

EXECUTION PROPOSAL

What is an execution proposal?

- An execution proposal is the right of the creditor to fulfill his right through the court because the debtor failed to comply with his obligation voluntarily.

Who can submit a proposal?

- An execution proposal can be submitted by individuals and legal entities: the creditor.
- The creditor can withdraw his proposal at any time during the procedure.

Who is the creditor?

- The creditor is someone to whom an obligation is due.

Who is the debtor?

- The debtor is someone who has an obligation towards someone else.

What should the proposal contain?

- The execution proposal must contain:
 1. The request for execution;
 2. Execution document or authentic document on the basis of which execution is requested;
 3. Information on the creditor and debtor;
 4. Means to be used to conduct execution;
 5. Other information that each of submission must contain.

Based on what documents can I request execution?

- You can request execution based on two types of documents:
 1. On the basis of an executive title, also called an execution document.
 2. On the basis of a trustworthy document, also called an authentic document.

BEGINNING THE PROCEDURE

Execution based on execution document

What are execution documents?

- Court judgments and judicial agreements;
- Administrative judgments and agreements;
- Notary documents;
- Other documents specified by law.

When can I submit my proposal?

- The proposal can be submitted as soon as the judgment or other execution document has become final.

What do I have to attach to my proposal?

- Execution proposal in five (5) copies. Four (4) copies for the court and one (1) copy for the debtor.
- Court judgment, or other execution document, executable and final, in three (3) copies.
- Court fee, based on the Administrative direction for the unification of court fees No. 2008/02.

Execution based on authentic document

What are authentic documents?

- Negotiable instruments or checks;
- Bills (such as KEK, PTK, water, etc.).

When is an authentic document suitable for execution?

- An authentic document is suitable for execution when it contains all necessary information on the creditor, the debtor, and the scope, value and due date of the debt.

When can execution be requested?

- When the debt is due and has not been paid by the debtor within the time specified in the document.

What do I have to attach to my proposal?

- Execution proposal in five (5) copies. Four (4) copies for the court and one (1) copy for the debtor.
- Request for the court to order the debtor to fulfill his obligation within seven (7) days—three (3) for negotiable instruments and checks—from the day he is notified of execution.
- Authentic document in three (3) copies.
- Court fee, based on the Administrative direction for the unification of court fees. No. 2008/02.

CONTESTING THE PROCEDURE

Who can file an objection against execution?

- The debtor.
- A third-party to the execution procedure whose rights are affected by the procedure.

When can I object against execution?

- The Law on Execution Procedures provides a list of reasons for objection; for example: the obligation has already been fulfilled, the time for requesting execution has passed, or the execution document has been annulled.

What do I have to attach to my objection?

- Objection to execution in four (4) copies. Three (3) for court and one (1) for the creditor.
- At least one (1) copy of the court decision or authentic document should be original.
- Evidence in three (3) copies, two (2) for the court, one (1) for the creditor.

Is there a deadline for the submission of my objection?

- Yes, there is a deadline for the submission of an objection.
 1. If you are a debtor, your objection must be submitted within seven (7) days of the day you received the court decision.
 2. If you are a third-party, your objection can be submitted at any time during the procedure.

What happens if I do not respect the deadline?

- If you do not respect legal deadlines you lose the right to objection.

What is the effect of the objection?

- In principle, objections do not suspend execution.
- If the debtor objects to execution based on an authentic document by contesting the existence of the obligation, then the objection converts the procedure to a lawsuit.

What is a submission?

- A submission is a document in writing which is submitted to the court. Under the Law on Contested Procedures, submissions are: the claim, the response to the claim, legal remedies (appeals), statements and any written communication.

What are the contents of a submission?

- A submission must contain:
 1. The name of the court,
 2. The names of the parties,
 3. The location (address) of the parties,
 4. The object of the dispute,
 5. The request,
 6. The statement and signature of the person filing the submission.

How should the submission be?

- The submission must be complete and understandable.
- It is important for you to submit a complete and understandable submission in order not to create delays in the judicial procedure.

How many copies of the submission must I submit?

- Three (3) or four (4) copies, depending on the type of submission.
- For more information on how many copies must be submitted please refer to the brochure corresponding to the specific request you are filing.

What happens if my submission is incomplete or in insufficient copies?

- If a submission is not understandable or incomplete, the court will order you to correct or complete it.
- Within a delay of 3 days you must make corrections, additions requested by the courts and submit sufficient copies.
- If you do not make the corrections, improvements or submit the number of requested copies, the court will not accept the submission.

Goal of this brochure

This Brochure was developed by the Model Courts Program, supported by the USAID Kosovo Justice Support Program. The goal of this brochure is to provide information to the public with regards to filing an execution request.

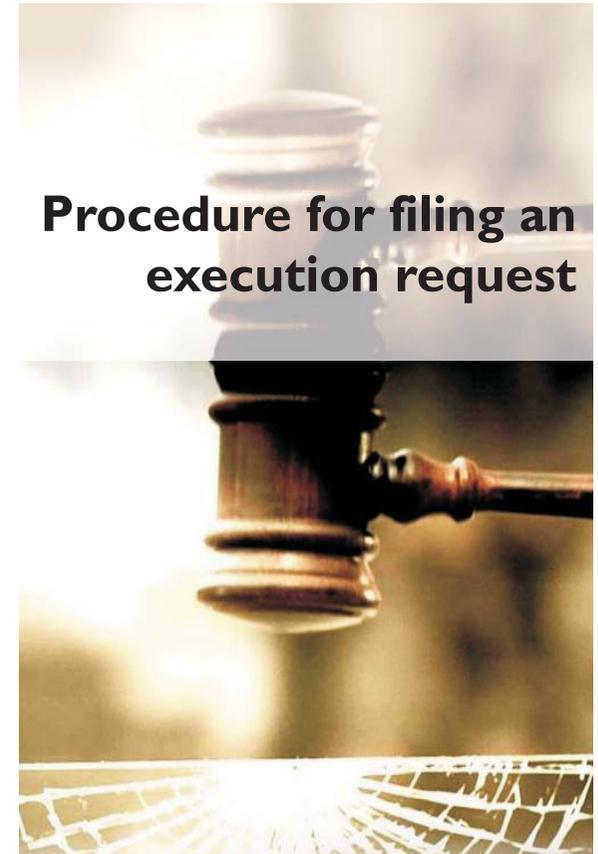
This brochure is not legal advice. This brochure contains general guidelines for information purposes. For legal advice, please consult an attorney or contact the legal aid services.

“Law on Execution Procedure”

For more information on the civil execution procedures can be found in the Law on Execution Procedure (Law No.03/L-008), adopted by the Kosovo Assembly on June 2, 2008, which entered into force on July 15, 2008. The law can be accessed at www.kuvendikosoves.org.

Attention:

The brochure is presented in the form of question and answer. Questions appear first, followed by answers.



Procedure for filing an execution request



USAID
FROM THE AMERICAN PEOPLE