

Objection to a Final Charging Order

Charging Orders Act 1979 s.1(5), s.1(8), s.3(1) · CPR 73.10

COURT

In the County Court at [COURT NAME]

CLAIM NUMBER

[CLAIM NUMBER]

CLAIMANT

[CREDITOR NAME]

DEFENDANT

[YOUR NAME]

Witness statement of [YOUR FULL NAME]: grounds of objection to a final charging order

I, [YOUR FULL NAME], of [YOUR ADDRESS], am the Defendant. I object to a final charging order being made over [THE PROPERTY ADDRESS]. The interim charging order is dated [DATE], and it was served on me on [DATE].

1. My personal circumstances. Section 1(5)(a) of the Charging Orders Act 1979 requires the court to consider them. [WHO LIVES IN THE HOME, INCLUDING CHILDREN OR ANYONE WITH CARE NEEDS; YOUR HEALTH; YOUR INCOME AND OUTGOINGS, ATTACHED; ANYTHING ELSE THE COURT SHOULD KNOW.]

2. Payments under the judgment. [I AM PAYING £[AMOUNT] A MONTH AS ORDERED ON [DATE] AND I AM UP TO DATE. / I HAVE MISSED PAYMENTS BECAUSE [REASON], AND I CAN NOW PAY £[AMOUNT] A MONTH.] Section 1(8) requires the court to take into account that there has been no default. [DELETE THE SECOND SENTENCE IF YOU HAVE MISSED PAYMENTS.]

3. My other creditors. [LIST YOUR OTHER DEBTS AND ANY REPAYMENT ARRANGEMENTS.] Under section 1(5)(b), the court must consider whether they would be unduly prejudiced by a charge in favour of this one creditor.

4. What I ask the court to do. I ask the court not to make the charging order final. If it does make it final, I ask that it is made subject to a condition under section 3(1) of the Act that it will not be enforced by an order for sale while I keep to the payments ordered.

Statement of truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

SIGNATURE

[SIGN HERE]

DATE

[DATE]

File this at the court and send a copy to the creditor not later than 28 days after the interim order was served on you (CPR 73.10(2)), or at least 7 days before the hearing if one is already listed (CPR 73.10A(2)). Only include facts you know to be true. England and Wales only. The full explanation is on therealdebttguy.com: search for charging orders.