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



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

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

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

**[The Child Support Act 1991] /**

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

**(Delete as appropriate)**

|  |
| --- |
| **IMPORTANT NOTICE TO THE RESPONDENT, [RESPONDENT NAME] OF [REPSONDENT ADDRESS]**  **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*]

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*].
2. Mortgages
   1. "The [*insert*] mortgage" shall mean the mortgage secured upon [*property name*] in favour of [*name of mortgagee*];
   2. [*etc*].

1. “The net proceeds of sale” shall mean the actual sale price of the property concerned (including any sum paid for fixtures and fittings) less the amount outstanding on the mortgage, the solicitors’ conveyancing costs, estate agents’ costs and any other costs in connection with the sale which have been agreed by the parties.

**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. [*Name of judge*] made an order on [*date*] for [*the family home*] / [*other property/ies name(s)*] to be sold, and for the applicant to receive a lump sum of [£[*amount*]] / [such sum as is required to discharge the respondent’s obligations under the order of [*name of judge*] of [*date*]].
2. The property has not been sold.

**(Insert findings re reasons for lack of sale – see below for examples)**

1. [The property has been marketed for sale by [*name of estate agents*], [making use of the appropriate advertising and other marketing strategies], at the following asking prices since that date:

|  |  |  |
| --- | --- | --- |
| From | To | Price |
| [*date*] | [*date*] | £[*amount*]] |
| [*etc*] |  |  |

1. [Only the following offers for purchase have been received for the property:

|  |  |  |
| --- | --- | --- |
| Date | Offeror | Price |
| [*date*] | [*name*] | £[*amount*]] |
| [*etc*] |  |  |

1. [The estate agents gave the following professional views in the light of their experience in the market generally and with the property in particular:
   1. that the property should now be marketed at a price of £[*amount*]; and
   2. that further reductions down to a figure of £[*amount*] may be needed to secure the disposal of the property in the current market].
2. [The court is satisfied that that the regime suggested by the estate agents is the appropriate marketing regime.]
3. [The respondent has [not given] / [refused to give] [his] / [her] approval to the marketing strategy proposed by the estate agents.]
4. **Undertakings to the court**

**(Record any undertakings given)**

**IT IS ORDERED THAT:**

1. [Both parties] / [The applicant] shall have conduct of the sale.
2. [The parties shall appoint [*name of new estate agents*] in place of [*name of current estate agents*] by [*date*] in accordance with their terms of business dated [*date*] and providing for commission at [*percentage*]% plus VAT of the sale price; and shall sign the terms of business and deliver the terms of business to the estate agents by [*date*].]
3. [The estate agents will be instructed on the basis that:
   1. a representative from the estate agent will attend with each prospective purchaser who wishes to view the property;
   2. the estate agents will report to the parties simultaneously as to such arrangements and the results of any viewing; and
   3. the estate agents will give the same information guidance and support to the parties at all stages including the guidance given as to offers made for the property.]
4. [The parties shall appoint [*name of new conveyancing solicitors*] in place of [*name of current conveyancing solicitors*] by [*date*] in accordance with their terms of business dated [*date*]; and shall sign the terms of business and deliver the terms of business to the conveyancing solicitors by [*date*] / [within [*number*] days of acceptance of an offer for the property.]
5. [The property shall be placed on the open market for sale immediately for a price of no higher than £[*amount*] and no lower than £[*amount*], as recommended by the estate agents.]
6. [The property shall be sold for a price no lower than £[*amount*].]
7. [The parties shall deliver to the conveyancers the signed and executed contract for sale within [*number*] days of the documents being presented to them.]
8. [The property shall continue to be marketed until exchange of contracts for the sale of the property [unless the parties agree that it should be withdrawn from the market].]
9. **Costs**

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 33A para 1.4**

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

**Statements pursuant to PD 33A para 1.5**

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*]