

# Nodiadau i'r diffynnydd - eiddo preswyl ar forgais

Mae'r hawlydd wedi gofyn i'r llys orchymyn i chi ildio meddiant yr eiddo a nodir yn y ffurflen hawlio. Dylech nodi na all neb eich troi allan o'r eiddo oni bai fod y llys yn dweud eu bod yn gallu gwneud hynny; ni fydd y llys yn gwneud penderfyniad cyn dyddiad y gwrandawriad. Mae'n bosibl y bydd yr hyn a wnewch chi'n effeithio ar benderfyniad y llys. Felly, fe ddylech chi gymryd camau ar unwaith. Mae'r nodiadau hyn yn esbonio'n fwy manwl beth allwch chi ei wneud.

Dylech:

- gael help a chynghor ar unwaith gan dwrnai neu asiantaeth cynghori (edrychwch ar 'Cael help' drosodd);
- lenwi'r ffurflen amddiffyn sydd ynghlwm a'i dychwelyd i'r llys cyn pen 14 diwrnod ar ôl i chi dderbyn y ffurflen hawlio;
- ddod i'r gwrandawriad, hyd yn oed os ydych chi wedi cytuno gyda'r sawl sy'n rhoi benthyg morgais i chi ynghylch ad-dalu unrhyw ôl-ddyledion.

## Beth fydd yn digwydd yn y gwrandawriad?

Bydd barnwr yn penderfynu a ddylid gwneud gorchymyn meddiannu ai peidio. Wrth wneud y penderfyniad hwn, bydd y barnwr yn ystyried y wybodaeth a ddarparwyd gan yr hawlydd. Bydd y barnwr hefyd yn ystyried unrhyw wybodaeth a rowch chi, megis manylion am eich amgylchiadau personol ac ariannol, unrhyw gynnig a wnaethoch i dalu unrhyw ôl-ddyledion, ac unrhyw anghydfod sydd gennych ynghylch y swm sy'n ddyledus. Ond dim ond os darparwch chi'r wybodaeth y gall y barnwr ei hystyried. Llenwch y manylion hyn ar y ffurflen amddiffyniad a dewch i'r gwrandawriad. Mae er eich lles chi i wneud y ddau beth hyn.

## Pa fath o orchymynion y gall y barnwr eu gwneud?

Gall y barnwr:

- benderfynu peidio â gwneud gorchymyn
- wneud gorchymyn ar gyfer meddiannu ond gohirio'r gorchymyn. Mae hyn yn golygu na fydd rhaid i chi ildio'r meddiant ar yr amod eich bod yn gallu talu unrhyw ôl-ddyledion o fewn amser rhesymol (bydd y barnwr yn penderfynu faint) a thalu'r rhandaliadau hefyd;
- wneud gorchymyn meddiannu ar gyfer rhyw ddyddiad yn y dyfodol er mwyn rhoi amser i chi symud allan neu ddod o hyd i rywle arall i fyw; neu
- wneud gorchymyn eich bod yn ildio meddiant o fewn cyfnod byr iawn.
- os yw'r cytundeb benthyca wedi'i 'reoleiddio' (gweler paragraff 4 manylion yr hawliad) gall y barnwr wneud gorchymynion eraill a all fod o help i chi.

# Notes for defendant - mortgaged residential premises

The claimant has asked the court to make an order that you give up possession of the premises mentioned in the claim form. You should note that no-one can evict you from the property unless the court says that they can; the court will not make a decision before the hearing date. What you do may affect the court's decision. You should therefore take action immediately. These notes explain in more detail what you can do.

You should:

- get help and advice immediately from a solicitor or advice agency (see 'Getting help' overleaf);
- fill in the attached defence form and return it to the court within 14 days of receiving the claim form;
- attend the hearing, even if you have agreed about repayment of any arrears with your mortgage lender.

## What will happen at the hearing?

A judge will decide whether or not to make an order for possession. In making this decision, the judge will take account of the information provided by the claimant. The judge will also take account of any information you provide, such as details of your personal and financial circumstances, any proposal you have made to pay off any arrears, and any dispute you have about the amount owing. But the judge can only take the information into account if you provide it. Fill in these details on the defence form and attend the hearing. It is in your best interests to do both.

## What kind of orders can the judge make?

The judge can:

- decide not to make an order
- make an order for possession but suspend it. This means that you will not have to give up possession so long as you can pay off any arrears in a reasonable time (the judge will decide how long) and pay the instalments as well;
- make a possession order for some future date to allow you time to move out or find somewhere else to live; or
- make an order that you give up possession a very short time ahead.
- if the loan agreement is 'regulated' (see paragraph 4 of the particulars of claim) the judge can make other orders which may help you.

## Cael help

Fe ddylech gael help a chynghor ar unwaith gan dwrnai neu asiantaeth cynghori. Mae hyn yn arbennig o bwysig pa un ai ydych chi'n cytuno â'r hawliad ai peidio. Efallai eich bod chi'n gymwys i gael cymorth gan Gronfa'r Gwasanaeth Cyfreithiol Cymunedol (CGCC) i gyfarfod a rhan o'ch costau cyfreithiol neu'r cyfan ohonynt. Gofynnwch am y CGCC yn unrhyw un o swyddfeydd y llys sirol neu mewn unrhyw fan sy'n dangos y logo hwn lle gallan nhw eich helpu. Dim ond eich helpu chi i lenwi'r ffurflen amddiffyn ac esbonio trefn y llys y gall staff y llys. **Allan nhw ddim rhoi cynghor cyfreithiol i chi.**



## Ateb yr hawliad

Er y dylech chi fel arfer lenwi'r ffurflen amddiffyniad a'i dychwelyd i'r llys cyn pen 14 diwrnod, bydd y llys yn derbyn eich amddiffyniad unrhyw bryd cyn y gwrandawriad, neu hyd yn oed yn y gwrandawriad ei hun. Dylech gofio, fodd bynnag, os byddwch chi'n dychwelyd y ffurflen ar ôl i'r cyfnod 14 diwrnod ddod i ben, y gall y llys orchymyn i chi dalu unrhyw gostau sydd yn codi oherwydd yr oedi.

## Cytundebau credyd defnyddwyr sydd wedi'u rheoleiddio

Os ydych chi'n bwriadu gwneud cais i'r llys ystyried neu newid telerau eich cytundeb, dylech geisio cynghor ar unwaith.

## Talu unrhyw ôl ddyledion

Ni all y llys dderbyn taliadau. Os ydych chi am dalu'r ôl-ddyledion i gyd neu ran ohonynt, anfonwch nhw at yr hawlydd i'r cyfeiriad talu a ddangosir ar y ffurflen hawlio, gan ddyfynnu cyfeirnod yr hawlydd, os nodir un. Gwnewch yn siwr eich bod yn cael derbynneb ar gyfer pob taliad a wnewch chi. Efallai y bydd angen prawf os oes unrhyw anghytundeb. Gwnewch yn siwr eich bod yn cynnwys ar eich ffurflen amddiffyniad fanylion unrhyw daliadau a wnaethoch ers codi'r hawliad, gan ddweud faint a dalwyd, i bwy a pha bryd.

## Gorfodi gorchymyn meddiannu

Os bydd y llys yn gwneud gorchymyn meddiannu, gall yr hawlydd ofyn i feili neu swyddog gorfodi eich troi chi allan:

- os nad ydych chi'n ildio meddiant ar y dyddiad a nodir yn y gorchymyn meddiannu; neu
- os nad ydych chi'n talu yn unol â'r gorchymyn meddiannu gohiriedig.

Os bydd eich amgylchiadau'n newid ar ôl gwneud y gorchymyn meddiannu, fe allwch chi wneud cais i'r llys am amrywio'r gorchymyn. Defnyddiwch ffurflen gais N244 sydd ar gael gan swyddfa unrhyw llys. Efallai y bydd rhaid i chi dalu ffi i wneud y cais.

## Cofrestru dyfarniadau

Os bydd llys sirol yn gwneud dyfarniad ariannol (e.e. am y balans sy'n ddyledus dan y morgais) bydd eich enw a'ch cyfeiriad yn cael ei gofnodi yn y Gofrestr Dyfarniadau, Gorchymynion a Diwyon os bydd rhaid i'r hawlydd gymryd camau i orfodi'r dyfarniad. Fe all hyn ei gwneud hi'n anodd i chi gael credyd.

## Getting help

You should get help and advice immediately from a solicitor or an advice agency. This is particularly important whether or not you disagree with the claim. You may qualify for assistance from the Community Legal Service Fund (CLSFF) to meet some or all of your legal costs. Ask about the CLSFF at any county court office or any information or help point which displays this logo. Court staff can only help you complete the defence form and tell you about court procedures. **They cannot give legal advice.**



## Replying to the claim

Although you should normally fill in the defence form and return it to the court within 14 days, the court will accept your defence at any time before, or even at, the hearing. You should note, however, that if you do return the form after the 14-day period, the court may order you to pay any costs caused by the delay.

## Regulated consumer credit agreements

If you intend to apply to the court to consider or change the terms of your agreement, you should get advice immediately.

## Paying any arrears

The court cannot accept payments. If you want to pay all or part of any arrears, send them to the claimant at the address for payment shown on the claim form, quoting the claimant's reference number, if one is given. Make sure you get receipts for all payments made. Proof may be required if there is any disagreement. Make sure you include on your defence form details of any payments you have made since the claim was issued, saying how much was paid, to whom and when.

## Enforcement of a possession order

Where the court makes a possession order, the claimant can ask a bailiff or enforcement officer to evict you if:

- you do not give up possession on the date given in the order for possession; or
- you do not make payments in accordance with the suspended order for possession.

If your circumstances change after the possession order is made, you may apply to the court for the order to be varied. Use application form N244, which is available from any court office. You may have to pay a fee to make the application.

## Registration of judgments

If a county court makes a money judgment (e.g. for the balance due under the mortgage) your name and address will be entered in the Register of Judgments, Orders and Fines if the claimant has to take steps to enforce the judgment. This may make it difficult for you to obtain credit.