

Defence form
(mortgaged residential premises)

In the

Claim No.

|

|

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Claimant

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Defendant(s)

Date of hearing

Personal details

1. Please give your:

Forename(s)

Surname

Address *(if different from the address on the claim form)*

post code

Disputing the claim

2. Do you agree with what is said about the property and the mortgage agreement in the particulars of claim?

Yes

No

If No, set out your reasons below:

3. Do you agree that there are arrears of mortgage repayments as stated in the particulars of claim?

Yes

No

If No, state how much the arrears are:

£ _____

None

4. If the particulars of claim give any reasons for possession other than arrears of mortgage repayments, do you agree with what is said? Yes No

If No, give details below:

(Only answer these questions if the loan secured by the mortgage (or part of it) is a regulated consumer credit agreement)

5. Do you want the court to consider whether or not the terms of your original loan agreement are fair? Yes No
6. Do you intend to apply to the court for an order changing the terms of your loan agreement (a time order)? Yes No

Arrears

7. Have you paid any money to your mortgage lender since the claim was issued? Yes No

If Yes, state how much you have paid and when:

£ _____ date _____

8. Have you come to any agreement with your mortgage lender about repaying the arrears since the claim was issued? Yes No

I have agreed to pay £ _____ each (week)(month).

9. If you have not reached an agreement with your mortgage lender, do you want the court to consider allowing you to pay the arrears by instalments? Yes No

10. How much can you afford to pay in addition to the current instalments? £ _____ per (week)(month)

About yourself

State benefits

11. Are you receiving Income Support? Yes No

12. Have you applied for Income Support? Yes No

If Yes, when did you apply? _____

13. Does the Department of Social Security pay your mortgage interest? Yes No

Dependants *(people you look after financially)*

14. Have you any dependant children? Yes No

If Yes, give the number in each age group below:

under 11 11-15 16-17 18 and over

Other dependants

15. Give details of any other dependants for whom you are financially responsible:

Other residents

16. Give details of any other people living at the premises for whom you are not financially responsible:

Money you receive

		Weekly	Monthly
17. Usual take-home pay or income if self-employed <i>including overtime, commission, bonuses</i>	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Job Seekers allowance	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Pension	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Child benefit	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other benefits and allowances	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Others living in my home give me	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
I am paid maintenance for myself (or children) of	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other income	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Total income	£ _____	<input type="checkbox"/>	<input type="checkbox"/>

Bank accounts and savings

18. Do you have a current bank or building society account? Yes No

If Yes, is it

in credit? If so, by how much? £ _____

overdrawn? If so, by how much? £ _____

19. Do you have a savings or deposit account? Yes No

If Yes, what is the balance? £ _____

Money you pay out

20. Do you have to pay any court orders or fines? Yes No

Court	Claim/Case number	Balance owing	Instalments paid
Total instalments paid £			per month

21. Give details if you are in arrears with any of the court payments or fines:

22. Do you have any loan or credit debts? Yes No

Loan/credit from	Balance owing	Instalments paid
Total instalments paid £		per month

23. Give details if you are in arrears with any loan / credit repayments:

Regular expenses*(Do not include any payments made by other members of the household out of their own income)***24. What regular expenses do you have?***(List below)*

		Weekly	Monthly
Council tax	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Gas	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Electricity	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Water charges	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
TV rental & licence	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Credit repayments	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Mail order	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Housekeeping, food, school meals	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Travelling expenses	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Clothing	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance payments	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other mortgages	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Total expenses	£ _____	<input type="checkbox"/>	<input type="checkbox"/>

Priority debts**25. This section is for arrears only. Do not include regular expenses listed at Question 24.**

		Weekly	Monthly
Council tax arrears	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Water charges arrears	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Gas account	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Electricity account	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance arrears	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
Others <i>(give details below)</i>			
	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
	£ _____	<input type="checkbox"/>	<input type="checkbox"/>
	£ _____	<input type="checkbox"/>	<input type="checkbox"/>

26. If an order for possession were to be made, would you have somewhere else to live? Yes No

If Yes, say when you would be able to move in: _____

27. Give details of any events or circumstances which have led to your being in arrears with your mortgage (*for example divorce, separation, redundancy, bereavement, illness, bankruptcy*). If you believe you would suffer exceptional hardship by being ordered to leave the property immediately, say why.

Statement of Truth

*(I believe)(The defendant believes) that the facts stated in this defence form are true.

* I am duly authorised by the defendant to sign this statement.

signed _____ date _____

*(Defendant)(Litigation friend(*where defendant is a child or a patient*))(Defendant's solicitor)

**delete as appropriate*

Full name _____

Name of defendant's solicitor's firm _____

position or office held _____

(if signing on behalf of firm or company)