**In the Family Court Case 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] /** **[Civil Partnership] / 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 [first] respondent is [*respondent name*]
[The second respondent is [*respondent name*]]
[The third[*etc*] respondent is [*respondent name*]]
[The intervener is [*intervener name*]]
**(Specify if any party acts by a litigation friend)**

## Definitions

1. Family home

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

1. Other properties
	1. “[*Other property name*]” means [*other property address*] registered at the Land Registry with title number [*title 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 [*set out*] and heard oral evidence 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 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 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 [**(e.g.)** the sale of the property to the proposed purchasers]].]
2. In default of the respondent having signed [and] / [or] executed [*insert documents*] / [all documents necessary to effect [**(e.g.)** the sale of the property to the proposed purchasers]] [by [*date and time*]] / [within 7 days of the date of this order], the applicant may make a without notice application for the documents to be signed [and] / [or] executed by a judge of the Family Court sitting at [*court name*]on behalf of the respondent in accordance with section 39 of the Senior Courts Act 1981.

## Costs

1. [No order as to costs.] / [The [applicant] / [respondent] shall pay [towards] the [respondent’s] / [applicant’s] costs of and relating to this application [including the costs reserved by the order[s] made on [*date(s)*]], summarily assessed at £[*amount*] (inclusive of VAT and disbursements) by [*date*].] / [The [applicant] / [respondent] shall pay [*proportion*] of the [respondent’s] / [applicant’s] costs of and relating to this application [including the costs reserved by the order[s] made on [*date(s)*]], to be subject to detailed assessment on the [standard] /[indemnity] basis if not agreed.]

Dated [*date*]

**(Where undertakings have been given)**

**You may be held to be in contempt of court and imprisoned or fined, or your assets may be seized, if you break the promises that you have given to the court.**

**If you fail to pay any sum of money which you have promised the court that you will pay, a person entitled to enforce the undertaking may apply to the court for an order. You may be sent to prison if it is proved that you-**

**a. have, or have had since the date of your undertaking, the means to pay the sum; and**

**b. have refused or neglected, or are refusing or neglecting, to pay that sum.**

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*]

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

[*respondent name*]