

This is an example of the form that the court will send you, if you are either the home owner or an entitled resident, if you failed to appear in court to have your application for the recall of the decree granted against you considered. This form orders you to appear in court on a set date, time and location to determine whether you want to continue to defend the action for the repossession of your home.

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 11G

Rule 3.4.8(10)

Form of intimation where peremptory diet fixed in a recall of decree application

Intimation of peremptory diet fixed 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:

The court noted that you did not appear at the Hearing to consider your application for recall of decree on *(insert date)*. In your absence the decree for repossession of the property at *(insert address of security subjects)* has been recalled. As a result of your non-appearance the sheriff has ordered that you appear or be represented on *(insert date)* at *(insert time)* within *(insert name and address of sheriff court)* in order to ascertain whether you intend to proceed with your defence or your application.

A copy of the order is attached.

When you appear you will be asked by the sheriff to state whether you intend to proceed with your defence or your application.

**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 NOT APPEAR OR ARE NOT REPRESENTED AT THAT HEARING** the sheriff may regard you as no longer wishing to proceed with your defence or your application and the sheriff may award decree of new against you in your absence and you will not be allowed to make a further application for recall.

Date (*insert date*)

(*Signed*)

(*add designation and address*)