Acknowledgement of liquidated claim
- Form 36 - Notice of motion - default judgment on claim for possession of land
- Form 36A - Notice of motion
- Form 37 - Notice of motion - default judgment for detention of goods
- Form 38 - Notice of motion - default judgment for liquidated claim
- Form 39 - Notice of motion - default judgment for unliquidated damages
- Form 40 - Affidavit
- Form 41 - Affidavit of Service
- Form 42 - Exhibit certificate
- Form 45 - Registration or filing of certificate of judgment or order
- Form 46 - Notice of motion to pay by instalments - individuals
- Form 47 - Notice of motion to pay by instalments - corporations
- Form 48 - Instalment order and notice
- Form 49 - Order refusing instalment application and notice
- Form 50 - Notice of motion - objection to instalment order or order refusing instalment application
- Form 51 - Examination notice - individual
- Form 52 - Examination notice - corporation
- Form 53 - Notice of motion - examination order
- Form 54 - Examination order
- Form 55 - Registrar's examination - Individual
- Form 56 - Registrar's examination - Corporation
- Form 58 - Arrest warrant
- Form 59 - Notice of motion - writ for possession of land
- Form 60 - Writ of possession
- Form 61 - Notice of motion - writ for restitution
- Form 62 - Writ of restitution
- Form 64 - Writ of delivery
- Form 65 - Notice of motion - writ for the levy of property
- Form 66 - Writ for levy of property
- Form 67 - Judgment creditor's notice
- Form 68 - Notice of sale
- Form 69 - Notice of motion - garnishee order
- Form 70 - Garnishee order for debts
- Form 71 - Garnishee order for wages or salary
- Form 71B - Garnishee order for rent
- Form 72 - Garnishee's statement that no debt due or accruing or no wage or salary payable
- Form 73 - Notion of motion - charging order
- Form 74 - Charging order
- Form 76 - Notice of change of address for service

- Form 78 - Notice of removal of solicitor
- Form 79 - Notice of intention to file notice of ceasing to act
- Form 81 - General form (Part 50 appeal)
- Form 83 - Notice of contention (Parts 49 or 50)
- Form 84 - Summons commencing an appeal or Summons seeking leave to appeal (Part 50)
- Form 84A - Cross-summons commencing cross-appeal or cross-summons seeking leave to appeal (Part 50)
- Form 85 - Summons (Judicial Review)
- Form 82 - List of parties (Part 50 appeal)
- Form 93 - Possession of land coversheet
- Form 91 - Request for service abroad of judicial documents and certificate
- Form 92 - Summary of the document to be served
- Form 102 - List of parties (Court of Appeal)
- Form 103 - Notice of intention to appeal (Court of Appeal)
- Form 104A - Cross-summons seeking leave to appeal
- Form 105A - Notice of cross-appeal
- Form 106 - Notice of contention (Court of Appeal)
- Form 107 - Summons (Supervisory Jurisdiction)
- Form 160 - Indemnity Certificate (Suitors Fund Act 1951)
- Form 161 - Service outside of jurisdiction
- Form 162 - Consent to act as proper defendant
- Form 163 - Witness statement

QLD UCPR

- Form 1 - Blank general title form
- Form 2 - Claim
- Form 2A - Employment claim (Magistrates Court)
- Form 2B - Claim starting a representative proceeding under part 13a of the Civil Proceedings Act 2011
- Form 5 - Originating application
- Form 6 - Notice of intention to defend
- Form 6A - Notice of intention to defend an employment claim
- Form 7 - Conditional notice of intention to defend
- Form 8 - Notice of address for service
- Form 9 - Application
- Form 10C - Notice to defendant served outside of jurisdiction
- Form 14 - Third party notice
- Form 16 - Statement of claim
- Form 17 - Defence
- Form 18 - Defence and counterclaim
- Form 27 - Notice of discontinuance
- Form 41 - Subpoena for production
- Form 42 - Subpoena to give evidence
- Form 43 - Subpoena for production and to give evidence
- Form 44 - Request for subpoena
- Form 46 - Affidavit
- Form 47 - Certificate of exhibit
- Form 58 - Judgment or order
- Form 59 - Order
- Form 89C - Certificate of judgment
- Form 90 - Notice of change of address for service

- Form 91 - Notice of appointment of solicitor
- Form 92 - Notice that party is acting in person
- Form 93 - Notice of change of solicitor
- Form 100 - Probate title
- Form 101 - Application for probate
- Form 102 - Application for letters of administration
- Form 103 - Notice of intention to apply for a grant
- Form 104 - Affidavit of publication
- Form 105 - Affidavit (probate application)
- Form 106 - Affidavit (letters of admin with will)
- Form 107 - Affidavit of due execution of will/codicil
- Form 108 - Affidavit of handwriting
- Form 109 - Affidavit (letters of admin on intestacy)
- Form 110 - Affidavit (undated will)
- Form 111 - Affidavit of plight
- Form 112 - Application for reseal
- Form 113 - Affidavit (reseal)
- Form 114 - Renunciation
- Form 115 - Renunciation (intestacy)

Victorian County Court

- Form 1 - Notice to a defendant
- Form 2 - List of Parties
- Form 2 - 2G - Abandonment of appeal: Children, Youth and Families Act 2005
- Form 2 - 9N - Interlocutory application for referral to arbitration
- Form 2 - 9P - Subpoena to attend for examination
- Form 2 - 9Q - Subpoena to produce documents
- Form 3 - Notice to a witness
- Form 4 - Referral to transfer a proceeding Courts (Case Transfer) Act 1991
- Form 4A - Certificate of overarching obligations
- Form 4B - Certificate of proper basis
- Form 5B - Originating motion between parties
- Form 6 - Application by a plaintiff to transfer a proceeding to the Magistrates' Court of Vic.
- Form 8A - Notice of appearance
- Form 11A - Notice to a third party
- Form 29C - Notice to produce
- Form 42A - Subpoena to attend to give evidence
- Form 42AA - Subpoena for production to a registrar
- Form 42B - Subpoena to produce
- Form 42C - Subpoena both to attend to give evidence and to produce
- Form 43A - Certificate identifying exhibit
- Form 46A - Summons
- Form 82A - Notice of an application for a suppression order: civil matters
- Application by addressee for leave to produce physical material
- Application for permission to publish details otherwise prohibited by the Judicial Proceedings Reports Act 1958
- Application for special hearing by judge alone
- Application for trial by judge alone
- Application to be deemed a non-prohibited person
- Application to cancel drug & alcohol treatment order (DATC)
- Affidavit: Civil matters

- Affidavit of service of a subpoena on a solicitor
- Affidavit of service of a writ on company
- Beneficiary details form
- Checklist - Addressee of a subpoena
- Checklist for appointments to view subpoenaed material
- Complaint form
- Credit card authorisation form
- Defence
- Defence and counterclaim
- Directions hearing application form: Common Law Division
- Draft orders to refer a matter to arbitration: Civil Procedure Act 2010
- Mediation decision sheet - Commercial
- Mediation decision sheet - Common Law
- Mediation position paper
- Minutes of consent
- Notice of a solicitor ceasing to act
- Notice of a change of email address for service
- Notice of address for service - arbitration list
- Notice of discontinuance
- Notice seeking a review of a decision of a judicial registrar
- Offer of compromise
- Payment form for a videolink booking fee credit or debit payment
- Pre-trial information form
- Reply to request for further and better particulars
- Request for an interlocutory determination before a judicial registrar: Commercial Division
- Request for further and better particulars
- Request for interlocutory determination
- Request to enter a list
- Statutory declaration
- Summons date application form: Common Law Division
- Summons for an attachment of earnings
- Writ

**Victorian Court Forms (Shared)**

- Form 44A - Expert witness code of conduct

## Dispute Resolution

- Deed of Settlement and Release
- Statutory Demand

## Employment

- Employee Handbook
- Employee Option Plan
- Employee Option Plan Offer Letter
- Employment Contract
- Independent Contractor Agreement

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# Estate Planning

## Advance Health Directives & Enduring Guardianships

- Advance Care Directive - NSW
- Advance Care Directive - SA
- Advance Health Directive - QLD
- Advance Health Directive - WA
- Appointment of Enduring Guardian - NSW
- Enduring Power of Guardianship (long-form) - WA
- Enduring Power of Guardianship (short-form) - WA
- Health Direction - ACT
- Instrument Appointing Enduring Guardian - TAS

## Enduring Powers of Attorney

- Advance Personal Plan - NT
- Enduring Power of Attorney - ACT
- Enduring Power of Attorney - NSW
- Enduring Power of Attorney - QLD
- Enduring Power of Attorney - SA
- Enduring Power of Attorney - TAS
- Enduring Power of Attorney - VIC (Public Advocate Form)
- Enduring Power of Attorney - VIC (Statutory Form)
- Enduring Power of Attorney - WA
- Revocation of Appointment of Enduring Guardian - NSW
- Revocation of Enduring Power of Attorney - NSW
- Revocation of Enduring Power of Attorney - QLD
- Revocation of General Power of Attorney - NSW
- Revocation of General Power of Attorney - QLD

## Last Will and Testament

- Codicil to a Last Will and Testament
- Express Mirror Wills
- Express Will - All to Children
- Last Will and Testament (long-form)
- Last Will and Testament (short-form)

## Letters of administration

- Letters of administration (NSW)

## Medical Directions (Victoria Only)

- Advance Care Directive - VIC
- Advance Care Directive (Someone Signing On Your Behalf) - VIC
- Appointment of medical treatment decision maker - someone signing on your behalf (short form) - VIC
- Appointment of medical treatment decision maker (long form) - VIC
- Appointment of medical treatment decision maker (short form) - VIC
- Appointment of Support Person - VIC
- Appointment of Support Person (someone signing on your behalf) - VIC

### Retail wills (Self-service only)

- 1 x Simple Will
- 1 x Smarter Will (All to Children)
- 1 x Standard Will (All to Children)
- 2 x Smarter Mirror Wills (for couple)
- 2 x Standard Mirror Wills (for couple)

### Probate

- Probate Kit ACT
- Probate Kit NSW
- Probate Kit QLD
- Probate Kit VIC
- Probate Kit WA

## Family

- Binding Child Support Agreement
- Deed of Gift
- Parenting Orders
- Property Orders

### Binding Financial Agreement

- Binding Financial Agreement - Before A De Facto Relationship (AUS ex-WA)
- Binding Financial Agreement - Before De Facto Relationship - WA
- Binding Financial Agreement - Before Marriage
- Binding Financial Agreement - During A De Facto Relationship (AUS ex-WA)
- Binding Financial Agreement - During De Facto Relationship - WA
- Binding Financial Agreement - During Marriage
- Binding Financial Agreement - After A De Facto Relationship (AUS ex-WA)
- Binding Financial Agreement - After Divorce
- Binding Financial Agreement - After De Facto Relationship - WA

### Family Court of Western Australia

- Affidavit - General
- Affidavit - Proof of signature
- Affidavit of translation
- Affidavit of translation of marriage certificate
- Application for Consent Orders (WA)
- Audio request form
- FCoWA Brochure - Marriage, families and separation
- Form 1 - Initiating application
- Form 1 - Request for service abroad of judicial documents and certificate
- Form 1A - Response to initiating application
- Form 1B - Reply to response to initiating application
- Form 2 - Application in a case
- Form 2 - Summary of the document to be served
- Form 2A - Response to application in a case
- Form 4 - Notice of Child Abuse or Family Violence (or Risk)
- Form 5 - Notice of Intervention by Person Entitled to Intervene
- Form 6 - Acknowledgement of service
- Form 7 - Affidavit of Service

- Form 8 - Notice of address for service
- Form 9 - Notice of ceasing to act
- Form 10 - Notice of discontinuance
- Form 11 - Application for Consent Orders
- Form 12 - Submitting notice
- Form 13 - Financial statement
- Form 13 - Financial statement (PPP500)
- Form 14 - Subpoena
- Form 15 - Notice disputing itemised costs account
- Form 16 - Enforcement warrant - Seizure and sale of property
- Form 18 - Application - Contravention
- Form 19 - Application - Contempt
- Form 20 - Notice of appeal
- Form 20A - Notice of Contention
- Form 23 - Notice of Appearance (Bankruptcy)
- Form NP - Trial Plan
- Form NP - Trial Plan (with ICL - other party)
- Form NP1 - Family dispute resolution exemption
- Form NP10 - Request for refund of court fees
- Form NP11 - Certificate of Conferral - Property Cases
- Form NP12 - Callover Certificate
- Form NP13 - Application for exemption from fees - General
- Form NP14 - Application for exemption from fees - Financial hardship
- Form NP3 - Case information affidavit
- Form NP3 - Case information affidavit (PPP500)
- Form NP4 - Consent to Conduct Proceedings
- Form NP5 - Consent Order Annexure
- Form NP6 - Conciliation conference particulars
- Form NP6 - Conciliation conference particulars (PPP500)
- Form NP7 - Fee reduction (divorce and nullity) - General
- Form NP8 - Fee reduction (divorce and nullity) - Financial Hardship
- Form NP9 - Request for deferral of court fees
- Minute of consent orders
- Request for supply of court documents
- Request to attend by electronic communication form
- Request to inspect court file form
- Section 60I Certificate
- Section 66H Certificate
- Superannuation Information Kit
- Transcript request form
- Undertaking as to disclosure form

**Federal Circuit and Family Court of Australia**

- Acknowledgment of Service (Divorce)
- Acknowledgment of Service
- Acknowledgment - Information from a family counsellor or family dispute resolution practitioner
- Affidavit of Proof of Signature (Non-Divorce)
- Affidavit Proving Signature (Divorce)
- Affidavit - Family Law and Child Support Proceedings
- Affidavit - Non-filing of Family Dispute Resolution Certificate

- Affidavit - Translation of Marriage Certificate
- Affidavits of Service (Divorce)
- Application - Contempt
- Application - Enforcement
- Application for Consent Orders (Australia ex-WA)
- Application for Divorce
- Application for Review
- Application in a Proceeding
- Application in an Appeal
- Balance Sheet
- Certificate of Dispute Resolution
- Certificate of Readiness
- Financial Questionnaire
- Financial Statement
- Financial Statement - Express
- Genuine Steps Certificate
- Initiating Application (Family Law)
- Notice of Ceasing to Act
- Notice of Child Abuse, Family Violence or Risk
- Notice of Discontinuance
- Notice of Objection to a Subpoena
- Notice of Objection - Subpoena
- Notice of Request to Inspect
- Notice to Admit
- Outline of Case Document (final hearing)
- Outline of Case Document (interim hearing)
- Parenting Questionnaire
- PPP Cases Financial Summary
- PPP Cases Financial Summary - Express Version
- Reply
- Response to an Application in a Proceeding
- Response to an Application in an Appeal
- Response to Divorce
- Response to Initiating Application
- Request to Attend by Electronic Communication
- Subpoena
- Undertaking
- Undertaking as to Disclosure

**Federal Court of Australia**

- Form 4 - Notice of Acting - Appointment of Lawyer
- Form 5 - Notice of Acting - Change of Lawyer
- Form 6 - Notice of Termination of Lawyer's Retainer
- Form 7 - Notice of Intention to Cease to Act
- Form 8 - Notice of Ceasing to Act
- Form 10 - Notice of address for service
- Form 11 - Respondent's Genuine Steps Statement
- Form 12 - Urgent Application Before Start of a Proceeding
- Form 13 - Application by Interested Person
- Form 14 - Originating Application by Prospective Applicant for Order for Discovery
- Form 15 - Originating Application

- Form 16 - Applicant's Genuine Steps Statement
- Form 17 - Statement of Claim
- Form 18 - Notice of a Constitutional Matter
- Form 28 - Notice of Address for Service
- Form 33 - Defence
- Form 34 - Reply
- Form 35 - Interlocutory Application
- Form 36 - Notice of Claim
- Form 37 - Notice of Admission
- Form 38 - List of Documents
- Form 39 - Notice to Produce a Document in a Pleading or Affidavit
- Form 40 - Answers to Interrogatories
- Form 41 - Notice to Admit
- Form 42 - Notice of Dispute
- Form 43A - Subpoena to Give Evidence
- Form 44 - Subpoena - Declaration by Addressee. Notice to Addressee
- Form 45 - Notice of Offer to Compromise
- Form 46 - Notice of Acceptance of Offer of Compromise
- Form 47 - Notice of Withdrawal of Pleading
- Form 48 - Notice of Discontinuance
- Form 59 - Affidavit
- Form 61 - Notice to Produce
- Form 67 - Application for an Extension of Time
- Form 127 - Bill of Costs

## Finance

- Division 7A Loan Agreement
- General Security Deed
- Loan or Loan Facility Agreement
- Promissory Note Deed

## Intellectual Property

- Consent to Use of Quote, Image or Recording
- Deed of Assignment of IP
- End User Licence Agreement (EULA)
- IP Licence Agreement

## Property

- Commercial Lease (non-retail)
- Transfer of Lease

### Conveyancing

- Client Authorisation for Conveyancing
- Disclosure Statement - Residential Off-The-Plan Contracts (NSW)
- Special Conditions (Generic)
- Special Conditions (NSW)
- Special Conditions (QLD)
- Special Conditions (VIC)
- Special Conditions (WA)

## Statutory Declarations

- Commonwealth Statutory Declaration (Federal)
- Statutory Declaration (NSW)
- Statutory Declaration (QLD)
- Statutory Declaration (VIC)
- Statutory Declaration (WA)

## Trusts

- Family Trust Deed
- Unit Trust Deed

### Appointor resolutions

- Nomination of successor appointor
- Resolution to appoint additional appointor
- Resolution to appoint additional trustee
- Resolution to remove appointor
- Resolution to remove trustee
- Resolution to replace appointor
- Resolution to replace trustee
- Trustee approval to add, remove and exclude beneficiaries

### Notices

- Notice of resignation (appointor)
- Notice of resignation (trustee)
- Revocation of nomination of successor appointor

### Trustee resolutions

- Exclusion of beneficiary at their request
- Resolution to add, remove or exclude beneficiary
- Resolution to change the name of a trust
- Resolution to distribute the income of a trust

# Smarter Drafter also includes tools to assist in marketing your law firm to potential clients.

## Law Firms

- Legal Services Agreement

**Client Intake**

- Commercial Law New Client Questionnaire
- Estate Planning New Client Questionnaire
- Family Law New Client Questionnaire
- New Client Information Form

**Law Firm Marketing**

- Business Legal Essentials Guide
- Commercial Lease (non-retail) Guide for Clients
- Independent Contractors Legal Guide for Clients
- Premium Wills Guide for Clients
- Privacy Policy GDPR Update - Client Alert
- Startups Legal Guide for Clients

**Legal Health Check**

- Legal Health Check
- Legal Health Check - Business only
- Legal Health Check - Personal only (excl. Estate Planning)

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