MJR Solicitors

Finance settlement procedure

Form A filed and served - this is the application to start the court process. £255 court fee

Court sets the date for the first directions appointment (**FDA**). It also sets dates for the filing and exchange of **Form E** (five weeks before the hearing) and the exchange of other documents for the **FDA** (two weeks before the hearing).

Court sends **Form A** and dates to both parties.

Applicant sends a copy of **Form A** to the mortgage company.

File and exchange **Form E**.

FDA documents filed and served:

- concise statement of issues;
- chronology of key facts and dates;
- **questionnaire**;
- **Form G** - is it possible to combine the **FDA** and the **FDR** hearing?
- agreed case summary; and
- draft directions order.

Form H - estimate of costs - filed before the hearing.

FDA at court. Can be combined with **FDR** appointment if parties agree. **Court** makes directions order to determine:

- which questions should be answered;
- what valuations should be taken; and
- what other expert evidence is needed.

Prepare for **FDR** hearing:

- answer **questionnaires**;
- obtain valuation/expert evidence;
- file proposals for settlement; and
- file costs estimates again (**Form H**).

FDR hearing: this is a **without prejudice** hearing at which the judge will try to assist a settlement of financial issues. Most cases settle here or just after and the court makes a final order on the agreed terms. If not...

Preparation for **final hearing**. If there is no settlement at the **FDR**, the judge makes a directions order and sets the case down for a **final hearing**.

In advance of the hearing:

- bundles of papers for the **court** will have to be prepared and filed;
- **barristers** will be briefed and may discuss matters in conference (ie, at meetings with you);
- open proposals for settlement will be filed and served (see **service**); and
- detailed costs estimates will have to be filed (**Form H1**).

Final hearing - the court will listen to evidence, grant orders and give reasons.