

Debt Arrangement and Attachment (Scotland) Act 2002 section 47(1)

Sheriff Court

(name)

Court Ref. No.

200

<b>APPLICATION FOR EXCEPTIONAL ATTACHMENT ORDER</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>
(2) <i>Insert name</i>  <i>Give details of the nature of the debt particularly whether it relates to tax, duty or any trade or business carried on by the Debtor and produce an extract</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)</i>
(3) <i>Insert address</i>	<b>D</b>	<b>Address of dwelling-house where exceptional attachment order is to be executed (3)</b>  <b>The debtor does/*not reside at dwelling-house</b>  <b>The debtor does/*not carry on a trade or business in this dwelling-house</b>
<i>(give details)</i>		<b>The creditor has taken steps to negotiate (or seek to negotiate) a settlement of the debt*</b>
<i>(give details)</i>		<b>The creditor has taken steps to execute (or attempt to execute) an arrestment and action of furthcoming or sale, and an earnings arrestment in order to secure payment of the debt</b>
<i>(*delete as appropriate and give details if necessary)</i>		<b>A Time to Pay Direction/Time to Pay Order was made/not made in respect of this *debt/another debt. If made it has lapsed/ is still in force</b>
<i>(*delete as appropriate and give details if necessary)</i>		<b>*The Debtor has been provided with a debt advice and information package</b>

	<p><b>There is a reasonable prospect that the sum recovered from auction of non essential assets of the debtor kept in the dwellinghouse would be at least equal to the aggregate of chargeable expenses and £100</b></p> <p><i>(include details of any other matters that you wish the sheriff to take into account)</i></p>
	<p><b>This application is made under Section 47(1) 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 Creditor and Debtor</b></p> <p><b>3 To serve the debtor with a copy of form</b> <i>(insert number)</i></p>
<p><i>(*delete as appropriate)</i></p>	<p><b>4* To order the debtor to receive a visit for the purpose of money advice</b></p> <p><b>5 To make an exceptional attachment order authorising within <i>(specify time)</i> the attachment, removal and auction of non essential assets of the debtor which are, at the time when an attachment is executed, kept in the dwellinghouse specified above</b></p> <p><b>6 To appoint <i>(insert name)</i> officer of court, to arrange for such attachment, removal and auction, and to grant authority to open shut and lockfast places for these purposes</b></p> <p><i>(Date)</i></p>
<p><b>NOTE: IF NECESSARY ATTACH A SEPARATE SHEET FOR DETAILS IN SECTION D</b></p>	
<p>IF YOU WISH FURTHER ADVICE CONTACT ANY CITIZENS ADVICE BUREAU/ LOCAL ADVICE CENTRE/SHERIFF CLERK OR SOLICITOR</p>	