

This is an example of the form that an entitled resident must fill out if they wish to continue the court action or persuade the court to make any other order that may be open to them. This is the form that an entitled resident would use to respond to Form 11D.

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 11E

Rules 3.4.6 and 3.4.7

Form of application to court by entitled resident

Application to court by an entitled resident in proceedings for repossession of the property at (*insert address of security subjects*).

Sheriff Court:

Date:

Court ref. no.

1. This application is made [by/on behalf of] (*delete as appropriate*) (*insert name and address of entitled resident*).
2. The applicant is an entitled resident within the meaning of section 24C(1) of the Conveyancing and Feudal Reform (Scotland) Act 1970 and/or, as the case may be, section 5D of the Heritable Securities (Scotland) Act 1894 because his or her sole or main residence is the security subjects (in whole or in part) at (*insert address of security subjects*) and (**tick one box as appropriate*)—
 - (a) *he or she is the proprietor of the security subjects (where the proprietor is not the debtor in the security);*
 - (b) *her or she is the non-entitled spouse of the debtor or the proprietor of security subjects which are (in whole or in part) a matrimonial home;*
 - (c) *he or she is the non-entitled civil partner of the debtor or the proprietor of security subjects which are (in whole or in part) a family home;*
 - (d) *he or she is a person living together with the debtor or the proprietor as husband and wife;*
 - (e) *he or she is a person living together with the debtor or the proprietor in a relationship which has the characteristics of the relationship between civil partners;*
 - (f) *he or she lived together with the debtor or the proprietor in a relationship described in (d) or (e) and—*
 - (i) *the security subjects (in whole or in part) are not the sole or main residence of the debtor or the proprietor;*

- (ii) *he or she lived together with the debtor or the proprietor throughout the period of 6 months ending with the date on which the security subjects ceased to be the sole or main residence of the debtor or the proprietor; and*
 - (iii) *the security subjects (in whole or in part) are the sole or main residence of a child aged under 16 who is a child of both parties in that relationship.*
3. The applicant believes that the court should consider this application because *(insert relevant details)*—
4. The applicant asks the court to make an order under section 24B(1) of the Conveyancing and Feudal Reform (Scotland) Act 1970 and/or section 5C(1) of the Heritable Securities (Scotland) Act 1894 for *(insert details of what you wish the court to do and why)*—

WHAT HAPPENS NEXT: When you lodge this form at the sheriff clerk's office, the sheriff will fix a hearing for all those with an interest to appear and be heard. You are required to serve upon every party and intimate to every entitled resident a copy of this form, together with details of the date, time and place of the hearing.

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.

Date *(insert date)*

(Signed)
[P.Q.], (Applicant),
or [X.Y.], *(add designation and address of Applicant's representative)*

DIET ASSIGNED

At *(insert place)* on *(insert date)*, the court assigns the *(insert date of hearing)* at *(insert time)* at *(insert name of sheriff court)* as a diet for hearing parties on the Form 11E application.

Date *(insert date)*

(Signed)
Sheriff Clerk

EXECUTION OF CITATION

At *(insert place)* on *(insert date)*, I hereby certify that upon the *(insert date)*, I duly served upon every party and intimated to every entitled resident a copy of this Form 11E application, together with details of the hearing. This I did by *(insert method of service/intimation)*.

Date *(insert date)*

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