

Defence form (mortgaged residential premises)

Name of court	Claim No.
Name of Claimant	
Name of Defendant	
Date of hearing	

Personal details

1. Please give your:

Title ☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

First name(s) in full

Last name

Date of birth

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

Postcode

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 (give details below)			
	£ _____	<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)