

## LEGAL COSTS (SA)

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## **Letters of Demand**

Letters of demand are charged out at the rate of \$ 75.00 each, unless an alternative fee is negotiated for a particular client. Lower fees will be negotiated for high volume clients. Follow-up demands are charged at the rate of \$ 20.00 each. These are “all inclusive” fees which includes preparation of the demand and any subsequent telephone calls/correspondence regarding the matter up to the point where the matter is either finalised or alternatively, referred to legal. This is the only charge pre-legal, except for searches which may be requested or necessary. There are no commissions with respect to any monies recovered, at this or any other point.

## **Proceedings to Judgment**

If we are instructed to issue legal proceedings (whether subsequent to or in lieu of a demand), these are charged out in accordance with the relevant Court Scale. Most credit applications nowadays incorporate provisions, allowing for costs incurred by you in relation to recovery proceedings, to be claimed back from the debtor. The advantage of our charging you any Court Scale fees, is that these costs will form part of the judgment and are added to each process as we go along. This will avoid separate costs arguments at a later stage.

These fees are with respect to undefended matters. If matters become defended, we will advise you separately.

## **Magistrates' Court**

In South Australia, claims for debts up to \$100,000.00 are issued from the Magistrates' Court. Clients are charged in accordance with the Magistrates' Court Scale of fees and costs and Schedule 1 incorporates the same. The current service fee allowed by the Court on service of Magistrates' Court Claim (Summons) is always claimed from the debtor, however, additional service fees may be charged to you in the event that the debtor or debtors is a natural person and we are billed a higher charge by our process servers than the Court allows. This usually only occurs where there is some difficulty in service. Business name and/or company search fees are allowed to be added to the amount claimed from the debtor in the Magistrates' Court Claim.

## **District Court**

In South Australia, claims for debts over \$100,000.00 are issued out of the District Court. Schedule 2 sets out the District Court Scale fees and costs in relation to the issue of District Court Summonses and proceedings to judgment thereafter. Process server fees and search fees are not able to be added to the amount claimed from the debtor.

## **Winding up Summonses**

In the event that winding up proceedings are contemplated, these are charged in accordance with Schedule 3. Again these fees and costs are charged in accordance with the Federal Court Scale and can be claimed back from the debtor on payment out.

## **Bankruptcy**

Costs in relation to Federal Circuit Court proceedings (Bankruptcy) are charged in accordance with the relevant Court Scale. Schedule 4 sets these out and again, these are the fees and costs which can be claimed back from the debtor on a request for payment out.

## **GST**

All fees quoted are GST exclusive. GST is added at the time accounts are rendered. Court filing fees are exempt from GST and this will be clearly shown on any accounts that we forward to you. GST charged to you is not claimable from debtors.

## SCHEDULE 1 - MAGISTRATES' COURT FEES & COSTS

Amount of debt	Magistrates' Court Claim		Default Judgment	Investigation or Examination Summons		Summons to witness		Warrants of Sale, Arrest or Commitment	
	Legal Fees	Court Costs		Legal Fees	Court Costs	Legal Fees	Court Costs	Legal Fees	Court Costs
\$	\$	\$		\$	\$	\$	\$	\$	\$
0.00 to 12,000.00	20.00 + 5% of amount of debt (maximum \$500.00)	146.00		50.00	94.00	50.00	94.00	50.00	146.50
12,001.00 to 25,000.00	Up to 4% of amount of debt	318.00 538.00	150.00	110.00	94.00	150.00	94.00	150.00	146.50
25,000.00 to 50,000.00	Up to 4% of amount of debt	409.00 767.00	150.00	110.00	94.00	150.00	94.00	150.00	146.50
50,000.00 to 100,000.00	Up to 4% of amount of debt	767.00 1,124.00	150.00	110.00	94.00	150.00	94.00	150.00	146.50

### Notes :

- 1 Magistrates' Court Claim fees & costs do not include any company/business name search fees &/or service/bailiff fees which may be necessary depending upon the type of &/or location of debtor(s)
- 2 The service fee allowed by the Court is \$38.50 per person &/or company. Higher service fees may be charged to clients in the event that the debtor or debtors is a natural person and we are billed a higher fee by our process servers above that the Court allows.
- 3 The Court fee for the issue of a Magistrates' Court Claim where the debt is in excess of \$12,000.00 is separated into two tiers. The higher fee applies to all corporations with more than 20 full-time equivalent employees.
- 4 The Court fees quoted for Warrants of Sale and Warrants of Commitment will be higher in the event that there are multiple debtors at different addresses. In such cases, the Court fees will be \$ 146.50 per address.

### Charging Orders

Where judgment debt is up to \$10,000.00 - \$220.00 legal fees + \$163.00 Lands Titles Office registration fees

Where judgment debt exceeds \$10,000.00 - \$450.00 legal fees + \$163.00 Lands Titles Office registration fees

## SCHEDULE 2 - DISTRICT COURT FEES & COSTS

Amount of debt	Summons		Default Judgment
	Legal Fees	Court Costs	Legal Fees
\$	\$	\$	\$
>\$100,000.00	2,135.00	1,266.00 1,784.00	200.00

Notes :

- 1 Summons fees & costs do not include any company/business name search fees &/or service/bailiff fees which may be necessary depending upon the type of &/or location of debtor(s)
- 2 From 01/07/2011 the Court fee for the issue of a District Court Summons is now separated into two tiers. The higher fee applies to all corporations with more than 20 full-time equivalent employees.

### SCHEDULE 3 - WINDING UP FEES & COSTS

Step	Legal Fees	Disbursements	
		Amount	Type
	\$	\$	
459E Notice	250.00	35.00	Company Search
Winding up application	3,776.00	1,390.00/ 4,045.00	
Advertising expenses		156.00	
Search fees		80.00	
Counsel fees	340.00		
Supporting winding up application (filing notice etc)	450.00		

Notes :

- 1 Winding up applications are issued out of the Federal Court
- 2 The Court filing fee for a winding up application where the plaintiff/applicant (the client) is a corporation (company) is \$3,745.00. If the plaintiff/applicant is a natural person or persons the filing fee of \$1,290.00 applies.
- 3 Counsel fees are charged at \$340.00 per attendance.

## SCHEDULE 4 - BANKRUPTCY FEES & COSTS

Step	Legal Fees	Disbursements	
		Amount	Type
	\$	\$	
Bankruptcy Notice	250.00	470.00	AFSA Fees
		80.00	Process Server's Fees
Creditor's Petition	2,426.00	1,565.00/3,775.00	Court Filing Fees
		100.00	Process Server's Fees
		80.00	Search fees
		340.00	Counsel fee

Notes :

- 1 Process server's fees are approximate fee per debtor only - may be higher where the debtor is difficult to serve
- 2 The Court filing fee for a Creditor's Petition where the plaintiff/applicant (the client) is a corporation (company) is \$3,775.00. If the plaintiff/applicant is a natural person or persons the filing fee of \$1,565.00 applies.
- 3 1 search fee per debtor incurred at time of issue of Creditor's Petition, with 1 further search fee per debtor for each hearing
- 4 Counsel fees are quoted per hearing