**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 the advocate(s) who appeared*]

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 SALE 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)**

**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**

1. On [*date*], [*name of judge*] made an order under case number [*case number*] requiring the respondent to pay money to the applicant.
2. On [*date*], [*name of judge*] made a final charging order under case number [*case number*], charging the respondent’s interest in the property at [*property full address including Land Registry title number*] with payment of the sum £[*amount*] including interest to [*date*], together with any further interest becoming due at the rate of [*percentage*]% from [*date*], and the costs of that application.
3. The applicant is entitled to an equitable charge upon the respondent’s interest in the property at [*property full address including Land Registry title number*] under that charging order.

**IT IS ORDERED THAT:**

1. The remainder of this order will not take effect if the respondent by 4pm on [*date*] / [within [*number*] days of this order being served on [him] / [her]] pays to the applicant the sum of £[*amount*] secured by the charge and 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*]], together with interest at the rate of [*percentage*]% from the date of this order until payment is received by the applicant.
2. The property shall be sold without further reference to the court at a price not less than £[*amount*], unless that figure is changed by a further order of the court.
3. The applicant will have conduct of the sale.
4. The court pursuant to section 50 of the Trustee Act 1925 appoints the [applicant] / [applicant’s solicitors] to convey the property.
5. [To enable the applicant to carry out the sale, there be created and vested in the applicant pursuant to section 90 of the Law of Property Act 1925 a legal term in the property of one day less the remaining period of the term created by the lease under which the respondent holds the property.]
6. [The respondent must deliver possession of the property to the applicant on or before [*date*] / [within [*number*] days of this order being served on [him] / [her].]
7. The applicant shall first apply the proceeds of sale of the property:
   1. to pay the costs and expenses of effecting the sale; and
   2. to discharge any charges or other securities over the property which have priority over the charging order.
8. **(If the property is jointly owned by the respondent and a third party)**

[The applicant shall then divide the remaining proceeds of sale into two equal shares and:

* 1. pay one equal share to the respondent; and
  2. out of the other equal share, retain the amount due to [him] / [her] as stated in paragraph [*para number*] above and pay the balance (if any) to the respondent.]

1. **(If the property is solely owned by the respondent)**

[Out of the remaining proceeds, the applicant shall retain the amount due to [him] / [her] as stated in paragraph [*para number*] above and pay the balance (if any) to the respondent.]

1. Any party may apply to the Court to vary any of the terms of this Order, or for further directions about the sale or the application of the proceeds of sale, or otherwise.

Dated [*date*]