Defendant: client name

First Witness statement

CN1 (financial statement)

CN2 (medical evidence)

Date:

CLAIM NUMBER:

In the County Court sitting at [name]

Between

[Claimant name] (Claimant)

and

[Client name] (Defendant)

I, [client name], a [occupation or unemployed/retired], of address, will say as follows:

1. I am the defendant in this matter. Except as otherwise stated, the statements contained herein are made from my own knowledge.

2. This witness statement has been prepared with the assistance of [advice agency] and is made in support of my defence and counterclaim for a time order in response to the Claimant’s claim for possession of my home.

3. The [mortgage/loan] subject to these proceedings is a regulated mortgage contract. It was entered into on [date] for a term of [period] with a monthly repayment of [amount].

Provide evidence here, in numbered paragraphs, that will support the defence and counterclaim. You will need to convince the court it is ‘just’ to make a time order – this will involve exercising judgement as to what evidence is best included here. This evidence could include:

**Loan details**

* Amount of loan.
* Purpose of loan.
* Details of any high interest or other charges.

**Conduct of lender**

* Inadequate affordability checks?
* Exploitation of the client’s financial vulnerability?
* Other ‘fairness’ issues in relation to sale of loan?
* Lack of support in relation to arrears?
* Non-compliance with CONC/MCOB or pre-action protocol?

**Conduct of client**

* Total amount paid in relation to amount borrowed.
* Record of contractual payments made.
* Reasons for arrears.
* Attempts made to resolve arrears.

**Proposal to pay**

* Refer to an attached Financial Statement labelled [client initials 1, 2, etc] eg CN1
* Reasons the court can be confident payments will be made as proposed eg has income been stabilised, have other debts been brought under control?

**Personal circumstances**

* Details of people living in property.
* Details of any disabilities or vulnerabilities, possibly referring to attached medical evidence.
* Consequences of eviction for client and family.

4. I request the court to make a time order on the terms outlined in my defence and counterclaim.

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed………………………….

Name…………………………..

Dated …………………………..