

Summary

The subject matter of the paper was chosen in consideration of its topicality for society and urgency for each individual. The distraint of movable property is generally considered the least pleasant device of the execution of a court judgment, causing fear and trepidation in the public eye. It is worth mentioning, however, that this method of judgment execution gives rise to a host of prejudices mightily stirred up by scandalous media coverage. The paper aims, among other things, to expose the prejudices as false.

The paper is structured so that the introductory section treats the general aspects of the execution proceedings as they relate to all the statutory methods of judgment execution, emphasizing the specific features of the execution by selling the movable property items. Though the paper is centered around a detailed analysis of how the judgment is executed through the sale of the movable items, I thought it necessary to at least touch these general facts, whose knowledge is a prerequisite for better understanding of the entire judgment execution performed by selling the movables.

The second section of the paper presents in-detail investigation of this form of the judgment execution in view of the amended provisions of the Civil Procedure Code and the available judicial decisions by the Czech courts.

The third section tackles the issues of distraints conducted by court executors in adherence to the Execution Rules, once again with the movable property distraints in the center of attention. Also worth mentioning is the fact that the enacted version of the Civil Procedure Code greatly coincides with that of the Execution Rules, and both co-exist side by side applying the principle of subsidiary forces.

The paper relies for support on the currently applicable enactments of the documents, particularly on Section 6 of the Civil Procedure Code, which offers a comprehensive treatise on the subject of judgment execution through the sale of movable property, as well as on the Execution Rules adopted to make the general legislation more specific by adding provisions related especially to the distraints through the sale of movable property. Other sources of importance proved to be the

relevant legal literature and a wealth of court decisions enriching the subject with the latest judicial opinions now being included in the effective Czech Republic legislation. I believe the paper has succeeded in answering some divisive legal questions entailed by the judgment execution through the sale of movable property and has outlined the current trends witnessed in the legislation development. Leaning on my own experience of this legal topic, I have thrived to indicate my personal perception of the current and future development and I hope the potential readers will find the paper beneficial.