# Lodge Default Order

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|  | **Prerequisites:** Before completing the steps in this User Guide, ensure:   * you have access to an existing case in the **CMS Portal** * the following documents are lodged prior to filing form 21A:   1. Affidavit of service.  2. Overarching obligations certification or Certification of prior overarching obligations certification.  3. Proper basis certification. |
|  | **Please see**: If you don’t have access to the case in the CMS Portal, please see User Guide: **Requesting access to a case** |
|  | **Important:** Completing this form creates a **Default Order** request which may be reviewed by court staff once submitted. |

| Step | Action | | | | Result | |
| --- | --- | --- | --- | --- | --- | --- |
|  | Log in to the **CMS Portal** | | | | The **CMS Portal** screen displays:  Graphical user interface, website  Description automatically generated | |
|  | Click: **File on One of My Cases**  File on One of My Cases button | | | | The **My Account** screen display the **Cases** tab:  The My Account Search Case screen displays with numerous fields to search with. | |
|  | Type information in the **Search Case** fields to search for the relevant case, or locate the case in the list below the search fields:  The Search Case panel displays with First Name, Last Name and a search result highlighted. Also displays Submit and Clear buttons. | | | | | |
|  | **Hint:** If your case displays in the list at the bottom of the page, proceed to step 5. | | | | |
|  | Click: **Submit**  **Submit button** | | | | The **Results** section displays cases matching the search criteria:  A screenshot of the case search result, showing the Case Number, Case Type and Case Name columns. | |
|  | In the **Action** column, click: **File a document**  **The Action column displays, with options to File a Subcase, File a document and File amended document. File a document is highlighted.** | | | | The **Case Summary** screen displays: | |
|  | In the **Action** column, click: **File a Document panel** within the relevant subcase | | | | The **Add Filing** screen displays: | |
|  | Complete the required panels and fields.  Fields marked with a red asterisk \* are mandatory.   |  |  |  | | --- | --- | --- | | PANEL: My Reference | | | | In this panel … | Provide this information … | | | My Reference | Any name or number used by you to identify this filing. | | | PANEL: Add Document | | | | Code / Name | Start typing the document **Code/Name** and select the type of breach, if relevant. | | |  | **Hint**:  Only select a type of breach if your application relates to a breach of self-executing order or breach of terms of settlement. | | PANEL: Details | | | | Breach | Select the type of breach, if relevant. | | | Non-Monetary Claim | Displays **No**. Change if application relates to a non-monetary claim. | |   *Continued …* | | | | | |
| 7 | *Continued …*   |  |  |  |  | | --- | --- | --- | --- | | PANEL: Claim | | | | | In this field … | | Provide this information … | | | Claim Amount | | This defaults to the amount of the original claim. | | | Less amounts paid since claim | | Type any payments made since the claim was filed. | | | PANEL: Service Attempts | | | | | Number of service attempts | | Type the number of attempts made to serve the complaint, if applicable. | | |  | **Note**: Affidavits of attempted service relating to these service attempts should be filed with the court prior to filing the Default Order. | | Distance travelled for service to be effected (km) | | Type the distance, in kilometres, claimed in relation to service of the complaint, if applicable. | | | Was the complaint, counterclaim or third party notice served personally? | | Select **Yes** or **No** | | | PANEL: Costs | | | | |  | **Note**: All costs fields are derived and capped on the Portal, using the scale of costs and fees claimable in the Civil Jurisdiction of the Magistrates' Court of Victoria. | | | | Professional Costs $ | | Type any Professional costs incurred for the service. | | | Distance Fee $ | | Field displays the calculated amount based on **Distance travelled for service to be effected (km)** field. | | | Default Lodgement Fee $ | | Type the fees for Default lodgement. | |   *Continued …* | | | | | |
| 7 | *Continued …*   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | PANEL: Costs | | | | | | | In this field … | | | Provide this information … | | | | Default Professional Costs | | | Type any professional costs associated with lodgement of Default order. | | | | Fee on Claim $ | | | Type any fees associated with the claim. | | | | Attempted Service Fee $ | | | Field displays the calculated fee based on **Number of service attempts** per service. | | | | Search Type | | | Select the search type **Business** or **Company** from menu. | | | | Search Fee $ | | | Type any fees associated with performing Search. | | | | Service Type | | | Select whether service was delivered **Personally** or via **Regular post** from the menu. | | | | Service Fee $ | | | Type any fees associated with service type. | | | | PANEL: Other Costs | | | | | |  | **Note**: Any other costs claimed are subject to review by the court. | | | | | Necessary Affidavits | | Type details related to necessary affidavits. | | | | Necessary affidavits details | | Type necessary affidavits details in the free text field. | | | | Other Costs | | Type any additional costs not previously listed. | | | |  | | **Note**: Any costs claimed outside the scale of costs can be added as Other Costs and are reviewed by the court. | | Other costs details | | Type an explanation for the additional costs in this field. | | |   *Continued …* | | | | | |
| 7 | *Continued…*   |  |  |  |  | | --- | --- | --- | --- | | PANEL: Interest | | | | | In this field … | | Provide this information … | | | Manual interest calculation required | | Select **Yes** if requesting interest be awarded at an alternate to the penalty interest rate. | | |  | **Note**: If **Yes** is selected:   * a percentage amount field displays * it’s subject to review by the court | | From | | Select the interest period start date using the calendar icon. | | | To | | Select the interest period end date using the calendar icon. | | | Principal Amount | | Type the principal interest amount. | | | Percentage% | | If a manual interest calculation, input a related interest percentage amount. | | | Interest Total | | Type the total interest amount. | | |  | **Important:** If you exceed any amounts set out in the Scale of Costs, you are not able to proceed with submitting a **21A Default Order** until the correct figure is entered.  Screenshot of the 'Professional Cost' warning if you exceed amounts. | | | | ADDITIONAL PANELS: | | | | | In this panel … | | Provide this information … | | | Filed By | | Tick box iconSelect the party lodging the Default Order. | | | Representation | | Tick box iconSelect the legal representative you are filing on behalf of. | | | Filed Against | | Tick box iconSelect the party the Default Order is lodged against. | |   *Continued …* | | | | | |
| 7 | *Continued…*   |  |  |  |  | | --- | --- | --- | --- | | ADDITIONAL PANELS: | | | | | In this panel … | Provide this information … | | | | Related Documents | Tick box iconSelect related documents to the Default Order. | | | | Mandatory Documents | Start typing the name of the **Code/Name** and select relevant document from the results displayed. Click **Choose File** and upload the relevant PDF. | | | |  | **Hint**:  ALL mandatory documents associated with your application are listed in this panel.  Search/Magnifying glass iconIf you are unsure of the document **Code/Name**, click the magnifying glass icon to open the search menu. | | | Optional Document | Available optional documents are listed in the panel and vary depending on the claim type.  Start typing the name of the **Code/Name** and select relevant document from the results displayed. Click **Choose File** and upload the relevant PDF. | | | Fee Waiver Panel | Displays **No,** change if required. | | | | Electronic Signature Consent | Select Tick box icon to consent to affixing your electronic signature to the filing of the document. | | |   *\*All document uploads must be PDF.* | | | | | |
|  | Click: **Proceed**  **Proceed button** | | | | The **My Account** screen displays:  The Cart tab within the My Account screen displays, showing an item with payment due and the Submit Payment button. | |
|  | Select Tick box icon the item requiring payment.  Click: **Submit payment**  **Submit Payment button** | | | | The **Process Payment** screen displays:  The Process Payment screen displays with payment options, and Continue and Back buttons. | |
|  | Radio buttonFrom the **Payment Options** panel, select a payment method, then click: **Continue**  **Continue button** | | | |  | **Please See**: Payment options can be added and removed from the **My Account** screen. For more information, please see User Guide: **My account features** |
|  | **Note**: If **ePayment by Credit/Debit card** is selected, a popup displays.  Enter your payment details, then click: **Make Payment**  **Make payment button** | | | | |
|  | The Default Order is filed. | | | | The **Confirmation of Filing** screen displays:  The Confirmation of Filing screen displays with confirmation message, filing and payment information. Back To My Cart, My Account and Print This Page buttons also display. | |
|  | | **Note**: **Applications for order in default of defence** are granted and orders are made automatically in certain circumstances. Applications requiring consideration by a judicial officer, and/or with alternate interest or other costs claimed, are subject to review by the court and are made manually. | | | |
|  | OPTIONAL:  To view the status of the **Application for order in default of defence**, click: **My Account**  **My Account button** | | | | The **My Account** screen displays the **Filings** tab: | |
| |  |  | | --- | --- | | The Filings tab within the My Account screen displays with My Reference, Case/Record Number, Filing Status and Action columns highlighted. | | | Field | Description | | **Filing Date** | Shows filing date - the most recently filed document displays first. | | **My Reference** | Displays the reference typed when filing the document. | | **Case/Record Number** | Assists with locating filings. | | **Filing Status** | Shows the filing’s live status. | | Action/**View** | Allows you to view the **Case Summary** screen for the relevant case. | |  |  | | | | | | |
|  | | | **Note**:   * An **Acknowledgment for filing** email is sent to the **CMS Portal** user when the document is filed * An additional email is sent when the status of the filing is updated * These emails may arrive simultaneously if the **Aplication for order in default of defence** is automatically approved by the **CMS Portal** | | |