

### Sample affidavit (Form 40)

This is an example of a completed affidavit – witness statement. It is important to complete this form using your own details and based on your own circumstances. If you need more help, get legal advice.

Form 40 (version 6)  
UCPR 35.1

## AFFIDAVIT OF ALISON CHAN, 16 September 2021

### COURT DETAILS

Court	Local Court of NSW
Division	Small Claims
List	N/A
Registry	Bankstown
Case number	[Initial claim number/Cross-claim number]

### TITLE OF PROCEEDINGS

Plaintiff	<b>John Hughes</b>
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Defendant	<b>Samira Khan</b>
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### FILING DETAILS

Filed for	<b>Samira Khan</b> , Defendant and Cross-Claimant
Filed in relation to	Plaintiff's claim, first Cross-claim
Contact name and telephone	Samira Khan, 0423 876 467
Contact email	s.khan@gmail.com

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#### AFFIDAVIT

Name	Alison Chan
Address	Unit 31, Broad Street BANKSTOWN NSW 2200
Occupation	Medical Student
Date	16 September 2021

I affirm

I directly witnessed the incident, which is the subject of the claim and cross-claim.

At approximately 10.30 am, on 10 March 2021, I was walking down Stacey Street, Bankstown, on my way to the train station.

I had pressed the traffic lights, to cross the road at the pedestrian crossing, and was waiting for a green light.

A red Mazda, with number plate CWP 59H was travelling at what appeared to be average speed in the left lane, which was closest to the curb where I was waiting. The car then slowed and stopped as the traffic lights turned orange/red.

There was a dark blue Commodore, with number plate HJU 89T behind the red Mazda. The blue Commodore appeared to be travelling reasonably fast as it approached the lights and braked suddenly. I anticipated a collision before it happened and jumped back from the curb.

The cars collided and both cars incurred significant damage.

Both drivers then stopped and came out of their vehicles.

Given that I am a final year medical student, with first aid training, I went to talk to both drivers to see if they were okay (which they were). The driver of the blue Commodore, who I now know to be John Hughes (the Plaintiff and Cross-Defendant), said words to the effect of 'I am so sorry. It's my fault. I just couldn't stop in time'. The driver of the red Mazda, who I now know to be Samira Khan (the Defendant and Cross-Claimant) started to cry. She said words to the effect of, 'my car is ruined. I can't afford a new car at the moment, and I have no insurance'. John then said words to the effect 'I'll fix this'.

The parties then exchanged details and took photos of the damage.

Before I left, to catch my train, Samira asked me if she could have my details in case she needed me as a witness, and I agreed.

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AFFIRMED at	Sydney
Signature of deponent	<b><i>Alison Chan</i></b> <hr/>
Name of witness	Daniel Brown
Address of witness	12/131 George Street, SYDNEY NSW 2000
Capacity of witness	Justice of the Peace

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):  
#I saw the face of the deponent.  
#I have known the deponent for at least 12 months.

Signature of witness	<b><i>Daniel Brown</i></b> <hr/>
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Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.