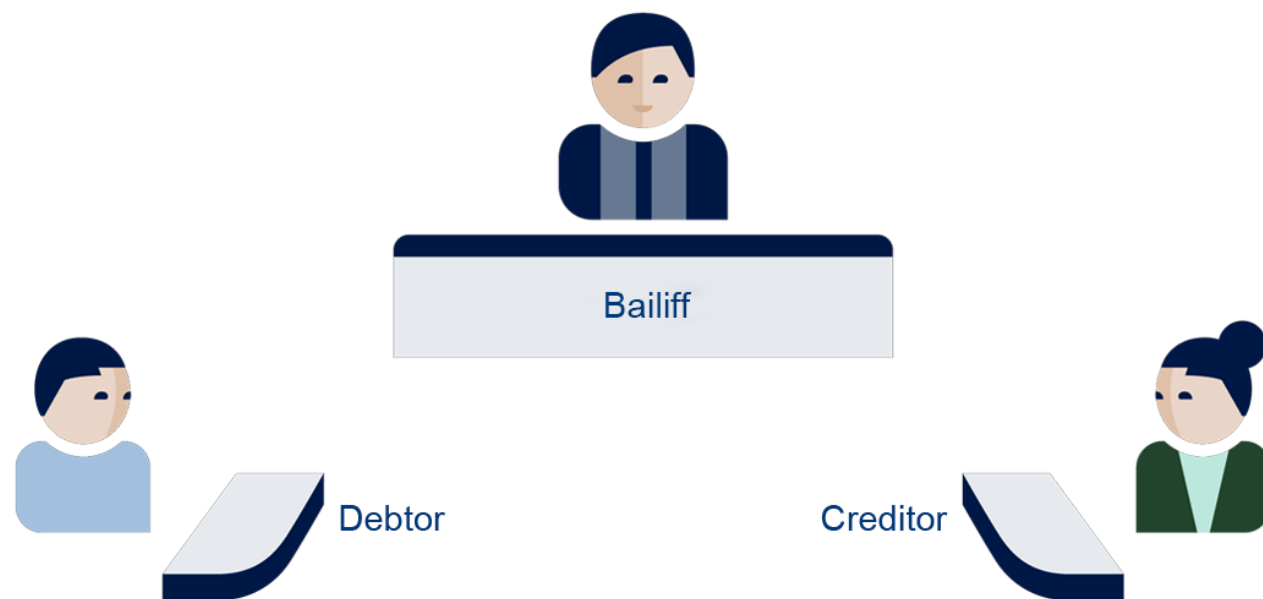




How is Enforcement Proceedings conducted in the District Court?

Enforcement Proceedings in the District Court



Enforcement Cases

There are several types of enforcement cases. The most common type is a meeting in the bailiff's court where a creditor (claimant) gets the bailiff's court's help to collect money owed by the debtor.

Meeting in the Bailiff's Court

The bailiff leads the meeting. As a rule, the claimant is present in the meeting room – either in person or by phone. On the back of the brochure, you can read more about being summoned as a debtor in an enforcement case.

What happens at the meeting?

The bailiff starts the meeting by informing you that you are obligated to answer questions about your financial situation – and that you must answer the questions truthfully. The bailiff also informs you of the amount you owe.

Seizure and Installment Plan

The claimant or the bailiff will ask about your ability to pay. If you cannot pay the entire debt immediately, you will typically need to provide your belongings – such as real estate, car, new smartphone, or deposit – as security for the debt. That is called seizure. Seizure cannot be made on small amounts of money, standard household items, or other items of modest value. You usually keep your belongings if you can meet an installment plan of maximum 10 months, or another plan that is acceptable to the claimant. However, this requires that you pay the agreed installments on time. If you do not pay on time, the items may be put up for a foreclosure auction.

Declaration of Insolvency

If you cannot provide any security for your debt, you must make a declaration of insolvency to the bailiff. This means that you, as a rule, cannot be summoned to the bailiff's court again for twelve months. It is always advisable to arrange an installment plan with the claimant so that you can pay off your debt.

Duration

The meeting usually takes 5-10 minutes.

Objections

If you state that you do not owe the money or want to object to other aspects of the case, you can raise objections at the meeting. If the bailiff's court cannot address your objection immediately, the court may choose to postpone the case to a new meeting with more time allocated for processing the case. If the claim has been determined by a judgment, the bailiff's court cannot address an objection in terms of the correctness of the judgment, and the meeting will proceed. You can get advice on a possible reopening of the judgment.

Legal costs

You must pay the costs of the case, such as court fees and the claimant's fees. The bailiff's court determines the costs.