

This is an example of the form that the lender will send to an entitled resident to notify them that they intend to apply to court to enforce the security over the property they are living in. If the court grants their application then the property they are living in may be repossessed and they would be evicted. To respond to this form an entitled resident should fill out Form 11E.

In this form:

- “A.B.” refers to the mortgage lender
- “C.D.” refers to the mortgage holder
- “E.F.” refers to another party, for example a partner of the mortgage holder, who may also be liable for the mortgage
- “G.H.” refers to another party who may have been instructed by the mortgage lender to claim the debt owed under the mortgage agreement

Form 11D

Rule 3.4.6

Form of notice to entitled residents in an application for enforcement of security over residential property

Notice to an entitled resident in an application for repossession of the property at (*insert address of security subjects*).

SHERIFFDOM OF (*insert name of sheriffdom*)

AT (*insert place of sheriff court*)

[A.B.], (*insert designation and address*), Pursuer

against

[C.D.], (*insert designation and address*), Defender

Court ref. no:

To: (*insert name and address of entitled resident*)

Attached to this notice is a copy of an application by (*insert name of pursuer*) under [insert reference to provision or provisions under which application is made]. **IF THE APPLICATION IS GRANTED, THE PROPERTY AT (*INSERT ADDRESS OF SECURITY SUBJECTS*) MAY BE REPOSSESSED AND YOU WOULD NO LONGER HAVE THE RIGHT TO RESIDE THERE.** A Form 11E application form is also attached.

This Notice—

(a) gives you warning that an application has been made to the sheriff court for an order which may affect your interest as an entitled resident under [*insert reference to relevant provision or provisions*] in the property at (*insert address of security subjects*); and

(b) informs you that an entitled resident may apply to the court to continue the proceedings or make any other order [*insert reference to relevant provision or provisions*] of that Act.

IF YOU WISH TO MAKE AN APPLICATION FOR AN ORDER UNDER [INSERT REFERENCE TO RELEVANT PROVISION OR PROVISIONS] you should complete and lodge Form 11E with the sheriff clerk at *(insert name and address of sheriff court)*.

IF YOU ARE UNCERTAIN AS TO WHAT ACTION TO TAKE you should consult a solicitor. You may be eligible for legal aid depending on your income, and you can get information about legal aid from a solicitor. You may also obtain advice from an approved lay representative, or any Citizens Advice Bureau or other advice agency.

PLEASE NOTE THAT IF YOU DO NOTHING IN ANSWER TO THIS DOCUMENT the court will consider the application in the absence of you or your representative.

(Signed)
[P.Q.], Sheriff Officer, or
[X.Y.] *(add designation and
business address)* Solicitor