

Title:

Credit Repair- Charging Orders In the County Court

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Summary:

Charging orders are filed at the courts by a creditor in order to secure a money judgement order

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Article Body:

DEFINITION OF A CHARGING ORDER

Charging orders are filed at the courts by a creditor in order to secure a money judgement order

Whenever a charging order is filed, it automatically acts as a safeguard for the debt. That is

Before a charging order can be issued, a hearing must take place in court. There are several ways

In this report, you will find a description of country court procedures on charging orders, and

A CREDITOR CAN PETITION THE COURTS FOR A CHARGING ORDER WHEN

There are two instances when a creditor can request the court to issue a charging order. One of

Another case is when there is a previous judgement against you for payment of the debt in instalments

However, if you are currently paying your debt in instalments as ordered by the court, and you

THE PROCEDURE FOR FILING A CHARGING ORDER APPLICATION

There are two stages in the filing of an application for a charging order:

FIRST STAGE: THE INTERIM CHARGING ORDER

Whenever a creditor applies for the issuance of a charging order against you, the court shall

Please note that this is NOT the final charging order itself. The court can give this order, with

After approximately 21 days, the District Judge should be able to set the hearing to decide on

Apart from this, the Land Registry will be furnished with a copy of the interim charging order

SECOND STAGE: WHEN THE CHARGING ORDER BECOMES FINAL

At this point, a hearing is set before the District Judge, and the court is tasked to decide whether

The objection letter must be sent through registered mail and should state all of your reasons

Sending a letter of objection to the creditor and the courts will allow your explanation to be

The court has the discretion to withhold the charging order, which is why it is necessary for

If the reason you cannot attend a hearing is because it has been filed in another court, you h

#### HALTING A CHARGING ORDER IN ITS TRACKS

The court has the responsibility to decide whether or not to issue the charging order. Based o

##### 1.) The ^debtor's~ personal situation

The court has to take into consideration that you may have other creditors whose rights may be

Assuming you have quite a number of outstanding debts with several creditors, issuing a chargi

It would be an advantage on your part to present a summary of your debts, including the amount

In like manner, one of the requirements of the creditor in the filing of a charging order is t

Although creditors may be furnished a copy of the interim order to give them a chance to prote

Loan security can also be used as an argument. Whether or not your creditor offered you a secu

You can also request the court for an instalment order to enable you to pay the debt in afford

Examine the type of debt that you have and determine if it has been made under the Consumer Cr

Part of your argument may also include appealing for an administration order instead of a char

If bankruptcy is just around the corner, point out that your other creditors will be disadvant

Your mortgage can also be used as a condition to parry the creditor's application for a chargi

On the other hand, if your debt is a paltry sum compared to the market value or equity of your

Call attention to the difficult family situation that may arise if your home is sold off to pa

##### 2.) Serious ailments or disability in the family

If there is anyone in your immediate family who is need of special medical care, or who is ter

There may be a possibility that all the arguments you use will find no grounds and the court o

#### SINGULAR DEBT, JOINTLY OWNED HOME

The situation in which you have a debt solely under your name while your home is owned jointly

1.) Determining who put down the deposit to purchase the home

2.) Identifying the person who pays the mortgage instalments

3.) Presence of minor children ~ you can petition the court to amend the conditions of the cha

To add ground to this argument, have your home's co-owner submit their own written objections

In the end, if the court does decide to issue a charging order, then it can only be enforced a

#### WHERE THERE IS A PREVIOUS INSTALMENT ORDER AND YOU ARE NOT IN DEFAULT

In a 1987 landmark case of Mercantile Credit Co Ltd vs. Ellis, it was decided that if a debtor

## SEPARATION OR DIVORCE

When you are in the middle of divorce proceedings, which may include division of the home or p

## INTEREST

A creditor may actually include extra interest for the debt provided he files his claim for a

- 1.) The debt has been secured under the Consumer Credit Act. Debts of this type include ordina
- 2.) Debt comes to a total of only £5,000, even if not covered by the Consumer Credit Act.

If the two conditions stated above are not present and the debt is over £5,000, the court may

Interest may also be charged only after the county court's final decision depending on the cre

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