**THE CIRCUIT COURT**

**RECORD NO: FILL-IN**

**BETWEEN**

**FINANCIAL INSTITUTION PLAINTIFF**

**- And –**

**[YOUR NAME OR NAMES]**

**DEFENDANTS**

***AFFIDAVIT OF [YOUR NAME]***

*I,* [your Name]*, [Occupation] residing at [ Your address], aged eighteen years and upwards MAKE OATH and say as follows: I am the named defendant in the above-entitled proceedings. I make this affidavit from fact within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate,*

[2] In compliance with the Circuit Court Rules (Service) of 2018, this defendant did lodge an appearance under form (5) to demonstrate this defendant holds a bone fide defence to the Plaintiff’s application and that the circumstances and events warrant a Plenary hearing as the following will indicate.

[3] I say and know to be true the Plaintiff has failed and or neglected contrary to law to extend the protections of the Mortgage Arrears Resolution Process (MARPS) and in particular section 56 Code of Conduct on Mortgage arrears (CCMA) where the Plaintiff is seeking an order of possession from this honourable court relating to this defendant’s Principle Primary Residence.

[4]I further say and know to be true this defendant is entitled to have the Mortgage document reviewed for Unfair Terms and or conditions where such terms and conditions may be deemed to be contrary to the Consumer Protection Acts 2007-2022.

[5] I say and know to be true the Plaintiff’s business is that of a servicing agent, the Plaintiff is not qualified in forensic accounting and holds no qualification or certification in the capitalisation of arrears and or interest manipulation, the Plaintiff demanded a sum of monies void of any quantification of loss and or support to such claim, to which the Plaintiff claims to have suffered. The Supreme Court decision – Ireland Mortgage *Bank v O’Malley [2019] IESC 84*, such claim by the Plaintiff is considered to be an act of miss-representation, coercion and fraud, premised on undue enrichment.

[6]I further say and know to be true that Plaintiff being a forced third party in contract with this Defendant has failed and or ignored to furnish this defendant with a Global Deed of Transfer demonstrating the extent of contractual and or lawful rights, and legislative entitlement the Plaintiff holds in equity and or in-law relating to its legal standing before this court.

[7]I say and know to be true the Plaintiff claims to hold a vested interest in this defendant’s family home, while the Plaintiff is a servicing agent to an unknown third party who financed the Purchase of this Defendant’s mortgage and Asset, such actions in purchasing a debt with the intent to profit through litigation is representative of litigation Trafficking.

[8] I say and know to be factually true the normal trading practices of the Original Bank being the [your financial institution] was to attach a derivative of insurance in the event of default by a mortgagor, the accounts of the [your financial institution] will demonstrate the said bank traded in the practice of Securitisation where such practice carried safeguards. protections in the event of a default the said [your financial institution] could avail of restoration of loss.

[9] I say and believe to be true, on reimbursement and or indemnification of loss to [your financial institution] with the standard derivatives applied in the ordinary practice of banking no loss was suffered or substantially diminished, thereafter [your financial institution] did or can apply to the Revenue Commissioners of Ireland seeking a capital loss made up of the principal Sum and Profit (Interest) together with any legal costs incurred and thereafter [your financial institution] did sell the said loan to the herein Plaintiff’s contractor.

[10] I say and know to be true such aforementioned actions are defined as civil fraud where deception, dishonesty and or misrepresentation to seek a gain or to place this defendant at a disadvantage, such grave issues demand clarification by An Garda Siochanna, the Central Bank of Ireland, the Security Exchange Commission and the European Securities Markets Authority.

[11] I say and know to be contrary to the Powers of Attorney Act of 1996 and Rule [3] of the Property Registration Authority of Ireland the Plaintiff did on the registration of a charge on this Defendants property relied on a third-party power of attorney contrary to Law.

[12] I say and know to be factually correct, where the registration of a charge is deemed to be contrary to legislative requirements the charge is void, rendering the Plaintiff with unsecured assets.

[13] I say and know to be true due to my economic position this defendant is unable to retain a legal advocate which places this defendant in an adverse position in law and at an inequality, injustice and at a serious disadvantage before these courts, contrary to the enshrined constitutional rights of this defendant and articles 21-47 of the charter of fundamental rights of the European Union, and Article [2] of the Lisbon Treaty. article (6.1) and (13) of the European Court of human rights, articles 3-4-19-19.1 of the Treaty of the European Union, all guarantee equality and fairness, such enshrined rights are denied and refused to this defendant.

**I respectfully ask this court to dismiss the application by** [your financial institution] and **or in the alternative refer this matter to the High Court by way of a Plenary hearing.**

**SWORN by** the said [your Name] On this \_ day of May 2023 At before me a Practising Solicitor / Commissioner for Oaths and I know the deponent

**Filed on the\_ Day of May 2023**

**EXHIBIT “{YOUR INITIALS”**

AS REFERRED TO IN THE SUPPLEMENTAL AFFIDAVIT OF [YOUR NAME]

Sworn on the \_ day of May 2023

**THE CIRCUIT COURT**

**RECORD NO: FILL-IN**

**BETWEEN**

**NAME OF YOUR FINANCIAL INSTITUTION**

**PLAINTIFF**

**- And –**

**[YOUR NAME OR NAMES.**

**DEFENDANT**

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Your Name]