

# Mortgage Press Release: Actions for Possession October - December 2010

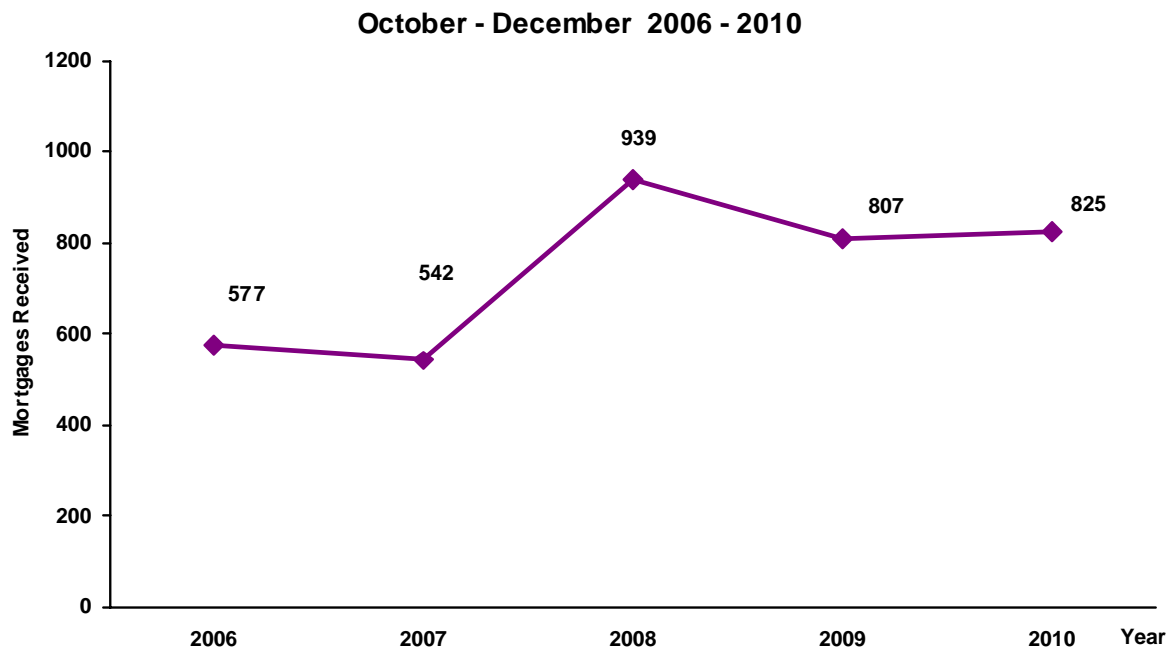
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## Document Details: Provisional Figures

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The Northern Ireland Courts and Tribunals Service today published statistics for writs and originating summonses issued in respect of mortgages in the Chancery Division of the Northern Ireland High Court.

During the fourth quarter of 2010, 825 writs and originating summonses were issued. The comparable figure for the fourth quarter in 2009 was 807 showing a 2% increase in the number of mortgage cases received in Chancery against the same period in 2009. Figures for October - December for the last 5 years are shown in the graph below:

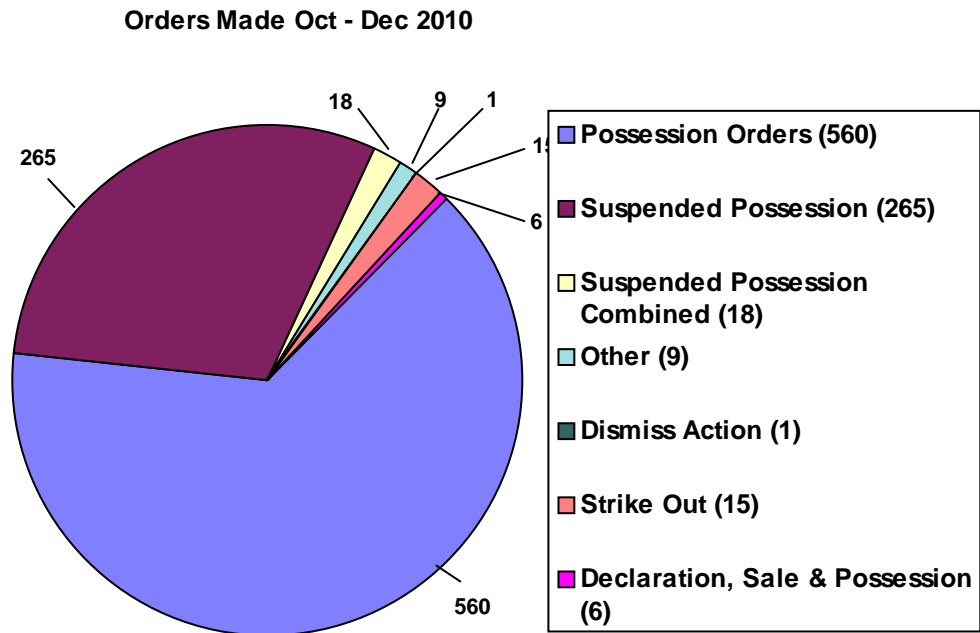


## Notes for Editors

1. Northern Ireland Courts and Tribunals Service collects information on writs and originating summonses issued in respect of mortgages in Chancery Division of the Northern Ireland High Court. This relates to both domestic and commercial properties.
2. **Not all writs and originating summonses lead to eviction or re/possession.** A plaintiff begins an action for an order for possession of property. The court, following a judicial hearing, may grant an order for possession. This entitles the plaintiff to apply to have the defendant evicted. However, even where an order for eviction is issued the parties can still negotiate a compromise to prevent eviction.
3. Over the last 5 years, the number of writs and originating summonses relating to mortgages issued (i.e. mortgage cases received) by Chancery Division of the Northern Ireland High Court has been:

Year	Number of applications received	% difference on previous year
2006	2,523	-2%
2007	2,213	-12%
2008	3,628	+64%
2009	3,905	+8%
2010	3,390	-13%

4. In Oct - Dec 2010, there were 874 orders made. A breakdown of the orders made is shown in the graph below:



5. **Possession.** The court orders the defendant to deliver possession of the property to the plaintiff within a specified time. If the defendant fails to comply with the court order the plaintiff may proceed to apply to the Enforcement of Judgments Office to repossess the property and give possession of it to the plaintiff.
6. **Suspended Possession.** The court may postpone the date for delivery of possession if it is satisfied that the defendant is likely to be able, within a reasonable period, to pay any sums due under the mortgage, or to remedy any other breach of the obligations under the mortgage. A suspended possession order cannot be enforced by the plaintiff without the permission of the court, which will only be granted after a further hearing.
7. **Sale and Possession.** If the plaintiff seeks possession of property which is subject to an 'equitable mortgage' (i.e. normally one created informally by the deposit of deeds rather than the execution of a mortgage deed) the court may order a sale of the property to enable enforcement of the equitable mortgage and that the defendant give up possession for that purpose. The sale price is subject to approval by the court.
8. When a case is disposed of it may have more than one final order made.
9. The statistics in this bulletin are taken from the latest available data and are provisional.

10. Figures on mortgage possession actions are published on a quarterly basis. The publication date for the figures covering the first quarter of 2011 will be 20<sup>th</sup> May 2011.

11. If you have any further queries in this or other court related matter please contact:

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