



SUPREME COURT PRACTICE NOTE SC EQ 12

REAL PROPERTY LIST

Commencement

1. This Practice Note was issued on 20 May 2015 and commences on 1 June 2015.

Introduction

2. The objective of the Real Property List in the Equity Division (the List) and this Practice Note is to facilitate the prompt and efficient resolution of the real issues in dispute in Real Property Matters.
3. Real Property Matters are proceedings involving claims in respect of land or interests in land, including claims:
 - (a) in respect of contracts for the sale of land;
 - (b) in respect of leases of land;
 - (c) in respect of easements or covenants over land;
 - (d) pursuant to or in relation to the provisions of statutes relating to real property including the *Real Property Act 1900* (NSW), the *Conveyancing Act 1919* (NSW), the *Crown Lands Act 1989* (NSW) and the legislation governing the creation and management of strata schemes and community schemes.
4. Real Property Matters do not include proceedings in, or to be commenced in the Possession List in the Common Law Division.
5. All proceedings in the List will be case managed by the Real Property List Judge (the List Judge).

Application

6. This Practice Note applies to new and existing Real Property Matters that are entered in the List.
7. The Court may, if it is satisfied that it is appropriate to do so, order that proceedings be entered in or removed from the List.

Case Management

8. Any Summons or Statement of Claim in relation to a Real Property Matter must record on the front sheet that it is in the Real Property List. The Court encourages electronic filing of all pleadings and affidavits.
9. All Real Property Matters will be allocated a first return date before the List Judge on a Friday. The first listing date shall be not less than 21 days, nor more than 35 days after the date of the filing of the Summons or the Statement of Claim.
10. It is expected that on the first return date the legal representatives for the respective parties will be in a position to clearly identify the real issues that will be in dispute and to provide to the Court an agreed regime for preparing the matter for trial, including reference to mediation at a suitable time.
11. Directions hearings will be listed before the List Judge on Fridays at 9.15 am.
12. Interlocutory applications are not encouraged. Motions may not be filed without the leave of the List Judge. Any Motions for which leave is granted will be listed before the List Judge on a Friday not before 10.15 am.
13. Practice Note SC Eq 5 (Expert Evidence) and Practice Note SC Eq 11 (Disclosure) apply to proceedings in the List. Practice Note SC Eq 1 (Case Management) does not apply to proceedings in the List.
14. Any urgent application in Real Property Matters must be made by arrangement with the List Judge's Associate to obtain a suitable time for the hearing of the application.
15. When proceedings are listed for final hearing, the Court will generally make the Usual Order for Hearing set out in Annexure A.
16. Consent orders will be made by the List Judge in Chambers on days other than Friday by application in writing to the List Judge's Associate.
17. If proceedings settle prior to hearing, the orders disposing of the proceedings will be made by the List Judge (including in Chambers). Any Terms of Settlement and/or Notices of Discontinuance should be filed with the List Judge's Associate.



T F BATHURST AC
Chief Justice of New South Wales
20 May 2015

Annexure A

Usual Order for Hearing

1. No later than four working days before the hearing date the parties are to provide to the Associate to the trial judge a paginated Court Book (and a working copy Court Book) containing:
 - (a) the current Summons or pleadings;
 - (b) the affidavits proposed to be read at the hearing;
 - (c) any documents proposed to be tendered at the hearing;
 - (d) outlines of submissions; and
 - (e) a list of objections to evidence, limited to those that are essential.