

## **ABSTRACT**

### **SEIZURE OF PROPERTY OF THE OBLIGOR SPOUSE IN EXECUTION OF JUDGEMENT PROCEEDINGS**

The topic of this rigorous thesis is seizure of property of the obligor spouse in execution of judgement and execution proceedings. “Seizable property” in this context is property in community property of spouses (the obligor and their spouse), together with other property values belonging to the obligor spouse, such as their pay, pecuniary claims and other property rights that are not part of community property of spouses. The question of seizure of these other property rights has been a subject of an ongoing debate to which this thesis aims to contribute.

Not much attention was paid to the issue of seizure of property of the obligor spouse in the past, but over the course of the seven last years, it has seen three major legislative changes which have made it a subject of public debate. These modifications, however, have also made it difficult to grasp for parties to a case, courts and court executors in their practice. Therefore, the aim of the present thesis is to critically assess the relevant legislation in selected periods of time, analyse its bases as well as its impacts on the obligor spouse in execution of judgement proceedings, and to point out to facts that have escaped the notice of experts.

The thesis consists of four key chapters that deal with legislation effective until 31. 12. 2012, from 1. 1. 2013 to 31. 12. 2013, from 1. 1. 2014 to 30. 6. 2015 and with legislation that was effective at the time of finalization of the present thesis. Each chapter provides an in-depth analysis of available literature and judgements of higher courts illustrating the negative impacts these frequent modifications and imperfect legislation have had on their decision-making practice. With regard to the length of execution proceedings and to frequent legislative changes, special attention is paid to the issue of time applicability of these amendments. Considering that procedural law should

always primarily focus on parties to a case, each chapter also discusses the possibilities of defence of the obligor spouse whose property was seized illegally.

Taking into account the necessity to compare different wording of the relevant regulations, the thesis also includes two detachable annexes comprising a graphic overview of the modifications in the key legal provisions.