

SCHEDULE 1

RULES FOR APPLICATIONS IN THE SHERIFF COURT UNDER THE
DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) ACT 2002

CHAPTER 3

ATTACHMENT: ARTICLES KEPT WITHIN DWELLINGHOUSES

**Applying for return of article removed where attachment not competent, sale unduly harsh,
or article of sentimental value**

34.—(1) An application by a debtor under section 55(2) for an order that an attachment shall cease to have effect, and to require the officer of court to return an article to the dwellinghouse from which it was removed, shall be in form 28.

(2) On the lodging of such an application the sheriff clerk shall—

- (a) fix a date for a hearing;
- (b) grant a warrant for intimation;
- (c) intimate the application and the warrant to the applicant, the creditor, and the officer of court who executed the order; and
- (d) complete a certificate of intimation.

(3) The officer of court who executed the order shall lodge with the sheriff clerk a copy of the attachment schedule before the date fixed for the hearing.