

Creditor not cooperating and you don't want to go to court

Creditor address

Dear Sir/Madam

Acc/Ref No:

Thank you for your letter of . We are very disappointed that we seem unable to reach a satisfactory compromise in this case. As we have already explained, we can only afford £ per month at the present time.

This is the only realistic payment proposal bearing in mind the enclosed personal budget sheet. You have stated in correspondence your intention to commence proceedings in the county court against us.

The commencement of legal proceedings under such circumstances could be counter to the .Overriding Objectives. of the new Civil Procedure Rules. You will be aware that the Overriding Objectives underpin everything the court does. Moreover, paragraph 4 of the Protocols Practice Direction states that in cases not covered by an approved pre-action protocol, the court will expect the parties .to act reasonably... in trying to avoid the necessity for the start of proceedings.

We would suggest that your refusal to accept our offer could be viewed as unreasonable and we would ask the court to consider this matter with reference to the Overriding Objectives.

The offer of £ is of course still open to you to accept.

Yours faithfully