

ABSTRACT

Title: Administration of an immovable thing in enforcement procedure conducted by a court enforcement officer and by a licensed enforcement agent

The purpose of this thesis is to analyze the administration of an immovable thing in enforcement procedure conducted by a court enforcement officer and by a licensed enforcement agent. The administration of an immovable thing is a new way of enforcement procedure, implemented to Czech legislation by amendment of the Civil Procedure Code that came into effect on 1st January, 2013.

This thesis is divided into seven chapters. The first one contains just the brief overview of the main problems. Second chapter describes the enforcement procedure conducted by a court enforcement officer and by a licensed enforcement agent in general. Third chapter explains detailed characteristics of an administration of an immovable thing in enforcement procedure conducted by a court enforcement officer and by a licensed enforcement agent, its process, duration and conclusion. Fourth chapter deals with identification of main problems of an administration of an immovable thing and deals with them. Especially deals with problems regarding possible limitations of court in modification of leasing and tenure contracts. The possible use of an immovable thing by a debtor and possible difficulties about administration of co-owned part of an immovable thing was analyzed as well. The practical use of the institute of administration of an immovable thing in enforcement procedure conducted by a court enforcement officer and by a licensed enforcement agent has been also analyzed.

The possible reasons for rare use of this institute were described. Sixth chapter deals with historical institute of enforced administration of an immovable thing, which was a model for contemporary legislation. In this chapter, the differences between historical and contemporary legislation have been described. The chapter includes also the historical practice of the court and brief evaluation of possible use of this practice in recent decision making. The last chapter evaluates the institute of an administration of an immovable thing in current Czech legal environment.