

**Order for sale  
following a charging  
order**  
(property solely owned by  
judgment debtor)

In the

Claim No.

Appn. No.

Claimant

Defendant

On the \_\_\_\_\_ 20 \_\_, \_\_\_\_\_ sitting at \_\_\_\_\_

heard \_\_\_\_\_

The claimant is entitled to an equitable charge upon the defendant's interest in the property \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[registered at H.M. Land Registry under Title No. \_\_\_\_\_]

("the property") \_\_\_\_\_

under a charging order made on the \_\_\_\_\_

in the \_\_\_\_\_ in Claim No. \_\_\_\_\_

**and the court orders that**

1. The remainder of this order will not take effect if the defendant by 4.00 p.m. on the \_\_\_\_\_ 20 \_\_\_\_ pays to the claimant the judgment debt of £\_\_\_\_\_ secured by the charge and his costs to date of this application assessed at £\_\_\_\_\_, making together £\_\_\_\_\_ [together \_\_\_\_\_ with interest at the rate of £\_\_\_\_\_ per day from the date of this order until payment is received by the claimant].
2. The property shall be sold without further reference to the court at a price not less than £\_\_\_\_\_, unless that figure is changed by a further order of the court.
3. The [claimant] [claimant's solicitor] will have conduct of the sale.
4. To enable the claimant to carry out the sale, there be created and vested in the claimant pursuant to section 90 of the Law of Property Act 1925 a legal term in the property of [3000 years] [one day less than the remaining period of the term created by the lease under which the defendant holds the property].
5. The defendant must deliver possession of the property to the claimant [on or before the \_\_\_\_\_ 20 \_\_\_\_] [within [\_\_\_\_\_] days of this order being served on him].

6. The claimant shall first apply the proceeds of sale of the property –
  - (i) to pay the costs and expenses of effecting the sale; and
  - (ii) to discharge any charges or other securities over the property which have priority over the charging order.
7. Out of the remaining proceeds of sale the claimant shall –
  - (i) retain the amount due to him as stated in paragraph 1; and
  - (ii) pay the balance (if any) [to the Defendant] [to \_\_\_\_\_] [into court].
8. Either party may apply to the court to vary any of the terms of this order, or for further directions about the sale or the application of the proceeds of sale, or otherwise



- (i) to pay the costs and expenses of effecting the sale; and
- (ii) to discharge any charges or other securities over the property which have priority over the charging order.

7. The claimant shall then divide the remaining proceeds of sale into two equal shares and –

- (i) pay one equal share to the second defendant; and
- (ii) out of the other equal share, retain the amount due to him as stated in paragraph 1, and pay the balance (if any) [to the first defendant] [to ] [into court].

8. Any party may apply to the court to vary any of the terms of this order, or for further directions about the sale or the application of the proceeds of sale, or otherwise.

## Stop Notice

### CPR rule 73.17

To *[insert name of person or body to whom the notice is addressed]*

TAKE NOTICE that

*[insert name and address]*

claims to be beneficially entitled to an interest in the following securities –

*[specify the securities, giving the name(s) in which they stand]*

This Notice requires you to refrain from –

- (1) registering a transfer of the securities specified above; or
- (2) paying any dividend or interest in respect of the securities *[delete if inappropriate];*

without first giving 14 days' notice in writing to the said *[insert name]* of the above address.