

Court execution of immovable assets in the Czech in the age of 1918 – 1963

Abstract:

The work deals mainly with executory proceedings and distraintments in the period of the First Czechoslovakian Republic and after the year 1950. It introduces procedural rules concerning executory proceedings in the 1890s which were juridical regulations of a big and detailed extent and which were accepted into the legal code of the First Czechoslovakian Republic and procedural rules issued after 1950 which already didn't know a whole range of executory institutes of the previous age.

On the other hand, these laws introduced a number of new institutes of enforcement, such as an incidental dispute, debating the debtor's objections directly in the enforcement proceedings. In 1955, a new form of wage enforcement was introduced to enforce maintenance for minor children when the seizure of part of the wage obliged not only the original payer but also all the following to which the debtor eventually went.

The work is also patterned on the period legal decisions of individual courts of the First Czechoslovakian Republic, particularly of the Supreme Court. The applications of these decisions are illustrated by real sample cases.

Individual entities (creditors, debtors, the third entities, law courts) within the executory proceedings are introduced and basic trial instruments to carry out the execution are described in the work. Issues of procedural conditions of execution and problems of procedural periods are solved here too.

The thesis deals with the issue of application for execution enforcement, its orders, time limits, objections against the execution, the counterclaim of third parties, execution of execution, satisfaction of execution, cancellation of execution, limitation and suspension of execution, recourse, reimbursement, death of debtor or creditor. Enforcement measures are explained in detail here i.e. forced establishment of pledge, forced administration, forced auction, schedule management, executory sale of properties freehand, cancellation and termination of the auction procedure, conversion of forced auction into forced administration and last but not least, interim measures.

Key words: execution, distraintment, executory code, creditor, debtor