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

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

**Order for Possession under CPR Part 55**



**The** **[Marriage] /** **[Relationship] /** **[Family] of [*applicant name*] and [*respondent name*]**

**(Adapt as necessary)**

After hearing [*name(s) of advocate(s)*]

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 POSSESSION MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**(Delete as appropriate)**

|  |
| --- |
| **IMPORTANT NOTICE TO THE RESPONDENT, [*RESPONDENT NAME*] OF [*RESPONDENT ADDESS*]**  **YOU MUST OBEY THIS ORDER. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. [(In without notice cases) You have a right to apply to the court to change or cancel the order.]**  **WARNING: IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED**  **YOU MAY ALSO BE PREVENTED FROM MAKING ANY APPLICATION TO COURT IF YOU DO NOT DISCHARGE THESE OBLIGATIONS BY THE DUE DATE.** |

**The parties**

1. The applicant is [*applicant name*]

The respondent is [*respondent name*]

**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)**
2. 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*].
3. The Judge read the following [affidavits] / [witness statements] / [*insert*] and heard oral testimony from [*name*].
4. **(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*].

1. **(In the case of short service previously granted)**

The respondent was served with notice of this application on [*date*] by [*method of service*]. The court ordered that the usual time for service of the claim form of 5 days under rule 55.5(2) be shortened because [*reason*].

**Findings of the court**

**(For example)**

1. [On [*date*], [the court] / [*name of judge*] ordered the sale of [the family home] / [*other property/ies name(s)*] at the best price reasonably obtainable.]
2. [On [*date*], [the court] / [*name of judge*] ordered the respondent to vacate the property in the event that there had been no exchange of contracts for its sale by [*date*] and ordered that from this date, [his] / [her] presence in the property would amount to trespass.]
3. [The applicant has made this application, stating that the respondent remains in occupation of the property and will not vacate it.]
4. [The court is satisfied that the respondent [is] / [remains] in occupation of the property and [his] / [her] presence there is as trespasser.]

**IT IS ORDERED THAT:**

1. The time for service of the claim for under CPR 55.5(2) is hereby shortened.
2. The respondent shall give the applicant possession of [*family home name*] / [*other property/ies name(s)*] by [*date and time*].
3. The respondent shall pay the applicant £[*amount*] for the period [*insert*] and £[*amount*] per day from [*date*] until possession of the property is given to the applicant.
4. This order shall be served on the respondent by [*insert method of service*].

Dated [*date*]

**To the respondent**

The court has **ordered you to leave** the property by the date stated in paragraph [*para number*] above.

**Important Notes to the Respondent**

**(If detailed assessment of costs is ordered)**

The applicant will send you a copy of the bill of costs with a notice telling you what to do if you object to the amount. If you do object, the applicant will ask the court to fix a hearing to assess the amount.

**(If there is an order to pay money)**

Payments should be made to the applicant, not to the court. If you need more information about making payments, you should contact the applicant.

**(If there is an order to pay money, made in a county court)**

If you do not pay the money owed when it is due and the applicant has to take steps to enforce payment, the order will be registered in the Register of County Court Judgments. This may make it difficult for you to get credit. Further information about registration is available in a leaflet which you can get from any county court office.

**(If judgment was made in the absence of the respondent)**

If you believe that this order should not have been made, you may apply for the order to be set aside if you act promptly. You must make an application to this court and support your application with evidence. You should consider taking legal advice if you have not already done so.