**FORM 2R**

**AN CHÚIRT CHUARDA**

**THE CIRCUIT COURT**

**CIRCUIT                                                                                                                          COUNTY OF**

**BETWEEN**

**............. Plaintiff AND**

**............. Defendant**

**CIVIL BILL FOR \*[POSSESSION] \*[ORDER AUTHORISING SALE UNDER SECTION 100(3) OF THE LAND AND CONVEYANCING LAW REFORM ACT 2009] \*[WELL-CHARGING RELIEF]**

To .......... of ......... in the County of ...... the Defendant

This Civil Bill is to require you to attend before the County Registrar at Court no. ...... on ........ 20.... at ..... am/pm. for the hearing of this Civil Bill issued on ........ 20 .... by/on behalf of ......... of ........., the Plaintiff.

The Plaintiff’s claim against you is set out in the section of this Civil Bill headed “Special Indorsement of Claim”.

If you wish to attend and to be heard, you should, within ten days after the service of this Civil Bill on you—

1. detach and complete the two forms (headed “Entry of Appearance”) attached to this Summons,

2. give or send by post one of those forms to the Circuit Court Office at ...........

and

3. give or send by post the other form to the Plaintiff or to the Solicitor for the Plaintiff at the address set out in the Entry of Appearance.

If you intend to defend the proceeding on any grounds, as well as entering an appearance as indicated above you must, not later than four days before the date mentioned above for the hearing of this Civil Bill—

1. set out in a sworn statement (a “replying affidavit”) the nature and grounds of your defence to the claim,

2. file the replying affidavit in the Circuit Court Office above mentioned and

3. give or send by post a copy of the replying affidavit to the \*[Plaintiff]\*[Plaintiff’s Solicitor].

PLEASE NOTE that unless you file an Appearance with the County Registrar and file the replying affidavit as set out above, you will be held to have admitted the said claim, and the Plaintiff may proceed with the claim against you and judgment may be given against you in your absence without further notice.

**SPECIAL INDORSEMENT OF CLAIM**

[Insert the relief claimed specifically and with all necessary particulars, the grounds thereof and the basis upon which jurisdiction is claimed, including a statement that the market value of the mortgaged property does not exceed €3,000,000, and a statement that the property is located within the Circuit.]

\*These proceedings are commenced in the Circuit Court pursuant to section 101(5) of the Land and Conveyancing Law Reform Act 2009 as they include an application under section 97(2) or section 100(3) of the Land and Conveyancing Law Reform Act 2009 concerning property which is subject to a housing loan mortgage created on or after 1 December 2009 \*and section 2 of the Land and Conveyancing Law Reform Act 2013 applies to the proceedings as they are proceedings brought by a mortgagee seeking an order for possession of land to which the mortgage relates and which land is the principal private residence of—

(a) the mortgagor of the land concerned, or

(b) a person without whose consent a conveyance of that land would be void by reason of—

(i) the Family Home Protection Act 1976, or

(ii) the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

\*These proceedings are commenced in the Circuit Court pursuant to section 3 of the Land and Conveyancing Law Reform Act 2013 as they are proceedings brought by a mortgagee seeking an order for possession of land which is the principal private residence of—

(a) the mortgagor of the land concerned, or

(b) a person without whose consent a conveyance of that land would be void by reason of—

(i) the Family Home Protection Act 1976, or

(ii) the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,

and the mortgage concerned was created prior to 1 December 2009.

The plaintiff will rely at the hearing of this Civil Bill on the following affidavit(s): 1. Affidavit of .......

2. etc.

Copies of the above affidavit(s) and exhibit(s) are served herewith.

N.B. This Civil Bill is to be served not less than 21 days before the return day mentioned above (exclusive of the day of service).

Dated: ..... 20 .....

Signed: ..........

Plaintiff/Solicitor for the Plaintiff

To: ...........

Defendant/ Solicitor for the Defendant

And To: The County Registrar

\*delete where inapplicable