

DEBT RECOVERY - FIXED FEE PRICE LIST

SOUTH AUSTRALIA

2023

Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
DEBT RECOVERY		
1. Letter of Demand	<ul style="list-style-type: none"> • Receiving instructions from you and reviewing information provided; • Preparing and sending lawyers Letter of Demand to the debtor; • Telephone call to debtor confirming receipt of Letter of Demand and demanding payment (if required); • Email to you confirming Letter of Demand has been sent and communicating the result of telephone attendance (if required); and • Email to you at expiry of the period for compliance with the Letter of Demand to determine whether payment has been received or to discuss further options and obtain any further instructions. 	\$400.00
2. Additional Letter of Demand to Guarantor	<ul style="list-style-type: none"> • Receiving instructions from you and reviewing information provided; • Preparing and sending lawyers Letter of Demand to the guarantor; • Email to you confirming Letter of Demand has been sent; and • Email to you at expiry of the period for compliance with the Letter of Demand to determine whether payment has been received or to discuss further options and obtain any further instructions. 	\$300.00
3. Extensions and Part Payments	<ul style="list-style-type: none"> • Receiving instructions regarding part payment or request for extension; • Letter to the debtor granting/rejecting extension or accepting part payment on without prejudice basis; • Email to you advising correspondence sent; • Email to you for confirmation other side have complied with extension or balance payable. 	\$350.00

4. Notice to Remedy	<ul style="list-style-type: none"> • Receiving instructions from you and reviewing information provided; • Preparing Notice to Remedy; • Letter to tenant serving Notice to Remedy; • Email to you advising Notice to Remedy served; and • At expiration of Notice to Remedy, email to you to determine whether the breach has been rectified and requesting further instructions. 	\$950.00
5. Notice of Re-Entry	<ul style="list-style-type: none"> • Receiving instructions from you; • Preparing and serving Notice of Re-Entry; and • Email to you attaching Notice of Re-Entry and providing instructions as to how to effect re-entry. 	\$750.00
6. Notice of Storage of Goods	<ul style="list-style-type: none"> • Receiving instructions from you; • Preparing and serving Notice of Storage of Goods; • Email to you advising Notice of Storage of Goods served; • Arranging Notice of Storage of Goods to be published in the relevant newspaper; and • At expiration of Notice of Storage of Goods, email to you with procedure for sale of goods. 	\$550.00
7. Asset Searches	<ul style="list-style-type: none"> • Receiving instructions from you to perform asset searches; • Perform necessary searches; • Email to you providing results of asset searches. 	\$500.00 (plus search fees)
8. Initial Calculation of Damages	<ul style="list-style-type: none"> • Receive instructions from you to calculate damages for loss of rent; • Review relevant documents; • Calculate damages. 	\$500.00
9. Lodging Caveats	<ul style="list-style-type: none"> • Receiving instructions from you to lodge caveat(s) over debtor's real property • Preparing and lodging caveat(s); • Liaising with Registry; • Email to you advising caveat(s) lodged; • Email to you advising caveat(s) registered. 	\$850.00

10. Withdrawal of Caveat	<ul style="list-style-type: none">• Receiving instructions from you;• Preparing Request to Withdraw Caveat and all works in relation to approval and lodgement of Request;• Email to you advising of lodgement;• Receiving registration confirmation statement; and• Email to you advising Caveat has been withdrawn	\$500.00
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Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
ISSUING PROCEEDINGS		
– MINOR CIVIL ACTIONS (\$1-\$25,000)		
11. Filing Action	<ul style="list-style-type: none"> • Receive instructions from you to commence proceedings; • Prepare documents to commence proceedings • Attend at Court Registry and file proceedings; • Email to you confirming instructions and advising that proceedings have been filed; • Effect service of the proceedings on the defendant(s); and • Email to you providing advice regarding service. 	Scale Costs or \$2,000.00 (whichever is higher)
– MAGISTRATES COURT ACTIONS (\$25,000-\$100,000)		
12. Filing Pre-Action Notice/Final Notice	<ul style="list-style-type: none"> • Receive instructions from you to commence proceedings; • Issuing pre-action notice/final notice; • Email to you confirming instructions and advising that pre-action notice/final notice has been issued and served. 	1% of the amount claimed or \$500.00 (whichever is higher)
13. Filing Pre-Action Notice/Final Notice (Guarantor)	<ul style="list-style-type: none"> • Receive instructions from you to commence proceedings; • Issuing pre-action notice/final notice to guarantor; • Email to you confirming instructions and advising that pre-action notice/final notice has been issued and served on guarantor. 	1% of the amount claimed or \$300.00 (whichever is higher)
14. Filing Action	<ul style="list-style-type: none"> • Receive instructions from you to commence proceedings; • Prepare documents to commence proceedings; • Attend at Court Registry and file proceedings; • Email to you confirming instructions and advising that proceedings have been filed; • Effect service of the proceedings on the defendant(s); • Email to you providing advice regarding service; and • Attendance at First Directions Hearing (if necessary). 	Liquidated claim - 3% of the amount claimed or \$2,000.00 (whichever is higher)

		Unliquidated claim – 5% of amount claimed or \$2,000.00 whichever is higher
15. Skip Trace Searches	<ul style="list-style-type: none"> • Notifying client debtor is unable to be personally served and suggesting to obtain skip trace search; • Receiving instructions to obtain skip trace search; Preparing relevant correspondence to agent to obtain skip trace search; • Receiving and reviewing skip trace search; • Email to you providing results of skip trace search and providing advice. 	\$250.00

Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
JUDGMENTS		
16. Default Judgment (Liquidated Claim and Unliquidated Claim - Assessment Hearing not applicable)	<ul style="list-style-type: none"> • Email to you advising that no defence has been received and requesting your instructions to enter default judgment; • Receiving your instructions to enter default judgment; • Preparing appropriate request to the Court to enter default judgment; • Preparing the necessary affidavits in support and arranging your execution of the affidavit in support; • Lodging default judgment documents; and • Email to you advising that judgment has been obtained and providing enforcement options and any appropriate recommendation. 	\$750.00
17. Default Judgment (Unliquidated Claim – Assessment Hearing)	<ul style="list-style-type: none"> • Email to you advising that no defence has been received and requesting your instructions to enter default judgment; • Receiving your instructions to enter default judgment; • Preparing appropriate request to the Court to enter default judgment; • Receiving instructions from you in relation to damages; • Preparing the necessary affidavits in support and arranging your execution of the affidavit in support; • Lodging default judgment documents; • Preparing for and attending assessment hearing; • Email to you advising that judgment has been obtained and providing enforcement options and any appropriate recommendation. 	\$2,000.00
18. Summary Judgment Part 1	<ul style="list-style-type: none"> • Email to you providing advice regarding summary judgment and recommending (where appropriate) making an application for summary judgment; • Receiving instructions from you to apply for summary judgment; • Preparing application for summary judgment; • Preparing any necessary affidavit in support of summary judgment; 	\$950.00

Part 2	<ul style="list-style-type: none">• Receiving any response material from the defendant, reviewing same;• Email to you enclosing any response material from the defendant and providing advice; and	\$300.00
Part 3	<ul style="list-style-type: none">• Preparation for and attendance at summary judgment hearing.	\$900.00
		Total \$2,050.00

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ENFORCEMENT - Debts under \$2,000.00		
19. Enforcement of judgment (seizure and sale)	<ul style="list-style-type: none"> • Email to you enclosing copy of judgment and requesting instructions; • Receive instructions from you to issue an enforcement warrant (seizure and sale); • Prepare necessary documents to effect enforcement warrant; • Attend Court and obtain warrant; • Email to you providing advice that warrant has been obtained; and • Liaise with necessary parties to execute warrant. 	\$1,000.00
20. Enforcement of Judgment (oral examination)	<ul style="list-style-type: none"> • Email from you providing instructions to prepare enforcement warrant (oral examination); • Prepare necessary documents to obtain enforcement warrant (oral examination); • Attend Court and obtain hearing date for oral examination; and • Prepare for and attend Court to conducting oral examination. 	\$1,000.00

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DEFENDED MATTERS		
– MINOR CIVIL ACTIONS (\$1-\$25,000)		
21. Court attendance	<ul style="list-style-type: none"> • Preparation for and any attendance at Court; and • Email to you advising of outcome. 	Scale or \$650.00 (whichever is higher)
22. Court ordered mediation	<ul style="list-style-type: none"> • Preparation for and attendance at mediation; • Email to you advising of outcome. 	Scale or \$1,000.00 (whichever is higher)
23. Preparation of Trial Plan	<ul style="list-style-type: none"> • Preparing and filing trial plan; • Detailed consideration of the following: <ul style="list-style-type: none"> ▪ matters in issue between the parties; ▪ all available evidence (including document evidence and proofs of evidence from witnesses); ▪ cost benefit analysis; and ▪ prospects of success. • Email to you providing advice on prospects and evidence 	Scale or \$2,000.00 (whichever is higher)
– MAGISTRATES COURT ACTIONS (\$25,000-\$100,000)		
24. Reply and Answer	<ul style="list-style-type: none"> • Review of Defence and Counterclaim (if any) and documents provided by you; • Drafting reply and answer; • Sending draft reply and answer to you for review; • Making subsequent amendments if necessary; • Filing Reply and Answer in the court; • Serving the Reply and Answer on the other side; and 	\$2,000.00

	<ul style="list-style-type: none"> • Providing you with a copy of the sealed Reply and Answer. 	
25. First Directions Hearing to Trial	<ul style="list-style-type: none"> • Further and Better Particulars; • Discovery; and • Any and all activity after the first directions hearing until the trial date is set or the last pre-trial conference or hearing, whichever is the latter 	<p>Liquidated claim - 10% of the amount claimed or \$10,000.00 (whichever is higher)</p> <p>Unliquidated claim – 12% of amount claimed or \$10,000.00 (whichever is higher)</p>
26. Evidence	<ul style="list-style-type: none"> • All aspects not otherwise specified of and incidental to preparing for trial, including proofing witnesses, advice on evidence and law, delivering brief to counsel and fee on brief, including but not limited to detailed consideration of the following: <ul style="list-style-type: none"> ▪ matters in issue between the parties; ▪ all available evidence (including document evidence and proofs of evidence from witnesses); ▪ cost benefit analysis; and ▪ prospects of success. • Email to you providing advice on prospects and evidence. 	<p>10% of the amount claimed or \$1,500.00 (per witness) (whichever is higher)</p>
27. Preparation of Trial Plan	<ul style="list-style-type: none"> • Preparing and filing trial plan 	<p>Scale or \$2,000.00 (whichever is higher)</p>

Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
APPEARANCE FEES		
28. Preparation for and Attendance at any Interlocutory Application	<ul style="list-style-type: none"> • Email to you providing advice regarding the utility of the proposed interlocutory application (or if an application brought by the other side, advice regarding the prospects of success in resisting the application); • Receive your instructions to proceed with the application (or if the application is brought by the other side, to defend the application); • Draw and settle the application; • Effect service of the application and any necessary affidavit; • Email to you providing advice that the application has been filed and served and inform you of the hearing date; • Receive and review any material in response; • Prepare for and attend the hearing of the application; and • Email to you providing advice regarding the outcome of the application. 	\$1,750.00 per Application (if the application occupies more than 1 day of hearing a further \$1,000.00 for each day of hearing applies)
29. Directions hearing/ Simple Adjournment	<ul style="list-style-type: none"> • To the extent we are required to attend a directions hearing or simple adjournment or any other hearing not properly characterised in any one or other list then: <ul style="list-style-type: none"> ▪ prepare for and attend directions hearing/adjournment; and ▪ email to you advising of attendance and outcome. 	\$650.00
30. Trial/Appeal	<ul style="list-style-type: none"> • Prepare for and attend trial including: <ul style="list-style-type: none"> ▪ reviewing each parties evidence; ▪ preparation of any necessary document or book of documents for trial; ▪ prepare evidence in chief; ▪ prepare cross examination of opponents witnesses; ▪ opening argument; ▪ prepare submissions or outline of argument or closing argument; and ▪ together with all conferences and telephone or email communications with you and witnesses regarding the same 	First day – 3% of the amount claimed or \$7,000.00 (whichever is higher) Subsequent days – 2.5% of the amount claimed or \$3,000.00 (whichever is higher)

Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
ALTERNATIVE DISPUTE RESOLUTION AND SETTLEMENT		
31. Mediations	<ul style="list-style-type: none"> • Email to you providing advice regarding mediation; • Receive instructions from you to prepare for and attend mediation; • All correspondence with the other parties to negotiate an agreed value and mediator; • Liaise with the agreed mediator and, if necessary, venue to finalise a mediation date; • Conference with you prior to mediation regarding the strategy at mediation and parameters for resolution; • Prepare for and attend mediation; and • Email to you confirming attendance at mediation and outcome. 	\$2,500.00 for half day Mediations and \$4,000.00 for full day mediations
32. Letters of Offer (Major)	<ul style="list-style-type: none"> • Receiving communication from other party negotiating settlement/repayment arrangement; • Correspondence with you confirming offer/counter offer to be made; • Preparing offer/counter offer to other party; • Correspondence with you regarding approval for offer/counter offer for approval; • Finalising and sending offer/counter offer to other party; • All communications to finalise settlement/repayment arrangement with other party prior to entering into Deed of Settlement (if any). 	\$1,000.00
33. Letters of Offer (Minor)	<ul style="list-style-type: none"> • Receiving communication from other party negotiating settlement/repayment arrangement; • Correspondence with you confirming offer/counter offer to be made; • Preparing offer/counter offer to other party; • Correspondence with you regarding approval for offer/counter offer for approval; • Finalising and sending offer/counter offer to other party; • All communications to finalise settlement/repayment arrangement with other party prior to entering into Deed of Settlement (if any). 	\$500.00

34. Deed of Settlement	<ul style="list-style-type: none">• Email to you confirming terms of settlement agreed and provide advice regarding proposed parameters for a deed of settlement;• Prepare a deed of settlement;• Any and all correspondence with the other parties to effect execution of the deed of settlement;• Email to you enclosing a copy of the executed deed of settlement.	\$2,000.00
35. Notice of Discontinuance	<ul style="list-style-type: none">• Receiving instructions to discontinue court action;• Preparing notice of discontinuance;• Obtaining other side's consent to discontinuance (where required);• Filing and serving notice of discontinuance;• Email to you advising action has been discontinued.	\$400.00

Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
BANKRUPTCY		
36. Bankruptcy Notice	<ul style="list-style-type: none"> • Email from you providing instructions to issue bankruptcy notice; • Conduct a search on the National Personal Insolvency Index to confirm the debtor is not presently a bankrupt; • Prepare bankruptcy notice; • Lodge bankruptcy notice on-line with Australian Financial Security Authority; • Receiving sealed bankruptcy notice from Australian Financial Security Authority; • Email to you advising bankruptcy notice has been filed; • Effect service of bankruptcy notice and obtaining affidavit of service of bankruptcy notice; and • Email to you confirming personal service of bankruptcy notice. 	\$850.00
37. Application (Sub Service of Bankruptcy Notice)	<ul style="list-style-type: none"> • email to you providing advice regarding the utility of the proposed interlocutory application (or if an application brought by the other side, advice regarding the prospects of success in resisting the application); • receiving your instructions to proceed with the application (or if the application is brought by the other side, to defend the application); • draw and settle the application; • effect service of the application and any necessary affidavit; • email to you providing advice that the application has been filed and served and informing you of the hearing date; • receiving and reviewing any material in response; • preparation for and attendance at the hearing of the application; and • email to you providing advice regarding the outcome of the application. 	\$2,000.00
38. Creditor's Petition Part 1	<ul style="list-style-type: none"> • Email from you providing instructions to issue a creditor's petition (where non-compliance with bankruptcy notice); • Conduct a search on the National Personal Insolvency Index to confirm the debtor is not presently a bankrupt; 	\$2,000.00

	<ul style="list-style-type: none"> • Prepare a creditor's petition together with the supporting affidavits; • Obtaining a consent to act as trustee from a trustee in bankruptcy; • Email to you enclosing an affidavit in support of the creditor's petition; • Letter from you enclosing affidavit in support of the creditor's petition; • Attend at Court and file Creditor's Petition; 	
Part 2	<ul style="list-style-type: none"> • Effect personal service of the creditor's petition on the debtor; • Prepare an Affidavit of Service of the creditor's petition; • Email to Australian Financial Security Authority enclosing a copy of the creditor's petition; • Email to you confirming the petition has been filed, advise of the hearing date and service of documents; • Email to the trustee confirming the creditor's petition has been filed and notify them of the hearing date; 	\$1,500.00
Part 3	<ul style="list-style-type: none"> • Prepare any further necessary affidavit in support of the creditor's petition; • Prepare for and attend at creditor's petition to obtain sequestration order; and • Email to you advising of outcome of the sequestration hearing. 	\$2,000.00
		Total \$5,500.00
39. Proof of Debt	<ul style="list-style-type: none"> • Email from client with instructions to lodge proof of debt; • Preparing calculations for proof of debt; • Preparing proof of debt; • Email to client with proof of debt for approval; • Email from client approving/amending proof of debt; • Finalising proof of debt; • Letter/email to liquidator/trustee with proof of debt for lodgement; 	\$750.00

Product Name	Services Provided	Our Fixed Fee (Ex GST) (plus any necessary disbursements)
WINDING UP		
40. Letter to Liquidator/Administrator (where company already insolvent)	<ul style="list-style-type: none"> • Instructions from you to contact Liquidator/Administrator; • Drafting correspondence to Liquidator/Administrator requesting necessary notices; • Email to you requesting instructions to send proposed correspondence; • Email to Liquidator/Administrator providing correspondence; and • Email to you providing copy of correspondence sent to the Liquidator/Administrator. 	\$500.00
41. Statutory Demand with Affidavit of Debt	<ul style="list-style-type: none"> • Email from you providing instructions to issue creditor's statutory demand; • Conduct necessary searches with Australian Securities Investment Commission to confirm company is not presently in liquidation and its present registered office; • Preparing Creditor's Statutory Demand; • Preparing Affidavit of Debt; • Email to you with Affidavit of Debt for execution • Email from you with Affidavit of Debt to confirm correct execution; • Receiving original Affidavit of Debt from you; • Finalising Creditor's Statutory Demand and effecting service; and • Email to you confirming that the creditor's statutory demand has been served. 	\$1,500.00
42. Statutory Demand with Judgment	<ul style="list-style-type: none"> • Email from you providing instructions to issue creditor's statutory demand; • Preparing Creditor's Statutory Demand; • Conduct necessary searches with Australian Securities Investment Commission to confirm company is not presently in liquidation and its present registered office; • Effect service of the Creditor's Statutory Demand; and • Email to you confirming that the creditor's statutory demand has been served. 	\$1,000.00
43. Winding Up Application (if statutory demand	<ul style="list-style-type: none"> • Email to you providing advice regarding issuing winding up application; • Email from you providing instructions to issue an application to wind up the company; • Prepare an application to wind up the company together with necessary affidavits in support; 	

has not been complied with) Part 1	<ul style="list-style-type: none"> • Prepare Australian Securities Investment Commission Form 519 and effecting lodgement with the Australian Securities Investment Commission of same; 	\$2,000.00
Part 2	<ul style="list-style-type: none"> • Prepare any necessary advertisement required to be published in the newspaper; • Email to the liquidator confirming the hearing date; 	\$1,500.00
Part 3	<ul style="list-style-type: none"> • Prepare further necessary affidavit/s in support of the application as follows: <ul style="list-style-type: none"> ▪ Affidavit of Service of Creditor’s Statutory Demand; ▪ Affidavit of Service of Application to Wind up the Company; ▪ Affidavit of lodgement of the form 519; and ▪ Affidavit confirming the placement of the advertisement required under the rules. • Draw and settle appropriate written submissions; • Draw and settle draft order; • Prepare for and attend at the hearing of the winding up application; • Email to you confirming the outcome of the application; and • Any necessary further lodgements of documents with the Australian Securities Investment Commission. 	\$2,000.00
		Total \$5,500.00
44. Application to support winding up hearing	<ul style="list-style-type: none"> • Preparing and filing Notice of Appearance; • Preparing any necessary affidavits; • Liaising with the applicant creditor; • Preparing for and attendance at the hearing; and • Drafting any orders to effect the winding up of the company. 	\$2,000.00
45. Proof of Debt	<ul style="list-style-type: none"> • Email from client with instructions to lodge proof of debt; • Preparing calculations for proof of debt; • Preparing proof of debt; • Email to client with proof of debt for approval; • Email from client approving/amending proof of debt; • Finalising proof of debt; 	\$750.00

	<ul style="list-style-type: none">• Letter/email to liquidator/trustee with proof of debt for lodgement.	
46. Appointment of Proxy	<ul style="list-style-type: none">• Email from client with instructions to lodge appointment of proxy;• Preparing appointment of proxy;• Email to client with appointment of proxy for execution;• Email from client with executed appointment of proxy;• Letter/email to liquidator/trustee with appointment of proxy.	\$250.00