

# Particulars of claim for possession

(mortgaged residential  
premises)

In the

Claim No.

Claimant

Defendant

1. The claimant has a right to possession of:

## About the mortgage

2. On \_\_\_\_\_ the claimant(s) and the defendant(s) entered into a mortgage of the above premises.

3. To the best of the claimant's knowledge the following persons are in possession of the property:

*[Delete (a) or (b) as appropriate]*

4 (a) The agreement for the loan secured by the mortgage (or at least one of them) is a regulated consumer credit agreement. Notice of default was given to the defendant(s) on \_\_\_\_\_ 20\_\_.

(b) The agreement for the loan secured by the mortgage is not (or none of them is) a regulated consumer credit agreement.

5. The claimant is asking for possession on the following ground(s):

(a) the defendant(s) (has)(have) not paid the agreed repayments of the loan and interest.

*Give details (as required under paragraph 2.5 of Practice Direction accompanying Part 55 of the Civil Procedure Rules):*

(b) because:

6. (a) The amount loaned was £

(b) The current terms of repayment are: *(include any current periodic repayment and any current payment of interest)*

(c) The total amount required to pay the mortgage in full as at \_\_\_\_\_ 20 (not more than 14 days after the claim was issued) would be £ \_\_\_\_\_ taking into account any adjustment for early settlement. This includes £ \_\_\_\_\_ payable for solicitor's costs and administration charges.

(d) The following additional payments are also required under the terms of the mortgage:

£	for	[not] included in 6(c)
£	for	[not] included in 6(c)
£	for	[not] included in 6(c)

(e) Of the payments in paragraph 6(d), the following are in arrears:

arrears of £

arrears of £

arrears of £

[(f) The total amount outstanding under the regulated loan agreement secured by the mortgage is £ \_\_\_\_\_ ]

(g) Interest rates which have been applied to the mortgage:

(i) at the start of the mortgage \_\_\_\_\_ % p.a.

(ii) immediately before any arrears were accrued \_\_\_\_\_ % p.a.

(iii) at the start of the claim \_\_\_\_\_ % p.a.

7. The following steps have already been taken to recover the money secured by the mortgage:

### **About the defendant(s)**

8. The following information is known about the defendant's circumstances:  
*(in particular say whether the defendant(s) (is)(are) in receipt of social security benefits and whether any payments are made directly to the claimant)*

*[Delete either (a) or (b) as appropriate]*

9. (a) There is no one who should be given notice of these proceedings because of a registered interest in the property under section 31(10) of the Family Law Act 1996 or section 2(8) or 8(3) of the Matrimonial Homes Act 1983 or section 2(7) of the Matrimonial Homes Act 1967.

(b) Notice of these proceedings will be given to \_\_\_\_\_ who has a registered interest in the property.

### **Tenancy**

10. A tenancy was entered into between the mortgagor and the occupier named in paragraph 3 above  
with the authorisation of the mortgagee *(delete if not applicable)*

**Or**

without the authorisation of the mortgagee *(delete if not applicable)*.

If a tenancy was entered into with the authorisation of the mortgagee explain what if any steps the mortgagee intends should be taken in respect of that tenancy.

## What the court is being asked to do

11. The claimant asks the court to order that the defendant(s):
- (a) give the claimant possession of the premises;
  - (b) pay to the claimant the total amount outstanding under the mortgage.

### Statement of Truth

\*(I believe)(The claimant believes) that the facts stated in these particulars of claim are true.

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

signed \_\_\_\_\_ date \_\_\_\_\_

\*(Claimant)(Litigation friend (*where claimant is a child or a patient*))(Claimant's solicitor)

*\*delete as appropriate*

Full name \_\_\_\_\_

Name of claimant's solicitor's firm \_\_\_\_\_

position or office held \_\_\_\_\_  
*(if signing on behalf of firm or company)*