**In the Family Court No: [*Case number*]**



**sitting at [*Court name*]**

**[The Matrimonial Causes Act 1973] /**

**[The Civil Partnership Act 2004] /**

**[Schedule 1 to the Children Act 1989] /**

**[The Inheritance (Provision for Family and Dependants) Act 1975] /**

**[The Matrimonial and Family Proceedings Act 1984 and Schedule 7 to the Civil Partnership Act 2004]**

**(Delete as appropriate)**

**The** **[Marriage] /** **[Relationship] /** **[Family] of [*applicant name*] and [*respondent name*] (Adapt as necessary)**

After hearing [*name of advocates*]

After consideration of the documents lodged by the parties

**(In the case of an order made without notice)** After reading the statements and hearing the witnesses specified in para [*para number*] of the Recitals below

**ORDER FOR EXECUTION OF AN INSTRUMENT BY A NOMINATED PERSON MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**(Delete as appropriate)**

**The parties**

1. The applicant is [*applicant name*]

The respondent is [*respondent name*]

Further respondent(s): [*further respondents names*]

**(Specify if any party acts by a litigation friend)**

**Definitions**

1. Family Home

The “family home” shall mean [*family home address*] registered at the Land Registry with title number [*title number*].

1. Other properties
   1. “[*Other property name*]” shall mean [*other property address*] registered at the Land Registry with title number [*number*];
   2. [*etc*].

**Recitals**

1. **(In the case of an order made without notice)**
   1. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was [*insert*].
   2. The Judge read the following [affidavits] / [witness statements] / [*insert*] and heard oral testimony from [*name*].
2. **(In the case of an order made following the giving of short informal notice)**

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was [*insert*].

**Findings of the court**

**(For example)**

1. [*Name of proposed purchasers*] have made an offer to purchase the [the family home] / [*other property name*] for £[*amount*].]
2. [The court is satisfied that this price appears to be the best price reasonably obtainable on a sale of the property.]
3. [The court is further satisfied that the relevant conveyancing documents, including the contract for sale, were presented to the respondent by [*name of conveyancing solicitors*] on [*date*] along with a request that they were returned to them by the respondent. These documents have never been returned to [*name of conveyancing solicitors*] by the respondent.]
4. [The respondent has neglected or refused to comply with the order of [*date*] to] sign and execute the relevant conveyancing documents.]

**Undertakings to the court**

1. [*Insert***(Record any undertakings given)**]*.*

**IT IS ORDERED THAT:**

1. [The respondent shall by [*date and time*] / [forthwith] sign [and] / [or] execute and return to [the applicant] / [the conveyancing solicitors] / [*etc.*] [*insert documents*] / [all documents necessary to effect [**(for example)** the sale of the property to the proposed purchasers]].]
2. In default of the respondent having signed [and] / [or] execute [*insert documents*] / [all documents necessary to effect [**(for example)** the sale of the property to the proposed purchasers]] by [*date and time*] / [within 7 days of the date of this Order], the documents shall be signed [and] / [or] executed by a District Judge of [the Family Court sitting at [*name of court*]] /[*name of court*] on behalf of the respondent in accordance with section 39 of the Senior Courts Act 1981 [as applied by section 38 of the County Courts Act 1984].
3. The respondent shall pay the applicant’s costs of this application [summarily assessed at £[*amount*]] / [to be subject to detailed assessment in accordance with the Civil Procedure Rules 1998 Part 47 if not agreed] by [*date and time*].

Dated [*date*]

**(Where undertakings have been given)**

**Notice pursuant to PD 37A para 2.1**

You [*applicant name*], and you [*respondent name*], may be sent to prison for contempt of court if you break the promises that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*applicant name*]

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*respondent name*]