

Form 18: Writ of Possession

[Part 46]

(Heading as in Form 1) -

Request for Issue of Writ of Possession

To the Court
[We] [I] of
(Tel Fax) [Legal practitioners for the]
[in person]

apply for the issue of a Writ of Possession against the judgment debtor to recover possession of the land and property known as

(description of property) and also to recover the sum stated below.

Amount of judgment (if any)	\$.....
Costs	\$.....
Interest	\$.....
Rent/mesne profits to date	\$.....
Total sum due	\$.....
Less: Paid since judgment	\$.....
Balance of judgment now due	\$.....
Plus: Fee on issue	\$.....
Legal practitioner's costs on issue	\$.....
Amount for which writ to issue	\$.....

[We] [I] certify that

- (a) the claimant is entitled to possession and that the defendant has not complied with any conditions upon which the order for possession was suspended;
- (b) the balance of judgment and rent/mesne profits now due is as shown above.

Dated.....

Signed.....
[Legal practitioners for the] Claimant/Defendant

Writ of Possession

To: To: The Marshal

You are required to take possession of the property known as _____
(description of property)

and to deliver the same to the claimant/defendant or the claimant's/defendant's representative and also to levy the sum stated above together with interest at the rate of _____ % per annum from the _____ day of 20 _____ until payment together with the marshal's poundage fees, cost of levying and all other legal incidental expenses and to pay the amount levied in respect of the judgment debt, fees, costs and interest to the [claimant] [defendant].

You are also required to indorse on this Writ immediately after execution a statement of the manner in which you have executed it and send a copy to the [claimant] [defendant].

Dated _____

[SEAL]

Notice to Judgment Debtor

Notice of taking possession

You have failed to give up possession of the property described overleaf and the Marshal is authorised to enter the land to take possession of the property and deliver possession to the claimant.

Notice of levy

The Marshal has levied on your goods in order to discharge the judgment for [arrears of rent] [damages] [rent] [mesne profit] and [costs]. This means that you must not dispose of them as the Marshal may have to take them and sell them, at a public auction.

Payment of the money judgment

If you are able to pay the money judgment in full, the Marshal will not need to remove your goods. You will have to pay the full amount of the judgment plus interest and the costs of issuing this writ together with the Marshal's fees. You will be given a receipt for any money that you pay.

If your goods are removed

- you will be given a list of the goods removed
- the goods will not be sold for at least [] days – unless they are perishable
- you will be given [] days notice of the date and place of sale
- further fees may be charged and added to the debt
- these fees could include the cost of removing the goods and the fees charged by the auctioneer.

When the goods are sold

You will be given a written statement as to the sale and the distribution of the proceeds of sale.

If the sale is stopped

You will normally have to pay a fee and any expenses incurred in removing the goods or advertising the sale.

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, FAX xxx.xxxx. The office is open between [...a.m.] and [.....p.m.]..... to.....except public holidays.