

## Frequently Asked Questions (FAQs) about the repossession process

At Swift we recognise that repossessing someone's home is an extremely stressful experience and one that we do not take lightly. However there are circumstances where repossession is the only option available to us to repay the debt due. Therefore we have set out below the answers to some frequently asked questions regarding the eviction process and what happens after this has taken place.

### Can I stop or delay the eviction?

**It may not be too late to stop or delay the eviction.** Depending on your circumstances there may still be options available to you which may stop or delay the eviction.

**\*Call us now on 0845 076 0878 to discuss your available options\***

**Opening Hours: 9am to 9pm Monday to Thursday, 9am to 5.30pm Friday and 9am to 12pm Saturday**

You may wish to seek advice and guidance from the **Citizens Advice Bureau** (local contact details can be found in the Phone Book or at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)) or **Shelter** (ring 0808 800 4444, 8am-8pm seven days a week). They will also be able to provide advice in relation to re-housing by your local authority if needed.

Alternatively, you can apply to the court to request a court hearing to explain the reason you want the eviction stopped or delayed. The court will arrange a date for the hearing which could even be on the day of the eviction. There may be a fee payable to the court for this hearing.

### What happens on the eviction day?

The court bailiffs will attend your property at the appointed eviction time with agents and contractors acting on behalf of Swift.

The bailiffs can physically remove you from your home. They can use necessary force to enter the property and can remove anyone living there. They have to act reasonably, and mustn't use unreasonable force. The locks will be changed to ensure you can't re-enter the property. This will happen even if you are not at the property when the bailiffs arrive.

The bailiffs will not remove any of your furniture or belongings unless the court has decided that they should do so, they will normally watch whilst you do this yourself. If you do not remove your belongings they will be locked inside the property. You will need to make arrangements with Swift and our agents to remove any remaining belongings within 14 days of the eviction date. Any belongings remaining after 14 days will be securely disposed of by Swift's contractors. If you are unable to remove your belongings within the 14 day period you should contact us to negotiate an extension to this period.

### Can I get back into the property after the eviction?

Apart from collecting your belongings as mentioned above it is not usually possible to get back into the property. However, the court may allow you to return, if you can show that:-

- the possession order was obtained through fraud
- the correct legal process wasn't followed

It may also be possible if you can raise the money to repay your secured loan / mortgage debt soon after the eviction. You would have to either come to an agreement with Swift to stop any potential sale of the property while the arrangements are made to raise the monies required to repay the debt or apply to the courts for an injunction to stop the sale. If contracts have already been exchanged with a buyer, you can't stop the sale from going ahead.

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### What happens to my secured loan / mortgage debt after my home is repossessed?

After we have repossessed your property we have a legal duty to sell it for the best price that can reasonably be obtained within a reasonable period of time. The property will go onto the market as soon as possible and Swift will obtain independent, expert advice on the price it should be sold for and the best method of sale.

If the sale of the property results in money being left over (a surplus) after all the money owed to Swift and any other secured lender has been repaid, then this surplus will be returned to you. **It is important therefore that you supply us with a forwarding address and contact details** as if we are unable to locate you we will either pay the money into court or hold this ourselves until we can contact you.

If the sale proceeds are not enough to pay off the money that you owe to Swift, then there is a “shortfall debt” which you will still owe to Swift.

Interest on your Secured Loan / Mortgage will continue to be charged until the property is sold and any shortfall is repaid. There will also be other costs added to your account, including estate agents costs in selling the property and legal costs.

### What will Swift do if there is a shortfall debt?

If there is a shortfall we will contact you as soon as possible after the sale of the property advising you of the amount outstanding and will try to negotiate a repayment schedule with you to repay the debt over a period of time.

In England, Wales and Northern Ireland we legally have 12 years to contact you to begin the process of seeking repayment of the shortfall debt, this period is usually 5 years in Scotland.

If a shortfall debt is not paid, it could affect whether you are able to get credit in the future.

### Complaints

If you do not think that we have treated you fairly, please contact:

#### Compliance Department

Swift Group, Arcadia House, Warley Hill Business Park

The Drive, Brentwood, Essex, CM13 2BE

Telephone: 0845 072 9010

Email: [complaints@swift.co.uk](mailto:complaints@swift.co.uk)