

Debt Arrangement and Attachment (Scotland) Act 2002 section 29(4)

Sheriff Court

(name)

Court Ref. No.

200

<b>APPLICATION FOR AN ORDER FOR A NEW AUCTION</b>		(1)  <b>APPLICANT</b>
	<b>A</b>	<b>The Applicant is the Creditor</b>
(1) <i>Insert name and address</i>	<b>B</b>	<b>Other persons having an interest</b> (1)  <b>The Debtor</b> (1)  <b>Officer of Court</b>
(2) <i>Insert name</i>	<b>C</b>	<b>Decree was granted in an action by the Creditor(s)</b> (2)  <b>In the Court of Session/Sheriff Court at</b>  <b>on 200 against the Debtor(s) (2)</b> <i>(or give details of other document or summary warrant on which the attachment proceeded)</i>
(3) <i>Insert address</i>	<b>D</b>	<b>*An attachment was carried out by (2)</b>  <b>Officer of Court on the instructions of the Creditor</b>  <b>on 200 at (3).</b>
	<b>E</b>	<b>The auction due to take place at (3)</b>  <b>on 200 (insert date) was cancelled for the purposes of enabling the sum recoverable to be paid in accordance with an agreement between the Creditor and Debtor</b>  <b>A report of the agreement was reported to the Sheriff on 200</b>
<i>State nature of the breach</i>		<b>The Debtor has failed to carry out the agreed terms and is now in breach of the agreement because</b>

<p><i>*delete as appropriate</i></p>	<p><b>This application is made under Section 29(4) of the Debt Arrangement and Attachment (Scotland) Act 2002.</b></p> <p><b>The Applicant asks the court:-</b></p> <p><b>1 To fix a Hearing</b></p> <p><b>2 To order the Sheriff Clerk to intimate this application and the date of the hearing to the Applicant, the Debtor and the Officer of Court who carried out the attachment</b></p> <p><b>*3 To order that the Debtor is in breach of the agreement made on 200 (insert date) and to authorise the Officer of Court to resume arrangements for the auction of the attached article(s)</b></p> <p><b>*4 To order that as the auction cannot be implemented in accordance with the provisions of the Act, that those provisions which prevent such implementation are not to apply for the purposes of the attachment and auction of the article(s)</b></p> <p><b>5 To award expenses (if competent)</b></p> <p><i>(Date)</i></p>
<p>IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/ LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR</p>	