

Witness Statement Opposing an Order for Sale

CPR 73.10C · CPR 8.3 · Charging Orders Act 1979 s.3 · TOLATA 1996 s.15

COURT

In the County Court at [COURT NAME]

CLAIM NUMBER

[CLAIM NUMBER]

CLAIMANT

[CREDITOR NAME]

DEFENDANT

[YOUR NAME]

Witness statement of [YOUR FULL NAME]

I, [YOUR FULL NAME], of [YOUR ADDRESS], am the Defendant. I make this statement in response to the claim for an order for sale of [THE PROPERTY ADDRESS].

1. Who lives in the property. I live here with [THE NAMES AND AGES OF EVERYONE ELSE HERE, INCLUDING CHILDREN AND ANYONE WITH A HEALTH CONDITION OR DISABILITY].

2. The property and the debt. The charging order is for £[AMOUNT]. The property is worth about £[VALUE], and £[AMOUNT] is owed on the mortgage to [LENDER]. [IF THE CREDITOR'S FIGURES ARE WRONG, SAY WHICH AND WHY.]

3. Why a sale would be disproportionate. [THE EFFECT OF A SALE ON WHERE YOUR FAMILY WOULD LIVE, SCHOOLS, CARE, HEALTH AND WORK, COMPARED WITH THE SIZE OF THE DEBT.]

4. Joint ownership. [IF THE PROPERTY IS JOINTLY OWNED: WHO OWNS IT, WHY IT WAS BOUGHT AND WHAT IT IS USED FOR, AND THE WELFARE OF ANY CHILDREN WHO LIVE THERE. DELETE THIS PARAGRAPH IF IT DOES NOT APPLY.]

5. My payment proposal. I attach a financial statement. I can pay £[AMOUNT] a month towards the debt, starting on [DATE]. [I HAVE KEPT TO THE INSTALMENTS ORDERED ON [DATE].]

6. What I ask the court to do. I ask the court to dismiss the claim. If the court is minded to make an order, I ask that it be postponed until [DATE OR EVENT], or suspended for as long as I pay £[AMOUNT] a month.

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 your acknowledgment of service within 14 days of the claim being served (CPR 8.3). Send this statement to the court and the creditor with your financial statement. England and Wales only. Full explanation: therealdebty.com, search for order for sale.