SCHEDULE A TO PART 46

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Order for sale following a charging order

(property solely owned by judgment debtor)

DUBAI INTERNATIONAL FINANCIAL CENTRE COURT
COURT OF FIRST INSTANCE
Claim No. [xxx]
Appn. No. [xxx]

B E T W E E N:

Claimant

Defendant

On the … 20—, …

heard …

The claimant is entitled to an equitable charge upon the defendant's interest in the property …

[registered at the DIFC Land Registry under Title No.] ("the property")

under a charging order made on the …

in Claim No. …

and the Court orders that

1. The remainder of this order will not take effect if the defendant by 4.00 p.m. on the … 20 —— pays to the claimant the judgment debt of US$ … secured by the charge and his costs to date of this application assessed at US$ …, making together US$ … [together with interest at the rate of US$ … per day from the date of this order until payment is received by the claimant].

2. The property shall be sold without further reference to the Court at a price not less than US$ … , unless that figure is changed by a further order of the Court.

3. The [claimant] [claimant's legal representative] will have conduct of the sale.

4. To enable the claimant to carry out the sale, there be created and vested in the claimant pursuant a legal term in the property of [3000 years] [one day less than the remaining period of the term created by the lease under which the defendant holds the property].

5. The defendant must deliver possession of the property to the claimant [on or before the ———— 20 ——] [within [ ] days of this order being served on him].

6. The claimant shall first apply the proceeds of sale of the property:

a. to pay the costs and expenses of effecting the sale; and

b. to discharge any charges or other securities over the property which have priority over the charging order.

7. Out of the remaining proceeds of sale the claimant shall:

a. retain the amount due to him as stated in paragraph 1; and

b. pay the balance (if any) [to the defendant] [to xxx] [into Court].

8. Either party may apply to the Court to vary any of the terms of this order, or for further directions about the sale or the application of the proceeds of sale, or otherwise.

Order for sale following a charging order (property owned by judgment debtor and another person)

DUBAI INTERNATIONAL FINANCIAL CENTRE COURT
COURT OF FIRST INSTANCE
Claim No. [xxx]
Appn. No. [xxx]

B E T W E E N:

Claimant

Defendants

On the … 20—, …

heard …

The claimant is entitled to an equitable charge upon the first defendant’s interest in the property …

[registered at the DIFC Land Registry under Title No.] (“the property”) under a charging order made on the …

in Claim No. …

and the Court orders that

Order for sale

Following a charging order (property owned by judgment debtor and another person)

In the Claim No.

Claimant/Defendants,

On the … 20—, sitting at

heard

The claimant is entitled to an equitable charge upon the first defendant's interest in the property

[registered at DIFC Land Registry under Title No.] ("the property")

under a charging order made on the

in Claim No.

and the Court orders that

1. The remainder of this order will not take effect if the first defendant by 4.00 p.m. on the … 20—, pays to the claimant the judgment debt of US$ … secured by the charge and his costs to date of this application assessed at US$ …, making together US$ … [together with interest at the rate of US$ … per day from the date of this order until payment is received by the claimant].

2. The property shall be sold without further reference to the Court at a price not less than US$ … unless that figure is changed by a further order of the Court.

3. The [claimant] [claimant's representative] will have conduct of the sale.

4. The defendants must deliver possession of the property to the claimant [on or before the … 20—] [within [ ] days of this order being served on him].

5. The claimant shall first apply the proceeds of sale of the property:

a. to pay the costs and expenses of effecting the sale; and

b. to discharge any charges or other securities over the property which have priority over the charging order.

6. The claimant shall then divide the remaining proceeds of sale into two equal shares and

a. pay one equal share to the second defendant; and

b. out of the other equal share, retain the amount due to him as stated in paragraph 1, and pay the balance (if any) [to the first defendant] [to] [into Court].

7. Any party may apply to the Court to vary any of the terms of this order, or for further directions

about the sale or the application of the proceeds of sale, or otherwise.