

## SCHEDULE.

## NO. 1.—CLAIM IN RESPECT OF THEFT BY A SOLICITOR, OR BY A SERVANT OR AGENT OF A SOLICITOR.

To the Council of the  
New Zealand Law Society, Wellington.

TAKE notice that I [we], [Name in full], of [Address in full and occupation], having suffered pecuniary loss by reason of the theft by [Name in full], a solicitor (or, a servant or agent of [Name in full] a solicitor) with respect to whom the Law Practitioners Amendment (Solicitors' Fidelity Guarantee Fund) Act, 1929, applies of [Amount of money or description and value of other valuable property stolen] entrusted to the said solicitor (or to [Name in full of servant or agent], the servant or agent of the said solicitor) in the course of his practice as a solicitor (or as a solicitor-trustee) hereby claim against the Solicitors' Fidelity Guarantee Fund established under the said Act for the sum of \_\_\_\_\_ pounds shillings and \_\_\_\_\_ pence (£ : : ) as reimbursement in respect of such loss.

## PARTICULARS OF CLAIM.

[Here state full particulars of the matters by reason of which the claimant alleges that he is entitled to claim against the fund.]

## PARTICULARS OF AMOUNT OF CLAIM.

[Here state full particulars of amount of claim.]

Dated at this day of \_\_\_\_\_, 19 \_\_\_\_\_

[Signature.]

Witness to Signature—

Signature of witness :  
Occupation :  
Address :

## NO. 2.—NOTICE BY CLAIMANT OF HIS DESIRE THAT COUNCIL SHOULD CONSIDER SETTLEMENT OF CLAIM.

To the Council of the  
New Zealand Law Society, Wellington.

TAKE notice that I [we], [Name in full of claimant], of [Address in full and occupation], desire that you shall consider the settlement of my [our] claim against the Solicitors' Fidelity Guarantee Fund, notice of which claim was given to you on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Dated at this day of \_\_\_\_\_, 19 \_\_\_\_\_

[Signature of claimant.]

Witness to signature—

Signature of witness :  
Occupation :  
Address :

## NO. 3.—DECLARATION BY CLAIMANT DESIRING THE COUNCIL TO CONSIDER SETTLEMENT OF HIS CLAIM.

I, [Name in full], of [Address in full and occupation], being desirous that the Council of the New Zealand Law Society shall consider the settlement of my claim against the Solicitors' Fidelity Guarantee Fund, hereby solemnly and sincerely declare that the underwritten answers and particulars given by me to the questions underwritten are to the best of my knowledge and belief full and true answers and particulars.

- (1) (a) Does the claimant claim in respect of the theft of money or in respect of the theft of other valuable property ?
- (b) What is the interest of the claimant in the money or other valuable property stolen ?
- (c) Has any other person any interest in such money or other valuable property ?

[Give the names and addresses of other persons having interest and the nature and extent of their respective interests.]

- (2) If the claimant's claim is in respect of the theft of money, what is the sum of money stolen ?
- (3) If the claimant's claim is in respect of other valuable property—
  - (a) What is its nature ?
  - (b) What was its value at the date of the theft ?
- (4) (a) To whom was the money or other valuable property entrusted ?
- (b) When was the money or other valuable property so entrusted to such person ?
- (c) By whom was the money or other valuable property entrusted to such person ?
- (5) (a) If the money or other valuable property was entrusted to a solicitor, for what purpose was it so entrusted to him ?
- (b) Was it so entrusted to him—
  - (1) In the course of his practice as a solicitor ?
  - (2) As a solicitor-trustee ?

- (c) If it was entrusted to him as a solicitor-trustee—
  - (1) In what trust was he acting as a trustee ?
  - (2) What is the interest of the claimant under the trust ?

- (6) If the money or other valuable property was entrusted to a servant or agent of a solicitor—
  - (a) At what place was it entrusted to such servant or agent ?
  - (b) For what purpose was it entrusted to such servant or agent ?
- (7) By whom was the theft committed ?
- (8) Upon what date did the claimant become aware of the theft ?

- (9) (a) What oral evidence can the claimant, if so required by the Council, give or obtain to support his claim ?

[Give the names and addresses of persons who can give evidence and state briefly the facts to which each can testify.]

- (b) What written evidence can the claimant, if so required by the Council, produce to support his claim ?

[Give the nature and effect of all writings, their dates, and the parties thereto.]

- (10) (a) Has the claimant commenced any action or made any claim or demand against any person in respect of this pecuniary loss or any part thereof, or in respect of any loss of which his present claim is part ?

(If so, give full particulars.)

- (b) Does the claimant contemplate commencing any such action or making any such claim or demand ?

(If so, give full particulars of all contemplated actions or demands.)

- (c) Is the claimant entitled to any right of action or other legal remedy against any person in respect of the pecuniary loss in respect of which he claims ?

(If so, give full particulars.)

- (11) If the claimant were to commence, against the solicitor in respect of whom or of whose servant or agent the claim is made, an action in respect of this loss—

- (a) Would the solicitor, in the opinion of the claimant, have any defence to the whole or any part of the claim ?

(If so, give particulars.)

- (b) Are there any facts known to the claimant which the Council should know to enable it to decide whether or not any such defence would be available to the solicitor ?

(If so, state fully such facts.)

- (12) (a) Has the solicitor in respect of whom the claim is made become bankrupt ?

- (b) If not, are bankruptcy proceedings pending in respect of him ?

- (c) In either case, what is the location of the bankruptcy proceedings ?

- (13) How is the amount of the claimant's claim made up ?

[Give full particulars of all items in respect of which the claimant claims reimbursement, and state the amount claimed in respect of each item.]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

[Signature of declarant.]

Before me—

.....  
Solicitor or Justice of the Peace.

The foregoing rules were duly made by the Council of the New Zealand Law Society at a meeting of the said Council held at Wellington on the 14th day of November, 1930.

A. GRAY, President.  
W. A. HAWKINS, Secretary.

Approved in Council, this 2nd day of December, 1930.

BLEDISLOE, Governor-General.

A. W. MULLIGAN,  
Acting Clerk of the Executive Council.