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Agnieszka Konieczna, Master of Law  
Department of Civil Procedure  
Mediation and Arbitration Centre  
Faculty of Law, Administration and Economics  
Wrocław University

**Abstract of the Doctoral Dissertation**  
**“Attachment of Immovable Property in Court Enforcement Proceedings”**

The subject of the dissertation is the analysis of legal regulations pertaining to legal procedures related to attachment of immovable property undertaken in court enforcement proceedings. Manners of initiating enforcement proceedings are analysed in the dissertation and then the creditor's petition to commence execution against the debtor's property, its requirements and elements and what provision regulates this issue, are considered. The above analyses are followed by a suggestion of some possible solutions. Furthermore, enforcement actions taken by the court enforcement officer such as, among other things, a call for payment addressed to a debtor and a notification addressed to a creditor about the attachment. The term defined in Article 923 of the Code of Civil Procedure as well as procedural consequences that may arise are discussed herein. Moreover, the issue of a decisive moment with regard to an effective attachment with respect to various subjects is highlighted. Taking into account existing views and opinions concerning this matter as well as existing problems, in order to accomplish an effective attachment it turned out to be necessary to work out this issue in a doctoral dissertation.

Additionally, consequences of the attachment of immovable property are shown together with issues resulting from subsequent creditors joining enforcement proceedings against the property, actions taken by the court enforcement officer and consequences arising for other creditors who applied for enforcement proceedings against the debtor's property. The scope of the effective attachment and its consequences, among other things, the disposal of the attached property are described in the dissertation. Moreover, the analysed particular stages of the attachment process and conclusions are also presented herein.

Considering inconclusive position of the doctrine with regard to the court enforcement officer's competences to carry out execution against the immovable property and to indicate rightness of his actions taking into account the creditor's inaccurate petition, the dissertation explains actions which the court enforcement officer can take not to risk a disciplinary proceeding and if, taking actions referring to the attachment of property, the officer acts within the scope of the binding provisions of law.

Changes and amendments of the Code of Civil Procedure in its part referring to the attachment help effective execution of the creditor's receivables, and, presently, help satisfy the debtor's housing needs. New rules of execution against immovable property and possible



practical issues are discussed in the dissertation. The amendment introduced into the Code of Civil Procedure by adding Article 952<sup>1</sup> is also mentioned as it implements a very important restriction referring to execution against property to improve the debtor's situation in the crisis events such as, among other things, pandemic situation.

The issues covered by the dissertation are analysed comprehensively and particular matters are assessed from a number of perspectives: systemic, historical, structural, functional and prognostic. Observation, used as the basic empirical method has become possible thanks to reading documents, scientific and official publications, press, interviews and statistic data. Thus, the author has been mostly a non-participant observer, however, working at the court and the enforcement officer's office has been an opportunity to become a participant observer. The observation results are recorded as phenomena and events described as scientific facts. The author often uses the statistic positioning method as an auxiliary tool. The historical method turns out to be the most useful method of theoretical studies. The historical-legal method is applied to allow better understanding of execution against immovable property over the centuries as well as its development directions. The inductive (bottom-up) manner of scientific cognition enables some actions taken by the enforcement officer to be classified based on material prerequisites. The deductive method (top-down) enables systematisation procedure to be used, especially to assess the methods of action taking. Furthermore, the method of verification of basic hypotheses as well as the basic general logical methods and techniques such as analysis, synthesis, abstraction and generalization are applied. Analytical and synthetic approach, supported by the intuition method helps arrive at the essential prognostic conclusions.

Chapter One "Commencement of Execution against Immovable Property" depicts the history of attachments, in particular it outlines enforcement procedures across the last centuries. Manners of commencing executions against immovable property are described. In order to exemplify an execution petition, a correct sample petition to commence execution against property is analysed in detail. Moreover, several possible solutions to conclude proceedings before commencing execution against property are suggested. Execution restrictions against the property being part of a farm are also pointed out in this Chapter.

Chapter Two concerns actions leading to the attachment of property in court enforcement proceedings. The issues referring to the order sent to the debtor to repay his debts and to a situation of a spouse in the event when their joint property is attached are discussed in this Chapter. It is worth pointing out to types of defense of a spouse's rights when their joint property is attached. Moreover, this Chapter contains a description of notifying the creditor about the attachment and an entry in the land and mortgage register with regard to the commencement of execution against the debtor's immovable property made by the court enforcement officer.

Chapter Three concerns consequences arising from the property attachment with respect to the debtor, the creditor and the buyer, while Chapter Four deals with joint enforcement proceedings and subsequent creditors joining execution against property. The question is



whether, based on a mention on the property attachment by a subsequent creditor under Article 927 of the Code of Civil Procedure, the court enforcement officer takes the same actions as during the first attachment. In practice, it must be observed, there are some problems with detailed descriptions of completed attachments by the enforcement officer upon particular creditors' petitions.

The last Chapter, Chapter Five, deals with the issues concerning management of the attached property and consequences of its disposal by the debtor after the attachment.

Finally, a summary of all considerations contained in the dissertation together with some suggestions of essential changes to be implemented in court enforcement proceedings with respect to execution against the debtor's immovable property is given.

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