**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 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 APPOINTING A RECEIVER 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. The “nominee” means [full name] of [address], a [occupation].
2. “The property” means [*family home address*] / [*other property address*] registered at the Land Registry with title number [*title number*].
3. “The security particulars” means [*specify*].

## 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*].

1. This is an order appointing a receiver, and giving directions as to the manner in which the receiver will carry out his role, made pursuant to Civil Procedure Rules 1998 Part 69.

## Findings of the court

1. On [*date*], [the court] / [*name of judge*] made an order requiring the respondent to [*insert* **(e.g. ‘pay a lump sum to the applicant of £[amount] by [date and time]’)**].
2. The requirements contained in that order were set out clearly to the respondent and served personally on [him] / [her] on [*date*].
3. The following attempts to enforce the order have been undertaken by the applicant:
	1. [*insert*]
4. Despite these steps the amounts set out in paragraph [*para number*] above remain undischarged.
5. As at today’s date, the following sums are due from the respondent:

|  |  |
| --- | --- |
| Sums remaining due for payment under the order | £[*amount*] |
| Interest to the date of the order | £[*amount*] |
| Quantified costs incurred prior to the date of the hearing | £[*amount*] |

1. The applicant has sufficiently proved that alternative enforcement methods are unlikely to be effective.
2. The value of the property and its likely income is as follows:

|  |  |  |
| --- | --- | --- |
| **Item** | **Value** | **Likely Income** |
| [*Item*] | £[*amount*] | £[*amount*] |
| [*Item*] | £[*amount*] | £[*amount*] |

1. The nominee appears to be a suitable person to act as receiver.
2. The security particulars represent (pending further order) appropriate security for the appointment of the nominee as receiver to proceed.
3. The receiver indicates that [his] / [her] costs of securing the discharge of the debt (together with the costs [he] / [she] anticipated of this hearing and the receiver’s costs themselves) are likely to be between £[*amount*] and £[*amount*] which the court takes into account in making this appointment.

**IT IS ORDERED THAT:**

1. [The nominee is appointed to act as receiver.]
2. [The nominee shall file at court and serve on [*name*] evidence that security is in place in accordance with the security particulars no later than [*date and time*].]
3. [The nominee shall be appointed to act as receiver from such date being no later than [*date*] that the receiver files at court and serves on [*name*] evidence that security is in place in accordance with the security particulars.]
4. The nominee shall stand as receiver in relation to the properties.
5. [He] / [She] shall have control of those properties from the date of this Order.
6. [He] / [She] shall be entitled to [receive all rents and profits or other monies formally due to the respondent and/or receivable by the respondent in respect of [his] / [her] interest in the [property] / [properties]] / [*specify as appropriate*]. Those formally obligated to effect payment to the respondent in respect of [this property] / [those properties] shall from the date of service upon them of this order and until further notice from the court, make payment of the sums due to [*full name of the receiver*] and a receipt from the receiver shall be a good and sufficient discharge of such obligations as would otherwise have been due to the respondent.
7. [He] / [She] shall not receive more than the amount of the judgment debt and allowed costs of obtaining this order set out in paragraph [*para number*] above without permission of the court.
	1. [This appointment shall be without prejudice to the rights of any prior incumbrancers upon [this property] / [these properties] who may think proper to take possession of or receive the same by virtue of their respective securities or, if any prior incumbrancer is in possession, then without prejudice to such possession.
	2. The receiver has permission, if [he] / [she] shall think proper (but not otherwise), out of the rents, profits and moneys to be received by [him] / [her] to keep down the interest upon the prior incumbrances, according to their priorities, and be allowed such payments, if any, in passing [his] / [her] accounts.]
8. The applicant shall serve notice of [his] / [her] appointment in the form required by [*date and time*] upon the following:
	1. [*insert*]
9. The directions set out in the schedule attached hereto shall apply to this appointment to assist the nominee in proper discharge of [his] / [her] functions as a receiver.
10. The parties served with the receiver’s accounts (as provided in the schedule) may apply for an order permitting the inspection of documents relevant to those accounts and/or serve notice on the receiver specifying the items in the account to which [he] / [she] objects, giving reasons for that objection and requiring the receiver either to notify all parties served with the accounts of [his] / [her] acceptance of the objection and otherwise requiring the receiver to apply for an examination of the contested item.
11. The application shall be listed for a further hearing before a [District] / [Circuit] / [High Court] Judge at the Family Court sitting at [*court name*] on [[*date*] at [*time*]] / [the first open day after [*date*]] with a time estimate of [*days/hours*].
12. [Costs in the application.] / [No order as to costs.] / [The [applicant] / [respondent] shall pay [towards] the [respondent’s] / [applicant’s] costs of and relating to this hearing [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 hearing [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]. / [The costs of this hearing are reserved to the judge at the hearing listed at paragraph [*para number*] above.]

Dated [*date*]

**SCHEDULE SETTING OUT RECEIVER’S POWERS AND OBLIGATIONS UNDER THIS APPOINTMENT**

1. The receiver will pay to [*name*] the sums received in consequence of this appointment [after discharge from those monies of the disbursements reasonably incurred [and a reasonable sum on account of [his] / [her] costs incurred] in the discharge of this office].
2. The receiver will file at court accounts showing all monies [received by [him] / [her]] / [disbursed by [him] / [her]] / [remitted by [him] / [her]] by no later than [*date and time*] [and at [yearly] / [6 monthly] intervals thereafter].
3. Those accounts shall be served on:
4. The respondent
5. The applicant
6. [*Specify other*]
7. Those served with the accounts shall have a right to inspect the papers relating to the receiver’s discharge of this appointment and [reflected] / [summarised] in those accounts within office hours on reasonable notice, notified to the receiver within [*number*] days of service of such accounts.
8. If the court requires the receiver to attend court in connection with an allegation of non-compliance with any rule, practice direction or direction as to the carrying out of [his] / [her] duties [he] / [she] must do so. In default the court may [terminate the appointment] / [give directions reducing the receiver’s remuneration] / [make orders as to the payment of the costs of any party].
9. The court may give directions requiring the receiver to pay monies into court. In default of compliance with such an order, the court may further order that interest be paid on that sum.
10. The following further provisions shall apply to the receiver’s remuneration:
	1. [*insert*].
11. The receiver may apply for further directions relating to the discharge of [his] / [her] functions.