



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-008

ON EXECUTIVE PROCEDURE

Assembly of Republic of Kosovo,

Based on Article 65(1) of the Constitution of the Republic of Kosovo,

With the aim of creation the legal provisions for execution of civil court's decisions and elimination of procedural obstacles during execution;

With the aim of building a legal system for execution of the decisions of civil courts in compliance with the international standards.

Approves,

LAW ON EXECUTIVE PROCEDURE

FIRST PART

CHAPTER I

BASIC PROVISIONS

Article 1

Content of the law

1.1 By this law are determined the rules for court proceedings according to which are realised the requests in the basis of the executive titles (executive procedure), unless if with the special law is not foreseen otherwise.

1.2 The provisions of this law are also applied for the execution of given decision in administrative and minor offences procedure, by which are foreseen obligation in money,

except in cases when for such execution, by the law is foreseen the jurisdiction of other body.

Article 2

Meaning of used terms and expressions

The expressions and particular terms used in this law, have this meaning:

“Credit“ is the right for realization of an amount of money or any giving, commission, non-commission or incurrence;

“Creditor“ is the person, the credit of whom is realised in the procedure of compulsory execution;

“Debtor“ is person towards whom the credit is realised;

“The proposer of insurance“ is the person who initiates the procedure for ensurance of any credit;

„The opponent of insurance“ is the person to whom the credit is ensured;

„Participant“ is the person who in executive procedure realises any right or legal interest, and who is not party in the executive procedure;

„Executive title“ is document based on which is initiated the executive procedure;

„Decision on execution“ is decision by which partially or completely is approved the proposal for execution;

„Court“ in the sense of this law means the judge charged with the execution of executive titles in the executive procedure;

„Official person“ is the employed person in the court who directly performs particular executive actions.

„Public book of immovable property“ means all public books in which are registered the right on immovable property;

„Valuable papers“ means materialised form of valuable papers (documents);

„Shares“ means valuable paper that is issued in the form of electronic note and which is registered in the register of the valuable papers;

„Bank“ means bank or financial organisation which conducts works in circulation of payments;

„Pre-record“ is a kind of registration in public books, by which conditionally are gained, transfered or abolished the rights on immovable property and other items which are the objects of execution.

Article 3

Initiation of procedure

3.1 The executive procedure begins with the proposal of creditor.

3.2 The executive procedure begins ex officio, when that is foreseen by the law.

Article 4 Jurisdiction

4.1 The execution is determined and applied by the court foreseen by this law, unless if with other law is foreseen otherwise.

4.2 Territorial jurisdiction is determined with the provisions of this law, depending from the means and object of execution.

Article 5 Urgency and order of action

5.1 In the executive procedure, the court has a duty to act with urgency.

5.2 The court has a duty to receive cases for procedure according to the order the proposals for execution arrives, unless if the nature of the credit or special circumstances requires for the court to act differently.

Article 6 Means and object of execution

6.1 Means of execution are executive actions or the system of such actions, by which according to the law, the realization of credit is conducted compulsively.

6.2 The object of execution are the items and the rights for which according to the law might be conducted execution for realization of credit.

6.3 Executive actions might be performed directly against debtor and other persons, in compliance with this law.

Article 7 Exclusion from execution

7.1 The object of execution cannot be items which are out of legal circulation, underground wealth, and other natural wealth.

7.2 The object of execution cannot be the buildings, weaponry, and equipment of the armed forces and police, nor financial means ensured for such destinations.

Article 8
Limitations of means and objects of execution

8.1 The court, with an decision assigns the execution through that mean and on that object of execution, as mentioned in the proposal for execution.

8.2 If there are proposed more means or objects of execution, the court might limit execution to only some of such means and objects, if these suffice for realization of credit.

8.3 If the decision on execution cannot be applied in the certain object or mean, then the proposer of execution, with the intent of realization of the same request, might propose some other mean or object of execution.

Article 9
Composition of the court and decisions

9.1 The executive procedure, in the first instance, is conducted and decisions are brought an individual (single) judge.

9.2 The decisions in the executive procedure the court brings in the form of (act) decisions and conclusions.

Article 10
Submissions, sessions and files

10.1 In executive procedure, the court acts based on the submissions and other scriptures.

10.2 The court assigns court sessions if such thing is foreseen by the law, or if it considers that such thing is useful.

10.3 For the work conducted during the session, instead of court record, the court might draft official note.

10.4 Out of court session, the court hears the party or other participant in the procedure, if such thing is foreseen by the law or if it considers that such thing is needed for the clarification of any issue or for statement regarding any proposal by the party.

10.5 The absence of one or both parties, or other participant in the procedure from a court session or their omission to act upon court summon for their hearing, does not obstruct court to act in the session.

10.6 Submissions in the executive procedure are presented in sufficient number for the court and for the opposing party.

Article 11

Delivery of submissions and scriptures

11.1 According to the rules of the Law on Contested Procedure, foreseen for delivery of claim, is also delivered the decision on proposal for execution, decision after objection against the decision for execution and decision for monetary fine.

11.2 In the case of execution based on confident document, if the party to whom the scripture should be delivered is not found in the address pointed out in the proposal for execution, nor either in the pointed out seat of the state body, then the delivery will be conducted through the court table of announcements also in the cases of delivery of decisions mentioned in paragraph 1 of this article.

Article 12

Remedies for attacking decisions

12.1 In the executive procedure, regular legal remedies are objection and appeal, if these are not excluded by this law.

12.2 Against the decision of first instance decision might be filed an objection, while appeal might be filed only in the cases foreseen by this law.

12.3 The objection is presented to the court which has issued the decision in the time-frame of 7 days from the day of delivery of decision, unless otherwise foreseen by this law. About the objection decides the court which has issued the decision.

12.4 Against the issued decision regarding the objection might be filed an appeal within time-frame of 7 days from the day of delivery of decision.

12.5 For the filed appeal is competent to decide the court of second instances.

12.6 The objection and appeal does not halt the executive procedure, but fulfillment of the request of proposer for execution is adjourned until the first instance court decides on presented objection. Exceptionally, when with the executive title is assigned obligation on legal nutrition, or if the execution is conducted through transfer of money from transaction account of legal person in the account of the same type of the proposer of execution, but also in other cases foreseen by this law, the credit might be realized even before the decision for objection of debtor.

12.7 Against the conclusion, as type of decision, in principle is not permitted a legal remedy.

Article 13

Enactment and executability

13.1 The decision against which the objection is not filed in foreseen time-limit becomes final and executable.

13.2 The decision against which is refused the objection becomes executable, and if against it is not permitted an appeal, then it becomes also final.

13.3 The decision in which the objection is refused becomes final if against it is not filed an appeal in foreseen legal time-limit, or if the filed appeal is refused as un-grounded.

13.4 If by this law is foreseen that against the first instance decision might be filed an appeal instead of objection, then such a decision becomes executable, but it becomes final if there is no appeal filed within legal time-limit, or if filed appeal is refused as un-grounded.

Article 14

Extra-ordinary legal remedies

14.1 Against the final decision issued in executive and security procedure is not permitted the revision and repetition of the procedure.

14.2 Restitution into previous state is permitted only in case of non-preservation of time-limit for filing an objection and appeal against the executable decision for compulsory execution.

Article 15

Legal time-limits for commission of actions

15.1 On proposal for compulsory execution the court has a duty to decide within time limit of 15 days from the day of presentation of such proposal.

15.2 On presented objection the court has a duty to decide within time limit of 15 days from the day when the conditions are fulfilled to decide about it.

Article 16

Order for realization of credits of more creditors

The demands of more creditors who realizes their monetary credits towards the same debtor and on the same object of execution, is done based in the order in which they have gained the right for realization of demand for such object, except in the cases for which by the law is foreseen otherwise.

Article 17

The execution of the decision of foreign court

The execution of the decision of foreign court is determined and applied according to this law, only if it fulfills by the law or by the international treaty foreseen conditions for recognition and execution.

Article 18 **Execution for wealth of foreign state**

For the wealth of foreign state or international organization in Kosovo, cannot be determined the execution without previous consent of competent state body, except if the foreign state expressively agrees that execution can be conducted.

Article 19 **The costs of execution**

19.1 The expenses of procedure regarding the determination and commission of execution are paid by the creditor in advance.

19.2 The expenses from paragraph 1 of this article, the proposer of execution is obliged to pre-pay within assigned time limit by the court. The Court will suspend the execution if the costs are not pre-paid within such time-limit. If within court time limit the costs for a concrete action are not pre-paid, then only such an action will not be accomplished.

19.3 The costs of the procedure initiated ex officio, in advance are faced by the court itself from its budgetary financial means.

19.4 Debtor has a duty to pay to the proposer of execution the costs which were necessary for execution.

19.5 The proposer of execution should reimburse to the debtor the expenses caused without justified need.

19.6 The request for payment of expenses is presented at latest within time limit of 15 days from the day of conclusion of execution.

19.7 For request for payment of procedural expenses the court decides in executive procedure and in this procedure upon proposal of party, assigns the execution with the aim of its realization.

Article 20 **Guarantees**

20.1 In cases where this law foresees giving of guarantees, then it is given in cash money. The court might allow giving of guarantee in form of bank guarantee, valuable papers, valuable items, and the value of which is easily determined in the market and which might be exchanged into money quickly and in simply manner.

20.2 Institutions of Kosova and bodies and their services are not obliged to deposit guarantees when in execution procedure appear as parties.

20.3 Upon the deposited guarantee the opposing party obtains the right of legal pledge.

20.4 If the court in executive procedure decides on the right of the opposing party to be paid the procedural expenses regarding the action for which commission is given guarantee, then with its proposal the court with the same decision will decide also for payment of the request concluded by such a guarantee.

Article 21

Fines and compulsory measures in executive procedure

21.1 If by this law the monetary penalty is foreseen as mean of execution, then it might be pronounced to physical persons in amount from 100 to 1000 Euro, whilst to legal person in amount from 1000 to 10.000 Euro.

21.2 In the case from paragraph 1 of this article, monetary penalty in amount from 500 to 2500 Euro, might be pronounced also to responsible person of the legal person.

21.3 Monetary penalty from paragraph 1 and 2 of this article might be pronounced in repeated manner, if the debtor does not act upon repeated order of the court or continues to act a contrary to it.

21.4 Before pronouncement of monetary penalty the court makes possible to debtor to have a say and when is needed it might assign a session in order to take evidence.

21.5 Monetary penalty is pronounced by the judge bearing in mind all circumstances of the concrete case, and particularly to economical power of debtor and seriousness of the act he was obliged to accomplish. With the decision for fine, it is assigned the time limit for payment of an amount of money which composes the penalty.

21.6 Fined person might present an objection against the decision in time limit of 7 days, from the day when it is delivered to him.

21.7 Fined person should pay the expenses created with the pronouncement and execution of this fine.

21.8 After the execution of decision, the fine in money is realized ex officio by the court, in benefit of the account from which is financed the executive court. Execution expenses burdens the court budget, whilst the payment of these costs which is determined by the conclusion, is applied in the procedure of compulsory realization of monetary penalty.

21.9 The monetary penalty might be pronounced and applied also against debtor and other physical persons, and against responsible person of legal person also when they refuse to provide data about the wealth of debtor, and also when their actions and behavior are in contradiction with the order or halt of court, damages or exterminates the wealth of debtor, or obstructs the court in the commission of execution activities.

21.10 Monetary penalty pronounced according to the provisions of this article may not be modified to imprisonment penalty.

Article 22
Application of the provisions of other laws

22.1 In execution procedure accordingly are applied the provisions of the Law on Contested Procedure, unless in this law or in any other law is not foreseen otherwise.

SECOND PART
EXECUTION PROCEDURE
CHAPTER II
EXECUTION DOCUMENT AND CONFIDENT DOCUMENT

Article 23
Legal basis for determination of execution

The court determines execution only in the basis of execution title (titulus executions) or confident document, unless otherwise foreseen by this law.

Article 24
Execution title

24.1 Execution titles are:

- a) execution decision of the court and execution court settlement;
- b) execution decision given in administrative procedure and administrative settlement, if it has to do with monetary obligation and if by the law is not foreseen something else;
- c) notary execution document;
- d) other document which by the law is called execution document.

Article 25
Decision and settlement

25.1 According to this law, court decision is considered verdict, (act) decision and other decisions given in court proceedings or arbitration, whilst court settlement is considered achieved settlement before the court and arbitration.

25.2 The decision of administrative body, according to this law, is considered (act) decision and conclusion given in administrative proceedings by the administrative body or service or by the legal person charged with public authorizations, whilst administrative settlement is considered achieved settlement in administrative procedure before the body or service, respectively such legal person.

Article 26
Executability of decision

26.1 Court decision by which is ordered the fulfillment of the credit for any giving or commission, is executable if it has received enactment, and if it has expired time-limit for voluntary fulfillment (parties time-limit). Time-limit for voluntary fulfillment starts to run from the day of delivery of decision to execution debtor and concludes with the expiry of the last day assigned by court decision, if by the law is not foreseen otherwise.

26.2 Court decision by which is ordered the fulfillment of the credit for omission or incurrance executable if it has become enacted, except if in the execution document is assigned the certain time-limit for according of debtor's behavior with his obligation.

26.3 Given decision in administrative procedure is executable if as such is done according to the rules by which such procedure is regulated.

26.4 In the basis of the decision which has become enacted only in a part of it, the execution might be allowed only to such a part.

26.5 Execution is determined based on court decision that has not still became enacted, or in the base of the decision given in administrative procedure which has not become final, only if by the law is foreseen an appeal or other legal remedy which does not obstruct the execution.

Article 27
Executability of settlement

27.1 Court settlement and settlement achieved in administrative procedure is executable if the credit which should be fulfilled according to it has become realizable.

27.2 Realisability of the credit is proved through the record on settlement, through public document or through the document certified according to the law.

27.3 Realisability which cannot be proved in a manner as explained in paragraph 2 of this article is proved through the decision given in contested procedure by which it is concluded the claim ability of credit (request).

27.4 In the basis of settlement which has become executable only in a part of it, the execution might be determined only regarding such a part.

Article 28

Suitability of execution document

28.1 Execution document is suitable for execution if in it is pointed out the creditor, the execution debtor, and also the object, type, volume, and time of fulfillment of obligation.

28.2 If through the execution document is not assigned the time for voluntary fulfillment of the obligation, such time-limit will be assigned by the decision on execution.

28.3 In the case from paragraph 2 of this article, the court assigns proposed execution under condition that debtor within a time-limit for voluntary fulfillment assigned to him, does not fulfill his obligation.

28.4 Provisions of paragraph 2 and 3 of this article are not applied in execution procedure based on notary execution document.

Article 29

Interest-delay

29.1 If after the creation of execution document is changed the height of the interest-delay, then the court upon the proposal of creditor or execution debtor, with decision on execution assigns the payment of penalty interest according to the changed level for the time linked with such a change.

29.2 If in the execution document are assigned also the procedural expenses, the court upon proposal of creditor, with the decision on execution will assign the payment of interest-delay, in the sum of the costs assigned according to the foreseen level, from the day of issuance of the execution document until the day of payment.

Article 30

Confident document

30.1 Execution for realization of monetary demands is assigned also based in the confident document.

30.2 According to this law, confident document is invoice, bill of exchange, cheque, with potest and returning bill if it is needed for establishment of a credit, public document, and extract from the business books for payment of municipal water services, electricity and trash, private document certified according to the law.

30.3 Invoice is considered also counting of the interest.

30.4 Confident document is appropriate for execution if in it is pointed out the proposer of the execution and debtor, and also the object, type, volume and time of fulfillment of the obligation.

Article 31

Claim ability of the credit

If from the confident document is not apparent whether the credit has become claimable, and then the execution is assigned only if the creditor presents statement in written that his credit has become claimable whilst it is pointed out also the day for such a thing.

Article 32

Transfer of credit or of debt

32.1 Execution is assigned also upon the proposal of a person or in his benefit, which in execution document is not noted as creditor, if he through the public document or private but according to the law certified document proves that the credit is transferred to him, or that in other way has been transferred to him. If the transfer or in other way done transfer cannot be proved in such manner, then such a thing might be proved through the enacted decision issued in contested procedure.

32.2 Execution is assigned also against the third person who in execution document is not mentioned as debtor, if the proposer of execution through public or private, but according to the law certified document, proves that such person in legal manner has undertaken the debt from execution document, or that he such a debt according to the law is obliged to delete. If the obligation of the third person for deleting the debt is disputed, then the parties before the execution is permitted should resolve the dispute in contested procedure.

Article 33

Conditioned obligation and mutual obligation

33.1 Execution which depends from the previous fulfillment of any obligation by the side of proposer of execution, or from fulfillment of any condition, is assigned if the proposer for execution with a public or private certified document proves that has fulfilled his obligation, respectively that the condition is fulfilled.

33.2 Fulfillment of obligation, respectively fulfillment of the condition is proved by the final verdict issued in contested procedure, if the proposer of execution does not have opportunity to prove such thing in a manner explained in paragraph 1 of this article.

33.3 If the debtor according to the execution document is obliged to fulfill his obligation under condition that in the same time will be fulfilled any obligation in his benefit, then the court will assign execution only if the proposer of execution presents evidence that he has ensured the fulfillment of his obligation.

33.4 It is considered that the proposer has sufficiently ensured fulfillment of his obligation in the sense of paragraph 3 of this article, if he has deposited the object of obligation to the court.

33.5 The proposer of execution who claims that he has fulfilled his obligation should prove such thing according to the manner foreseen in paragraph 1 and 2 of this article.

Article 34

Alternative obligation according to the selection by debtor

34.1 If the execution debtor upon execution document has a right to choose between several objects of his obligation, the execution proposer has a duty that in the execution proposal assign the object by which the obligation should be fulfilled.

34.2 Execution debtor has a right of selection until the creditor accepts completely or partially the object mentioned in the execution proposal.

Article 35

Alternative authorizations of the execution debtor

35.1 Execution debtor against whom is pronounced, through execution document, non-monetary penalty, simultaneously with the right of release from fulfillment of his obligation, by paying certain amount of money noted in the execution document, might pay such amount until the creditor has not even partially started accepting the object of obligation.

35.2 Creditor has the right to be paid for the costs of the concluded procedure which was halted because the debtor after its initiation instead of primary obligation has fulfilled other obligation assigned in the execution document.

Article 36

Interruption of the procedure

36.1 The court cannot interrupt the execution procedure in order to wait for the decision of the competent court, or other body, regarding the previous matter.

36.2 In other cases of interruption of procedure, foreseen by the Law on Contested Procedure, the court might, if the circumstances of the case allows, upon the proposal of the party or ex officio to determine the continuation of the procedure by nominating the temporary representative to the party with whom has to do the cause which has brought to the interruption of the procedure.

36.3 In case of death of the execution proposer who does not have authorized representative or legal representative, each of the inheritors or interested persons might propose that until the inheritance community lasts, the court on the expenses of proposer to nominate temporary representative and to continue with the procedure. The court will nominate temporary representative within 7 days time limit, from the day of submission of proposal. In the case when such inheritor's or interested person's proposal, is not submitted within 30 days time-limit, from the day of death of the execution proposer, the court will suspend the execution procedure.

36.4 In case of death of the execution debtor who does not have authorized representative or legal representative, the court, if the creditor of execution proposes so, within time-limit of 15 days from the day when it became aware for the death of debtor, to the inheritors will nominate an temporary representative in the burden of expenses of creditor of execution, as a rule from the line of persons, have on their possession the wealth which is the object of execution and will continue the procedure. The court nominates a temporary representative within 7 days time-limit, from the day of submission of request. If the authorized person does not propose the continuation of the procedure within assigned time-limit, the court will suspend the execution procedure.

36.5 Final expenses of the execution proposer from paragraph 4 of this article are realized from the debtor's wealth.

36.6 After the conclusion of inheritance community, each of the inheritors might undertake the procedure by appearing before the court.

36.7 For undertaking procedure and dismissing the temporary representative, the court decides with a decision issued in the form of conclusion.

Article 37 **Certificate for the execution**

37.1 If the execution proposal is submitted before the court which has not decided in first instance about the claim, together with the proposal is submitted also the execution document, in original or certified copy, in which it is put the execution certificate.

37.2 Execution certificate is given by the court, respectively state organ which has decided about the request in first instance procedure.

37.3 Exceptionally from the provisions of paragraph 1 and 2 of this article, the execution document of the notary, based on which is submitted the execution proposal, is not needed to be equipped with the execution certificate, but its executability is determined according to the provisions of the law on notary.

37.4 The certificate for executability given without fulfilled conditions foreseen by the law is annulled with a decision by the same court, respectively same body of power, based on the proposal of debtor, which should be submitted in 7 days time-limit, from the day of the delivery of execution decision.

Article 38
Execution in the base of confident /authentic/ document

When the execution proposal is submitted based on confident document, it suffices that to the proposal be attached such original document or its certified copy.

CHAPTER III
PROPOSAL AND DETERMINATION OF EXECUTION

Article 39
Execution proposal

39.1 Execution proposal should contain the request for execution in which will be shown the execution document, or confident document in the basis of which is requested the execution, claimant of execution and debtor, credit required for realization, and also the mean through which the execution should be conducted, object of execution if known and other data needed for application of execution.

39.2 If together with the execution proposal is submitted also the request for conclusion on the debtor's wealth, for results of such conclusion the court will introduce the execution proposer, giving him time limit to regulate presented proposal, respectively to change or to add it.

Article 40
Proposal in the basis of confident document

40.1 Execution proposal in the basis of confident document should contain:

- a) execution request from paragraph 1 of article 39 of this law;
- b) request by which the court obliges execution debtor that within 7 days time-limit, whilst in disputes from the relations where bill of exchange or cheque exist, within 3 days time limit, from the day in which is delivered the decision, to fulfill the obligation together with the assigned costs.

Article 41
Execution in movable items

When it is proposed the execution in movable items, in execution proposal is no need to more closely indicate such items.

Article 42
Conclusion on wealth of debtor

42.1 Execution proposer in his proposal which is based in execution document might request from the court that before issuing the decision on execution, to request from the debtor and other subjects mentioned in the proposal, respectively from bodies or administrative services, or other institutions, providing of data about the wealth of debtor, if the proposer makes trustworthy the fact that mentioned subject might possess such data.

42.2 The request from paragraph 1 of this article the claimant of execution might submit even after issuance of decision on execution, if the execution was not successful through the previous mean and object.

42.3 Court, upon arrival of the request from paragraph 1 of this article, with conclusion obliges the debtor or other person, that in assigned form by the legal council or to indicate the full data regarding the movable and immovable property of debtor, and especially regarding the type and height of incomes and deposits in money, and also the place where such property is situated.

42.4 Filled and signed form should be delivered to the court within, by the court and with conclusion assigned time-limit.

42.5 The persons who do not act upon court order might be fined in a manner foreseen in article 20 of this law. These fines are pronounced also to responsible persons in legal person or administrative body, administrative service and other institution.

42.6 Physical person or responsible person mentioned in the paragraph 5 of this article is criminally responsible for false statement, if he gives non-complete or untrue data regarding the debtor's wealth. About these consequences, the court should inform respective subject with conclusion by which from him are required data concerned.

42.7 The court might instead of requirement of filling the respective form, from debtor who is physical person, or from other physical person, to request verbal statement in court session. If the summoned person does not come to the session or refuses to give verbal statement, the court applies provisions of paragraph 5 of this article.

Article 43

Withdrawal and limitation of proposal

43.1 Execution proposal might, during the flow of execution procedure, without the consent of debtor, to completely or partially be withdrawn by the claimant of execution.

43.2 In the case of the withdrawal from the execution proposal, the court concludes the execution completely or partially, depending from whether it was withdrawn completely or partially.

43.3 Execution proposal, withdrawn completely or partially, might be submitted again before the execution court.

Article 44 Decision on execution

44.1 In the decision on execution should be indicated the execution document, respectively confident document in the basis of which is assigned execution, execution proposer and debtor, credit which should be realized, mean and object of execution, and other data needed for application of execution.

44.2 If through the decision is assigned the payment of interest, then their counting with the expenses of the execution proposer, is done by the execution court, except if the realization of interest should be done from the deposited money in bank account. In such case the counting is done by the bank in debtor's expenses.

Article 45 Decision in the basis of confident document

With execution decision in the base of confident document, the court:

- a) obliges execution debtor that within 7 days time-limit, and in disputes in relation to bill of exchange or cheque, within 3 days time-limit, from the day of delivery of the decision to delete the debt together with e procedural expenses assigned in it;
- b) assigns the execution for realization of the requests from item 1 of this article.

Article 46 Composing parts of the execution decision

46.1 Execution decision should not necessarily have reasoning part. This decision might be issued also by putting square seal in the execution proposal.

46.2 Execution decision should contain instruction on legal remedy, which parties have right to use against it.

46.3 Decision by which the proposal is completely or partially refused or rejected necessarily should have the reasoning.

Article 47 **Delivery of the execution decision**

47.1 Execution decision is delivered to the execution proposer and execution debtor. Decision by which is rejected or refused the execution proposal is delivered only to the execution proposer.

47.2 If the execution proposer for realization of his credit proposes execution in the wealth of the debtor, in which debtor has the right of co-ownership or joint ownership, the court for issued decision will inform all co-owners, respectively carriers of the right to joint ownership.

47.3 Execution decision on debtor's monetary credit is delivered also to the debtor of debtor, whilst execution decision for means in the account of debtor is delivered also to the bank.

47.4 Execution decision given based in the confident document is delivered to the bank after it becomes enacted, except when execution is assigned in the base of bill of exchange and cheque with protest and returning invoice, if needed for establishment of a credit.

47.5 Execution decision given in the basis of bill of exchange and cheque is delivered to the parties immediately after the issuance, with purpose of sequestration of means in the account of execution debtor.

47.6 Execution decision for movable items is delivered to debtor in the case of commission of the first executive act. If the movable item is not in the possession of debtor, then the decision is delivered also to the person under whose possession is it.

CHAPTER IV **APPLICATION OF EXECUTION**

Article 48

Execution in the basis of non-enacted decision

48.1 Execution is applied even before the decision on execution becomes enacted, if for certain execution acts is not foreseen otherwise.

48.2 Execution assigned in the basis of confident document cannot be accomplished before the execution decision becomes enacted.

Article 49 Limits of execution

Execution is conducted within assigned limits in the execution decision.

Article 50 Time of execution

50.1 Execution is conducted during the working days and that during the day in time between 07 - 20.

50.2 The court might decide through conclusion that execution be conducted in non-working days or during the night, only when for such thing exists reasonable causes.

Article 51 Actions of the official court person

51.1 Official person has a duty that in the case of search of the house and other debtor's premises or his personal search , but also in the case of other actions, act with appropriate respect towards the personality of debtor and debtor's family members.

51.2 During the conduct of execution actions in the house of debtor, where the debtor is not present, his legal representative or authorized representative or adult person from his family, necessarily should present at least two adult citizens.

51.3 Execution in business premises or in other premises of legal person is done during the working hours and in presence of the person assigned by competent organ of the legal person, and when the latter fails to assign such person, then execution action are conducted without presence of anyone.

51.4 When the execution action is to be conducted in closed premise, whilst the debtor is not present or does not agree to open the premise, then official person will open the premise in presence of one adult citizen and the police.

51.5 During the commission of execution actions according to the provisions of paragraphs 1, 2, 3 and 4 of this article, court official person should draft separate record which will be signed by present citizens, whilst a copy of it or the notification for

committed execution action, will be stacked to the doors of the house of business premise.

Article 52
Irregularities during the conduct of execution

52.1 Party or other participant in the procedure might request from the court with a submission to eliminate the irregularities done by the official person of the court during the conduct of execution.

52.2 Upon request from paragraph 1 of this article, if the submitter has proposed this, the court issues decision within 3 days from the day of delivery of submission.

Article 53
Obstructing court official person performing his work

53.1 Court official person is authorized to remove the person from the place in which execution action is taking place, if he obstructs its commission.

53.2 During the commission of compulsory actions foreseen by the law, violence and force used should be proportionate to the circumstances of the concrete case.

53.3 During the execution procedure the police bodies has a duty to provide the court official person with the appropriate assistance for commission of execution actions. Court official person, in case of need might take pertinent measures against a person who obstructs the commission of execution actions.

53.4 During the action of the police bodies upon order of the court official person, accordingly are applied provisions of the law on internal affairs respectively judicial police.

53.5 In case the police do not apply the orders of court official person for providing assistance during the conduct of execution, the court has a duty to immediately inform for that the competent organ.

CHAPTER V

LEGAL REMEDIES FOR ATTACKING DECISIONS

1. OBJECTION

Article 54

Object of attack with objection

54.1 With objection might be attacked only decision on execution by which is accepted the execution proposal.

54.2 Regarding the content of the objection in appropriate manner are applied the provisions on appeal, of the Law on Contested Procedure.

54.3 The decision by which the execution proposal is rejected or refused might be attacked only by an appeal of the execution proposer.

Article 55 Reasons for objection

Objection against execution decision might be submitted from the reasons which obstruct the permitted execution by the court, and especially if:

- a) the document in the basis of which is given execution decision is not executive title, or if it has not gained the feature of executability;
- b) the execution document in the basis of which is given execution decision is overruled, annulled, amended or in other way deprived of power, respectively if in other way has lost its effect or it is concluded that it is without legal effect;
- c) parties, through the public document or certified document according to the law drafted after the creation of execution document, who have agreed not to require for limited time or forever the execution in the basis of executive document;
- d) time-limit within which, according to the law the execution might be requested, has expired;
- e) the execution is assigned for items which are excluded from compulsory execution, respectively in which the possibilities for execution are limited;
- f) execution proposer is not authorized to request execution in the basis of execution document, respectively if he is not authorized to request the execution against the debtor;
- g) is not fulfilled the condition assigned by the execution document, unless otherwise foreseen by the law;
- h) the credit is abolished based on the fact born at the time when debtor could not anymore submit such fact in the procedure from which the decision has derived, respectively if the credit is abolished in the base of the fact created upon reaching the settlement before the court or administrative body;
- i) in the base of the fact born at the time when debtor could not anymore submit such fact in the procedure from which the decision has derived, respectively if in the base of the fact created upon reaching the settlement before the court or administrative body, for limited time or permanently the fulfillment of the credit is adjourned, halted, amended or disabled in some other way;

k) is done the prescription of the credit for which is decided through execution document and in the base of which is given the execution decision.

Article 56 **Response regarding the objection**

56.1 Objection against the execution decision, the court delivers to the opposing party.

56.2 Response regarding the objection might be presented in 3 days time-limit, from the day of delivery of objection.

56.3 After the arrival of the response regarding the objection, or if the time-limit expires, the court, depending on circumstances of the case, will issue decision without scheduling court session, or it will issue it in court session assigned for its review.

Article 57 **Decision on objection**

57.1 Decision on objection is issued by the single judge.

57.2 Through the decision, the objection is accepted, refused, or rejected as timeless, as not complete, or as non-permitted.

57.3 If the objection is accepted, the court, depending on the circumstances of the case, concludes entirely or partially the execution and annuls the committed actions.

Article 58 **Objection against the decision based in confident document**

58.1 Debtor, with the objection against the decision on execution issued in the base of confident document, determines the part which is attacked in this decision. The objection of debtor should be justified.

58.2 If with the objection is not indicated the part of the decision on execution which is attacked, then the extent of the attack is determined based on the justification part of the presented objection.

58.3 The objection that does not have justification part will be rejected with the decision.

58.4 If the execution decision is attacked completely or only in a part in which is certified the existence of the credit, then the execution proposal presented by the creditor will be considered as his lawsuit and in such case the court will further act according to the provisions of the contested procedure.

58.5 When the objection from paragraph 4 of this article is submitted, the court adjourns the execution procedure and its continuation is done based on the request of the execution proposer, after court decision by which the lawsuit is accepted in contested procedures, becomes enacted.

58.6 If the first instance court refuses the claim and annuls the decision in, by objection, attacked part, then it will order also the suspension of execution procedure. When this decision of contested procedure is enacted, the execution court will, by the decision, conclude that the execution procedure is suspended and it will annul the committed actions.

58.7 If the execution decision is attacked only in a part by which the execution is permitted, further procedure will continue as procedure regarding the objection against execution decision issued in the base of execution document.

58.8 If the objection from paragraph 7 of this article is approved by the court, then the part of the decision by which the debtor is ordered to fulfill the obligation, has the feature of execution document, in the basis of which might be proposed again the compulsory execution.

2. OBJECTION BY THIRD PERSON

Presumptions for presentation of objection Article 59

59.1 Person who claims that regarding the object of execution, has a right which obstructs the execution, might present objection, with the request that the execution on objection of execution be pronounced as non-permitted in a part covered by his right.

59.2 The objection might be presented until the conclusion of the execution procedure. The objection presented by the third person does not obstruct the commission of execution and realization of the credit of execution proposer, unless otherwise foreseen by this law.

59.3 The objection of the third person is delivered by the court to the execution proposer and to debtor, with the request that within 7 days time-limit to declare about it.

Article 60 Court decision regarding the objection of third person

60.1 About the objection of third person the court will decide in execution procedure, or the submitter of the objection with a conclusin will be instructed that the intended right realise through lawsuit in contested procedure.

60.2 Execution court will decide about the objection of third person in execution procedure as many times as the circumstances of the concrete case allows, and especially when the submitter of the objection proves the foundation of his objection through the final verdict, with an public document, or with an non-public document certified according to the law.

Article 61

Instruction for contested procedure

61.1 Instruction for initiation of the contested procedure from paragraph 1 of article 60 of this law does not obstruct the commission of execution, nor realization of the credit of the execution proposer.

61.2 In contested procedure from article 60 paragraph 1 of this law, the submitter of objection from article 59 of this law might require the adjournment of execution, in which case the contested court in appropriate manner applies the provisions of contested procedure for determination of court security measures.

61.3 If it takes decision for adjournment of execution, the contested court will assign also the time for which it is adjourned. Such decision the contested court ex officio delivers to the execution court for application.

61.4 The execution court, after it reaches the mention decision from paragraph 3 of this article, through a conclusion adjourns further execution and continues it upon the request of the execution proposer, after the decision of the execution court by which is dispowered the decision for adjournment of execution or rejected the lawsuit of the submitter of objection, respectively refused his claim, becomes enacted. Execution actions committed remains valid until the moment of continuastion of the execution procedure.

61.5 If the contested court of first instance approves the claim of third person that the execution be pronounced non-permitted and the execution decision annulled, it will, at the same time, order also the conclusion of the executive procedure. After the enactment of such verdict of the contested court, the execution court with its decision will conclude that the execution procedure is halted and with it will annul all execution activities conducted before.

61.6 Through the decision for objection of the third person issued by the execution court in the basis of paragraph 2 of article 60 of this law is not touched upon the rights of that person that even after the issuance of the decision, to realize his rights towards the execution proposer, respectively towards debtor in contested procedure initiated especially with the lawsuit.

61.7 Third person might use the rights foreseen in paragraph 2 of this article, only if the contested procedure with the aim of realization of his rights against the execution

proposer respectively debtor, is initiated in the basis of the conclusion for the instruction to contested procedure from paragraph 1 of article 60 of this law.

CHAPTER VI

COUNTER-EXECUTION PROCEDURE

Article 62

Reasons for counter-execution

62.1 Debtor has the right that in the same execution procedure, and even after the end of execution procedure, to demand from the court the issuance of a decision by which the execution proposer is ordered to return what he has taken in the basis of execution procedure, if:

- a) executive document by an final decision is overruled, amended, annulled, dispowered or in other manner is concluded that it is without legal effect;
- b) execution decision by a final decision is annulled or amended;
- c) during the conduct of execution procedure but outside the court, the debtor has fulfilled obligation towards the execution proposer, and with such thing the execution proposer has realized twice the same credit.

62.2 If execution proposer by the execution has realized an amount of money, the debtor in the proposal for counter-execution might demand payment of interest-delay, from the day of the payment of such amount.

62.3 Proposal for counter-execution from paragraph 1 of this article might be presented in 15 days time-limit, from the day in which the debtor became aware for the reason of counter-execution.

62.4 Before expiration of time-limit from paragraph 3 of this article, debtor cannot realize his request in contested procedure.

Article 63

Procedure upon proposal for counter-execution

63.1 The court delivers the proposal for counter-execution to the execution proposer and demands from him that within 3 days time-limit, from the day of delivery, declares himself regarding such proposal.

63.2 If within the time-limit from paragraph 1 of this article, the execution proposer opposes the proposal for counter-execution, then the court decides after the holding of court session.

63.3 By the decision by which is approved the proposal for counter-execution, the court orders the execution proposer that within 7 days time-limit to return to debtor respectively to third person what he has taken by the execution.

63.4 Court issues such decision even when the execution proposer is not declared at all within assigned time-limit, or when he declares that he does not oppose the proposal for counter-execution.

Article 64 **Decision on counter-execution**

64.1 In the basis of the final decision by which it is approved the proposal for counter-execution, the court upon proposal of debtor will assign by the special decision the procedure of counter-execution.

64.2 In further procedure of counter-execution in accorded manner will be applied the provisions of this law pursuant to which the execution is conducted.

Article 65 **Impossibility of counter-execution**

Proposal for counter-execution will not be accepted if by it is demanded return of an item to which have occurred such material or legal changes which makes its return impossible.

Article 66 **Counter-execution according to the proposal from the third person**

66.1 Person, from whose wealth is realized the credit of the execution proposer, and who was not featured as debtor in the execution decision, has the right that within mentioned time-limits in this part of law, request from the court to order execution proposer to return all what was given to him by the concluded execution.

66.2 In the basis of the third person's proposal from above paragraphs of this article, is conducted counter-execution procedure according to the provisions of chapter 6 of this law.

66.3 In this counter-execution procedure, the proposer is named execution proposer and the opponent of the proposer is named debtor.

Article 67
Counter-execution upon proposal of the participant in the execution

67.1 Participant in the execution procedure has the right, within mentioned time-limits in this law, after the amendment of the execution decision by the final decision, to request from the court to order the person to whom is paid certain amount of money, that that amount be returned to him.

67.2 In the basis of the proposal from paragraph 1 of this article is applied the counter-execution procedure according to the provisions of the sixth chapter of this law.

67.3 In such counter-execution procedure the proposer is named executive creditor, whilst the opponent of the proposer is named executive debtor.

CHAPTER VII

ADJOURNMENT, SUSPESION AND CONCLUSION OF THE EXECUTION

Article 68
Adjournment of the execution upon the creditor's request

68.1 If by the law is not foreseen otherwise, the execution might be adjourned partially or entirely only upon the request by the execution proposer, but only if the application of the execution decision has not started yet. If in the execution procedure participates more execution proposers and only any of them requires adjournment, then the court adjourns execution only in regard to such an execution proposer.

68.2 If the application of the execution has started whilst the debtor within, by the court assigned time-limit, is declared against the adjournment, then the court will decide about the reasonableness of the request for adjournment.

68.3 If by the law is foreseen that the execution might be proposed only within assigned time-limit, then the execution proposer might present request for adjournment of execution only within such time-limit.

Article 69
Time for which the execution is adjourned

69.1 The court adjourns the execution for time assigned by the execution proposer or for time it considers reasonable bearing in mind the circumstances of the concrete case.

69.2 If by the law is foreseen the time-limit within which might be proposed execution, then its adjournment cannot be done out of such time-limit.

Article 70

Continuation of the adjourned procedure

Adjourned execution continues upon request by the execution proposer even before the expiration of time for which it is adjourned. If the execution proposer does not require the continuation of procedure even after 15 days from the day of expiration of time-limit for which the execution is adjourned, then the court will conclude the adjourned executive procedure by a decision, by which it is assumed that the execution proposal is withdrawn.

Article 71

End of the execution procedure

71.1 Unless foreseen otherwise by this law, the execution will conclude ex officio if the executive document is overruled, annulled, amended, dispowered or in other manners called ineffective, respectively if the certificate for its executability is annulled by a final decision.

71.2 Execution will end ex officio also when in accordance with legal provision by which are regulated obligatory relations, third person fulfills obligation in benefit of the execution proposer instead of debtor.

71.3 Execution will end also when it becomes impossible, or when for other reasons it cannot be applicable.

Article 72

Decision on conclusion of execution

72. Before the issuance of the decision for suspension of execution foreseen in paragraph 3 of article 71 of this law, the court will summon the execution proposer to present a proposal from article 7 paragraph 3 of this law, within 15 days time-limit from the day of delivery of the summon. The decision on suspension of execution is issued by the court if the proposal is not submitted within time-limit or if the proposal is not grounded.

72.2 Execution on certain items is suspended upon proposal of debtor if the court concludes that after the expiration of time-limit for submitting an objection, in execution are included item which were not assigned by the decision on execution, and these are excluded from the possibility of inclusion in execution, or the possibility of inclusion in execution is limited.

72.3 Time-limit for submission of the proposal for reason from paragraph 2 of this article is seven days and it starts to run from the day the debtor acknowledged that in execution

is included item which is excluded from the execution, respectively item on which the possibility of execution is limited. After the expiration of 30 days time-limit from the day of the commission of actions in which are included the items from paragraph 2 of this article, the proposal from the paragraph concerned cannot be submitted.

72.4 With the decision by which the court suspends the execution are annulled the committed execution actions, if by such conduct is not touched upon the gained rights of third persons.

Article 73

End of the execution

Execution procedure is considered concluded at the moment when the decision by which is overruled or refused the execution proposal, becomes final; at the moment when is committed an executive action by which the execution ends, or at the moment when the execution is halted.

THIRD PART

MEANS AND OBJECT OF EXECUTION

CHAPTER VIII

EXECUTION FOR REALIZATION OF MONETARY CREDIT

Article 74

Order for realization of credit in case of more creditors

If there are more execution proposers who should realize their credits from the same debtor and from the same execution object, then they will realize them according to the order in which they have obtained the right that from such object realize credit, unless otherwise foreseen by the law.

Article 75

Extent of execution in case of monetary credit

Execution for realization of monetary credits is assigned and applied to the extent necessary for the realization of such requests.

CHAPTER IX

EXECUTION ON MOVABLE ITEMS

Article 76 Territorial jurisdiction

76.1 To decide on the execution proposal for movable items and for the commission of such execution, territorial competence is with the court in territory of which are situated these items as it is pointed out in the execution proposal.

76.2 Provisions of the paragraph 1 of this article are applied accordingly also in the cases in which the execution is initiated ex officio.

76.3 Execution proposer might request from the court to issue an executive decision on movable items, without mentioning the place of location.

76.4 To decide regarding the proposal from paragraph 3 of this article, of territorial jurisdiction is the court in territory of which is the debtor's residence, and if he does not have residence in Kosovo, then in the territory of which he stays, if dealt with physical person. If debtor is legal person, of territorial jurisdiction is the court in which territory is its seat.

76.5 In the case from paragraph 3 of this article, the execution proposer might submit the execution decision to any court of material jurisdiction in the territory of which are situated debtor's items, with a proposal that that court conduct execution.

Article 77 Delivery of the executive decision for execution

If the court has assigned execution on movable items which are located in its and other court's territory, then after the commission of execution on movable items in its territory, the execution decision will be delivered to the other court for further execution until the full realization of the execution proposer's credit.

Article 78 Exclusion from execution

78.1 The object of execution cannot be:

a) items which are necessarily needed for debtor and his family members for fulfillment of their daily needs;

- b) food and flammable materials for heating, for three months for the needs of debtor and his family members;
- c) cash money of debtor who has permanent monthly incomes up to the monthly amount which is excluded from the execution according to the law;
- d) medals, war memorials and other decorations, wedding ring, Manuscriptures, personal and family documents, photos and family portraits;
- e) postal deliveries in cash money before delivered to debtor.

78.2 Provisions of paragraph 1 of this article have not to do with execution for realization of the monetary credit ensured by the contract on pledge on movable items.

Article 79 **Executive actions**

79.1 Execution for movable items is conducted through sequestration, evaluation and their registration, and the selling of such items. From the obtained sums through selling is fulfilled the execution proposer's credit.

79.2 By the execution proposal might be requested only the commission of sequestration and evaluation of movable items, but in such a case the execution proposer has a right to submit a request for their selling only within 3 months time-limit from the day of committed sequestration and evaluation.

79.3 If the execution proposer does not submit the request for selling of the sequestered items within time-limit from paragraph 2 of this article, the execution will be suspended.

Article 80 **Notification on sequestration**

80.1 Court official person in principle, before starting the sequestration, delivers to the debtor executive decision and invites him to pay the amount of money together with the interests and procedural expenses, for which the execution is permitted.

80.2 If it was not possible to deliver to the debtor the execution decision in occasion of sequestration, then it will be delivered latter on according to the general rules of communication.

80 About the time and place of sequestration of movable items, the execution proposer will be notified by the court, if he has requested such thing.

80.4 Non-attendance of the parties does not obstruct the commission of sequestration.

80.5 For conducted sequestration will be notified the party who was not present at the place of conducted sequestration.

Article 81
Object of sequestration

81.1 Sequestration is conducted through the drafting of an inventory register.

81.2 Will be inventarised the movable items that are in the possession of debtor, and his items which are in the possession of execution proposer

81.3 If third persons does not notify the court for their rights on the items in debtor's possession, and does not prove their rights, it is considered that such rights of third persons do not exist and that debtor is the owner of the items under his possession.

81.4 It is assumed that the matrimonial and extra-marital spouses are co-owners of the in equal parts of all movable items that are in the house, flat, or their business premises.

81.5 Debtor's items that are in the possession of third person might be inventarised only upon consent of latter.

81.6 If the third person does not agree with the inventarisation, the court upon proposal of execution proposer, to the latter might pass the debtor's right, the items to be handed over from the third person.

Article 82
Extent of sequestrating inventarisation

82.1 With sequestrating inventarisation are included as many movable items, as much as it suffice for fulfillment of monetary credit of execution proposer and for payment of procedural expenses.

82.2 Firstly are inventarised the items for which there are no objection regarding the existence of the right that would obstruct execution and items which might be easily sold.

82.3 In the case of inventarisation are taken into consideration the statements and evidences of parties and third persons regarding the existence of rights from paragraph 2 of this article...

Article 83
Preservation of inventarised items

83.1 The official person leaves the inventarised items to debtor for preservation. Upon proposal of the execution proposer the court might decide that these be handed over to him for preservation.

83.2 The risk of extermination or damage of inventarised items given for preservation to the execution proposer is on the latter, except when the extermination or damage is consequence of major force.

83.3 Inventarised cash money, valuable papers and valuable items are handed over to court deposit.

83.4 In court deposit might be handed over also other items of big value, if suitable for such kind of preservation.

Article 84 **Prohibition of disposal on inventarised items**

84.1 Each person who possesses or supervises the inventarised items is prohibited to dispose such items without court order.

84.2 In execution decision is emphasized the prohibition from paragraph 1 of this article and notification given to debtor for legal-criminal consequences of the opposing action with prohibition concerned.

Article 85 **Gaining the right of pledge**

85.1 Execution proposer gains the right of pledge for inventarised movable items.

85.2 If the inventarisation is done in benefit of more execution proposers, the order of priority of the right on pledge from paragraph 1 of this article, obtained through inventarisation or writing in the register of sequestrative inventarisation, is assignees according to the day in which the execution proposal have reached the court. If such proposals have arrived to the court at the same day, then the right of pledge would be considered as being of the same order.

85.3 Execution proposal submitted to the court through urgency letter is considered to be submitted to the court at the day it is handed over to the post office.

Article 86 **Unsuccessful attempt for sequestration**

86.1 If in the case of sequestration in the wealth of debtor are not found movable items which might be objects of execution, the court for such thing will inform the requester of execution if he was not present during the sequestration.

86.2 Requester of sequestration, within three months time-limit from the day in which the notification is delivered to him, respectively from the day of attempt of sequestration during which he was present, might propose that sequestration be conducted again.

86.3 If requester of the execution within time-limit from paragraph 2 of this article does not propose repeated conduct of sequestration, or if even in the repeated case of sequestration are not found items which might be the objects of execution, the court will suspend the execution procedure.

Article 87 **Evaluation of the sequestered items**

87.1 In the case of sequestrative inventory, court official person does also the evaluation of the value of movable items.

87.2 Evaluation is done by the official person, if the court has not assigned for such thing the court evaluator or special expert.

87.3 Party might propose that evaluation be conducted by expert even when such thing is not foreseen by the court. If the court approves such proposal, the proposer is obliged to pre-pay the expert's costs, within time-limit assigned by the court. If the pre-payment is not done within time-limit assigned by the court, it is considered that the proposer has withdrawn his proposal.

87.4 For proposal from paragraph 3 of this article the court decides with decision in form of conclusion.

87.5 Costs of expertise from paragraph 3 of this article remain in burden of the proposer, notwithstanding what will be the conclusion of the execution procedure.

Article 88 **Re-evaluation of the sequestered items**

88.1 Party has the right that within 3 days time-limit, from the day of conducted evaluation of the sequestered items, to propose to the court determination of the smallest or biggest value of sequestered items from the one determined before, or determination of new evaluation. Such thing is not permitted if the first evaluation is conducted by the expert.

88.2 For proposal from paragraph 1 of this article, the court decides with conclusion.

Article 89 **Record on registration and evaluation**

89.1 For registration and sequestrive evaluation the court drafts the record.

89.2 In the record are indicated separately the sequestered items and their determined value, and are noted the statements of the parties and other participants in the procedure, but also of third persons for eventual existence of their rights which might obstruct the execution of the sequestered items.

89.3 In sequestered items is put a certain sign from which is seen that these are sequestered.

89.4 Execution proposer has the right that in the court record drafting in the case of sequestration of debtor's items, to publish in the means of public information.

Article 90

Noting in the record of the data from other execution

If after the conducted sequestration is assigned other execution for the sequestered items in purpose of realization of the other request from the same execution proposer, or request of other execution proposer, the registration and repeated evaluation of the sequestered items will not be done, but in the continuation of the record will be noted the data from the latter decision for execution.

Article 91

Time of sale of sequestered items

91.1 The selling of the sequestrated items might be conducted after the expiration of 15 days time-limit, from the day of their sequestration.

91.2 The selling might be conducted also after the expiration of the time-limit from paragraph 1 of this article if debtor proposes so, or if he agrees with the creditor's proposal that the selling of the sequestrated items be conducted earlier.

91.3 The selling of the sequestrated items might be done before the expiration of the time-limit from the paragraph 1 of this article, if such items are quickly spoiled, or when there is a possibility of obvious decrease of their price after a short time.

91.4 If the execution proposer gives guarantee for eventual damage which should be compensated to debtor in case of annulment of the execution decision, the selling of the sequestrated items might be conducted also before the expiration of time-limit from paragraph 1 of this article.

Article 92

The manner of sale of the sequestrated items

92.1 The sale of sequestrated items is done through the verbal public auction, or through direct settlement between the purchaser, in one side and the official person, or other authorized subject in other side.

92.2 The manner of sale of items is determined through court conclusion, bearing in mind the fact achieve the most suitable price for the debtor.

92.3 Public sale auction is administered by the official person or other person assigned by the court.

92.4 Sale through direct settlement is conducted between the purchaser, in one side and the official person, or the person who conducts commission actions, in the other side. Official person sells the sequestered items in behalf and account of debtor, whilst the person who deals with commission actions, acts in his behalf but for account of executive debtor.

92.5 Sale through auction will be assigned if it is concerned for sequestered items of big value, whilst might be expected that these will be sold in higher price than the evaluated value.

92.6 Sale of items will be published in notification table of the court at least 15 days before the holding of session for their sale. Publication of sale might be done also in a manner foreseen for publication of sale of immovable items.

92.7 Execution proposer and executive debtor will be informed about the place, day and hour of the sale of sequestered items.

Article 93 **First session of public sale**

Sequestrated items cannot be sold in first auction in a lower price that the one assigned during the registration and evaluation of movable items of debtor, respectively in time-limit assigned by the court for their sale through direct settlement.

Article 94 **Second session of public sale**

94.1 Upon proposal from parties, the court assignees new auction in which the sequestered item might be sold in a lower price than the one determined during their evaluation.

94.2 The proposal for another auction, or for the sale through direct settlement, the party might present within 15 days time-limit, from the day of first auction, respectively from the day of expiration of the, by the court, assigned time-limit for sale through direct settlement.

94.3 Provision from paragraph 1 of this article, is applied accordingly also if the sequestered items could not be sold in extent of the evaluated value through direct settlement in time-limit assigned by the court.

Article 95
Suspension of procedure

95.1 If sequestered items are not sold even in the second auction, then the court will schedule session for new auction, only upon the proposal of executive creditor.

95.2 Proposal for scheduling a new session of auction, the execution proposer cannot present before passing 15 days neither from the previous session, nor after 45 days from such a day.

95.3 The court suspends execution if none of the parties presents proposal for second auction, or for sale through direct settlement within time-limit foreseen in article 94 paragraphs 2 of this law, respectively if executive creditor does not present proposal in time-limit from paragraph 2 of this article.

95.4 Above provisions of this article are accordingly applied also for the sale of sequestered items through direct settlement.

Article 96
Rights and obligations of purchaser

96.1 The purchaser has the obligation to deposit the purchasing price and to take the items immediately after the conclusion of auction, respectively sale through direct settlement.

96.2 Official person will hand over the items to purchaser even before he has deposited the amount of money in behalf of purchasing price, if for this in his own risk the creditor gives his consent, within boundaries of amount which would belong to him from the realized selling price.

96.3 If the purchaser does not deposit the amount of money in behalf of purchasing price, the persons from paragraph 2 of this article, might request from the court in the same procedure to order the purchaser to do the deposit, and after the order becomes final, to propose its execution.

Article 97
Moment in which the purchaser becomes owner

97.1 At the moment when the purchaser of items takes them in possession, he becomes their owner.

97.2 To the purchaser of items does not belong the rights in the basis of responsibility for physical and legal deficiencies these might have.

Article 98 **Payment of execution proposer**

98.1 If from the obtained money from the sale of items, his request realizes only one execution proposer, then official person of the court without scheduling court session, through decision orders that from the amount of obtained money from the sale of items, to be paid in order: procedural costs, certain costs in execution document, interests until the day of the sale of items, and main request for realization of which is initiated the execution procedure.

98.2 The money that remains after the fulfillment of the main request are handed over to the execution debtor, if for such thing there are no obstacles.

Article 99 **Payment when there are more execution proposers**

99.1 If in the execution procedure, more execution proposers realizes their requests, respectively if except execution proposer also other persons, whose rights are abolished in the moment of sale of movable items, realizes their requests, then they realizes their request in order by which they have obtain the right of pledge, or other right which is abolished at the moment of sale of sequestered and sold items.

99.2 Realization of requests in assigned manner in paragraph 1 of this article, is conducted only if by the law, for certain requests, is not foreseen the right of priority for realization.

Article 100 **Proportional realization of credits**

100.1 Execution creditors of the same order, who from the amount of obtained money from the sale of items, cannot be paid completely, are paid proportionally with the extent of their requests.

100.2 During the issuance of the decision on payment, the court will take into consideration only the requests in the basis of which the decision on execution has become final at the day of the sale of the sequestered items.

100.3 Costs of the execution procedure, costs assigned in the executive document and interests has the same order of payment, as the main request for which these are linked.

100.4 The money that remains after the fulfillment of the requests is handed over to the debtor in executive procedure, if for such thing there are no legal obstacles.

Article 101
Application of the provisions for execution on immovable items

Provisions of this law for execution on immovable items that has to do with the issue of who cannot be purchaser, then the ones that has to do with the issue of disputing the credits, with instruction to contested procedure, and with the decision for fulfillment of debtor's obligation in execution procedure, are applied accordingly also in regard to the execution of movable items for the purpose of realization of monetary credits.

CHAPTER X
EXECUTION FOR DEBTOR'S CREDITS

Article 102
Territorial jurisdiction

102.1 To decide for proposal for execution for monetary credits of debtor and for application of such type of execution, of territorial jurisdiction is the court in the territory of which is the residence of debtor. If debtor does not have residence in Kosovo, then competent is the court, in territory of which debtor stays.

102.2 If debtor does not have in Kosovo the residence nor the place were he stays, of territorial jurisdiction is the court in territory of which is residence of debtor's debtor in execution procedure. If debtor's debtor does not have in Kosovo the residence or the place were he stays, of territorial jurisdiction is the court in territory of which is place of stay of debtor's debtor.

102.3 Provisions of paragraph 1 and 2 of this article, that has to do with the residence or place of stay of physical person, are applied accordingly for the seat of the legal person.

Article 103
Territorial jurisdiction in case of legal nutrition

Exceptionally from article 102 of this law, execution proposer of credit for legal nutrition, has the right to present his proposal to the court in territory of which is his residence or place of stay.

Article 104
Exclusion from execution

104.1 From execution are excluded the incomes stemming from the legal nutrition, if it does not have to do with the credits of the same type.

104.2 The object of execution cannot be the credits in the basis of taxes and by the law, assigned contributions.

Article 105 **Limitation of execution**

105.1 Execution on personal incomes, on reward instead of salary and on pensions, might be assigned and applied up to the half of their height.

105.2 Execution for guaranteed profit which belongs to debtor in execution procedure, in the basis of collective contract and law, might be assigned and applied up to the one third of its quantity.

105.3 Provisions of paragraph 2 of this article are applied also in the case of execution on the incomes based on rewards, due to bodily damage according to the provisions of disability insurance, for incomes in the basis of social assistance, for incomes in the basis of temporary unemployment, for incomes in the basis of children's additions, for the incomes in the basis of scholarship and assistance to students and pupils, and for the incomes for work of the persons convicted to imprisonment.

105.4 Execution for the incomes in the basis of the contract for life nutrition of and for life rent, and also for the incomes in the basis of the contract for life insurance, might be applied only in a part which exceeds the amount of the highest permanent social assistance which is paid in the territory where debtor has his residence.

105.5 Execution for the incomes of the war invalids, and the ones in the basis of invalidity addition, might be applied only for fulfillment of the credits in the basis of legal nutrition, reward for created damage because of loss of working ability and reward for damage due to loss of nutrition because of the death of nutrition provider, up to amount of half of these incomes.

Article 106 **Executive action**

106.1 Execution for monetary credits of the debtor in execution procedure are applied through its sequestration and transfer, if by this law, for special cases, is not foreseen otherwise.

106.2 With the proposal for execution, might be proposed to the court to assign only sequestration of debtor's monetary credit, but in this case the execution proposer has duty that within 30 days time-limit, from the day when the decision on sequestration is delivered to him, respectively from the day when the notification for declaration of debtor's debtor, or his non-declaration within assigned time-limit, to present proposal for transfer of credit.

106.3 If execution proposer within time-limit from paragraph 2 of this article does not present proposal for transfer of debtor's credit, the execution procedure will be suspended.

Article 107
Extent of execution

107.1 Sequestration and transfer of monetary credit might be assigned only to the amount needed for realization of the credit of execution proposer, unless it is concerned indivisible credit.

107.2 If more execution proposers require the execution for the same debtor's credit which is divisible, sequestration and transfer are assigned in respective separate amounts in benefit of each proposer.

Article 108
Sequestration of debtor's credit

108.1 With the decision by which is assigned the sequestration of credit's monetary credit, the debtor's debtor is prohibited to pay to execution debtor the debt, whilst to the latter is prohibited to realize such credit, or to dispose with it in some other way.

108.2 Prohibition includes also the disposal of pledge contracted for insurance of the sequestrated credit.

Article 109
The effect of sequestration of credit

109.1 Sequestration of debtor's monetary credit is considered finished at the day in which to the debtor's debtor is delivered the decision on sequestration.

109.2 Execution proposer through committed sequestration gains the right of pledge for the credit of execution debtor.

109.3 Debtor's debtor does not have a right to object or to appeal against the decision on sequestration of his creditor's credit.

Article 110
Sequestration of credit based in valuable papers

110.1 Sequestration of credit based in valuable paper which is transferred through endorsement, or for realization for which is needed such paper, is conducted by the official person, by taking the valuable paper from the debtor and handing over to the court.

110.2 Sequestration is considered finished at the moment when the valuable paper is taken from debtor in execution procedure.

110.3 Legal actions needed for preservation or realization of the right from valuable paper, are conducted by the official person in behalf of debtor, in support of the conclusion issued by the court...

Article 111 **Sequestration of credit in the basis of savings deposit**

111.1 Exceptionally from the provisions of article 110 of this law, sequestration of credit in the basis of savings deposit in the bank, or in other financial organization, might be conducted even before previously taken savings account from the execution debtor.

111.2 If execution proposer in his proposal has not shown data regarding savings deposit of execution debtor, then the court will request such data from the bank in which is the savings deposit, and which bank should be indicated in execution proposer's proposal.

111.3 The bank in which is the savings deposit, has duty that without delay send to court the required data and it should not inform the execution debtor regarding the request of the concerned data from the court..

Article 112 **Conduct of sequestration**

112.1 If the savings account is not taken from the execution debtor, sequestration is conducted by sending the decision on sequestration to the bank where the savings deposit is.

112.2 The court delivers the decision on sequestration of savings deposit to the execution debtor, only after notification to the court from the bank in which is savings deposit, that the sequestration is finished.

Article 113 **Right of pledge on interests**

The right of pledge obtained for the debtor's credit from which are stemming interests, belongs also to the interests which became required after finished sequestration.

Article 114 **Priority order**

114.1 Priority order of the rights of pledge of more execution proposers is assigned according to the day of the arrival of proposals for execution to the court.

114.2 If execution proposal is delivered to the court through post office with urgency letter, the day of delivery to the post office, will be considered as the day of delivery to the court.

114.3 If execution proposal of more creditors arrived to the court at the same day, then the rights of pledge have the same order of priority.

114.4 Credits of the same order of priority are realized proportionally, if these cannot be realized proportionally, if these cannot be realized completely due to insufficiency of the debtor's credit that he has towards third person.

Article 115 **Order of priority for the right of pledge**

If, because of the application of execution for debtor's monetary credit, are abolished the rights of pledge and other rights obtained before the start of execution procedure, the order of priority for realization of such rights is assigned according to the provisions by which is regulated gaining of order of their priority out of execution procedure.

Article 116 **Sequestration of the credit ensured with the right of pledge registered in public register**

116.1 Sequestration of the credit ensured with the right of pledge registered in public register, is conducted by noting the sequestration in such register.

116.2 Registration is done ex officio by the court, emphasizing that the sequestration in the basis of which is gained the right of pledge on credit, is done with aim of realization of the credit of execution proposer.

116.3 If there exists more execution proposers, the order of priority for their credits is assigned according to the time of registration.

Article 117 **Statement of the debtor's debtor**

117.1 Court, upon the creditor's proposal, will request from debtor's debtor to declare, within time-limit assigned by the court, about the fact if, and in what amount, he admits the sequestered credit and is he ready to pay the debt, and also if his obligation for paying the debt is conditioned from fulfillment of any other obligation.

117.2 Proposal for declaration of debtor's debtor, the execution proposer might merge with the execution proposal, or might provide it, through special submission, after this proposal, but not latter than until transfer of the credit.

117.3 The statement of debtor's debtor will be delivered to the execution proposer without delay.

Article 118

Responsibility of the debtor's debtor

118.1 Debtor's debtor is responsible to the execution proposer for the damage caused by his non-declaration, or for inaccurate or incomplete declaration.

118.2 The court will warn the debtor's debtor about this responsibility.

TRANSFER OF CREDIT

Article 119

Types of transfer of credit

119.1 Sequestered credit is transferred to the execution proposer in accordance with his proposal for encashment (realization), or instead of payment.

119.2 If the execution proposer does not decisively assigns the type of transfer of credit, it is considered that he proposes transfer for the purpose of encashment.

Article 120

Decision for transfer of credit

120.1 Decision for transfer of credit is issued only after the decision for sequestration becomes final.

120.2 If the execution proposer has proposed that debtor's debtor give statement about the credit for which the execution is proposed, the court will issue decision on proposal for transfer, after the expiration of 3 days time-limit, from the day when to the execution proposer was delivered notification for declaration of debtor's debtor.

Article 121
Payment of an amount in court account

In execution decision, or in special decision for transfer of credit, the debtor's debtor will be invited to deposit to the court the obligated amount of money, by paying in assigned account and for this he will inform the court.

Article 122
Special conditions for transfer of indivisible credit

122.1 Credit which is based on valuable paper, which is transferred through endorsement, or for realization of which is needed the submission of this paper, or which for other reasons cannot be divided regarding the transfer or realization, might be transferred only in its complete amount.

122.2 If this amount exceeds the amount of the request of execution proposer, the sequestrated credit will be transferred only after the creditor deposits guarantee that this overage will be handed over to the court.

Article 123
Transfer of credit partially excluded from execution

123.1 Credit which is partially excluded from compulsory execution, or which is sequestrated in benefit of other persons, is transferred only if the creditor deposits guarantee that he will hand over to the court the part excluded from compulsory execution.

123.2 If more execution proposers have presented proposals for transfer of credit, not at the same day, the court will conduct transfer of creditor the execution proposer who has first presented the proposal. If more execution proposers have presented proposals for transfer of credit at the same day, the credit will be transferred to the execution proposer who has biggest request.

Article 124
Commission of transfer

124.1 Transfer of credit based on valuable paper, which after the conducted sequestration is taken by debtor's debtor is considered concluded at the moment when the court delivers to the execution proposer the letter in which is noted the decision for transfer.

124.2 Transfer of credit based on valuable paper which is transferred through endorsement, or for realization of which is needed its submission, is considered committed at the moment when the court in such letter puts the decision on transfer and that letter equipped with the decision is delivered to the execution proposer. .

Article 125
Obligations of execution debtor and of execution proposer

125.1 Executive debtor has the duty that in time-limit assigned by the court, and upon the request of the execution proposer in which the credit is transferred, to give to the execution proposer explanations needed for the realization of such credit and to hand over to him documents that has to do with this credit.

125.2 Execution proposer to whom is transferred only part of the credit, has a duty that if the execution debtor requires so, within time-limit assigned by the court to provide guarantees that after the realization of such credit, he will return documents which has to do with credit.

125.3 Court, upon proposal of execution proposer will apply compulsory execution against executive debtor for delivery of documents, if he himself does not deliver them.

125.4 Delivery of the documents which are with the third person, the execution proposer might request through lawsuit, if the executive debtor has this right.

125.5 In the document which is delivered to the execution proposer, the court will note that it is committed a transfer of credit for which the execution is assigned.

Article 126
Depositing of money in the court

126.1 Debtor of the execution debtor, to whom is delivered the execution decision, or special decision for transfer, fulfills his obligation by depositing an amount of money, or valuable papers, in the court for application of executive procedure.

126.2 If, for the purpose of realization of credit in transferred money, execution proposer should have initiated court procedure or other procedure, then the court or other body which conducts the procedure, in a decision by which approves the request of execution proposer, will order debtor's debtor that the obligated amount deposits in executive court.

126.3 In the basis of the decision by which debtor's debtor is ordered to deposit an mandatory amount to the executive court, upon proposal of the execution proposer to whom the credit is transferred, will be applied execution against debtor's debtor and realized money by this execution after ex officio payment of procedural costs, will be delivered to the executive court.

TRANSFER OF CREDIT FOR ENCASHMENT

Article 127
Authorizations of execution proposer

127.1 With the transfer of credit for the purpose of encashment, the execution proposer is authorized to request from the execution debtor's debtor payment of the noted amount in the execution decision or in special decision on transfer, if this amount has become required, to commit all needed actions for preservation and realization of the transferred credit, and to use all rights regarding the given pledge for insurance of such credit.

127.2 With transfer of credit for the purpose of encashment, execution proposer does not have a right that in the burden of executive debtor contracts settlements, or to pardon debt to the debtor's debtor, or to dispose with the transferred credit, or to agree with the debtor's debtor that the decision on credit, if it is disputable, to be issued by arbitration.

127.3 To the execution proposer to whom is transferred credit for encashment, the debtor's debtor might present only the objections which might be presented to the execution debtor.

127.4 Cession of the transferred credit committed by the execution debtor after its transfer does not have legal effect towards the rights of the execution proposer, obtained at the moment of its transfer.

Article 128

Transfer for encashment of the credit registered in public book

Transfer, for the purpose of encashment of credit registered in public book, is noted in it ex officio.

Article 129

Conditioning of debtor's debtor debt with hand over of item

129.1 If the debt of debtor's debtor for payment of the debt depends from the obligation of debtor to hand over certain item, which is in possession of executive debtor, and it is certified that this obligation exists according to final decision, the court upon proposal of execution proposer to whom is transferred the credit for the purpose of encashment, will order the execution debtor to hand over to the court item, in order to hand over the item to the debtor's debtor.

129.2 Upon request of the execution proposer, the court to the debtor who has not handed over the item within time-limit, will apply execution for the purpose of hand over of item.

Article 130

Notification of debtor for lawsuit for the purpose of encashment of the transferred credit

Execution proposer who has rendered lawsuit for the purpose of encashment of the transferred credit, has a duty that without delay inform the debtor for the initiated contested procedure, otherwise a contrary, he might be held responsible for the damages caused by non-informing.

Article 131
Delay in encashment of the transferred credit

131.1 Execution proposer who is careless regarding the encashment of the transferred credit is responsible for the damage caused by this to the other execution proposer who has a right of pledge, or other right which is deleted from the credit.

131.2 In the case from paragraph 1 of this article, the court upon proposal of other execution proposer, might overruled the decision for transfer of credit to first execution proposer and credit transfer to the other execution proposer.

Article 132
Payment of execution proposer

Execution proposer to whom is transferred the credit for encashment, is considered fulfilled in the level in which he has encashed such credit.

Article 133
Encashment of bigger amount than the one which should belong to the execution proposer

133.1 Execution proposer who has, from the transferred credit, encashed amount which is bigger than his request, has a duty that that part of credit deposit to the court.

133.2 Such overage the court hands over to the other creditors insured through pledge, and to execution debtor, if to them belong such a right.

133.3 To the execution proposer who has deposited overage of the encashed amount, the court returns the deposited guarantee.

TRANSFER OF CREDIT INSTEAD OF PAYMENT

Article 134

Transfer of sequestrated credit

134.1 Sequestrated credit is passed to the execution proposer through transfer instead of payment, up to the transferred amount with effect of cessation of credit with reward.

134.2 If the transferred credit is ensured with the right of pledge registered in public book, court will ex officio, transfer the rights of execution debtor to the execution proposer and will delete the right of pledge registered in benefit of execution debtor.

134.3 Execution proposer to whom is conducted the transfer of credit instead of payment, is considered fulfilled from the mere fact of transfer, in the level of this transferred credit.

134.4 With the provisions of paragraph 3 of this article, are not touched rules on responsibility of execution debtor for accuracy and realisability of the transferred credit.

Execution in personal incomes and other permanent monetary incomes

Article 135

Application of provisions from chapter ten

Regarding the execution in personal incomes and other permanent monetary incomes, are applicable provisions of article 102 to 134 of this law, if by the provisions of article 136 to article 143 of this law is not foreseen otherwise.

Article 136

Execution decision

136.1 By the execution decision in personal incomes is assigned sequestration of the certain amount of personal incomes and it is ordered the employer who pays these to the execution debtor, that the amount of money for which is assigned execution to be paid to the execution proposer from the moment when the execution decision becomes final, unless some other manner of action is foreseen by this law.

136.2 Employer according to this law is called state body, legal person, or other person who to the execution debtor pays personal incomes.

136.3 Execution decision belongs also to the raise of incomes which might happen after the delivery of the execution decision, and all other incomes of execution debtor, in basis of work.

136.4 Personal incomes in sense of this law are incomes assigned by the provisions on work.

Article 137

Execution when the right to legal nutrition belongs to more persons

137.1 If the right to legal nutrition respectively the right of rent for lost nutrition because of the death of nutrition provider towards the same execution debtor, has several persons, whilst the overall amount of their requests exceeds the part of personal incomes which might be the object of compulsory execution, then the execution is assigned and is applied in benefit of each of them, in proportion with the extent of their requests.

137.2 If after the initiation of the application of the execution in personal incomes, respectively for other permanent monetary incomes, there is a new proposal for execution for credit from paragraph 1 of this article, the court will amend ex officio previously issued execution decision in the sense of paragraph 1 of this article and will assign the amount which will in the future be paid to each of the compulsory execution proposers.

137.3 In the case from paragraph 2 of this article the execution decision should be delivered also to previous execution proposer, who against this decision has the right of objection.

Article 138 Place of payment

138.1 Credits, for which is not foreseen the payment in non-cash money, the execution proposer encashes directly in the case where to the debtor are paid his personal incomes.

138.2 Execution proposer has right to request that the stopped amount be paid to him through post office in the indicated address, or in assigned bank account, after the deduction of post expenses.

Article 139 Termination of labor relation

139.1 If to the execution debtor is stopped working relation, execution decision produces legal effect also towards other employer with whom debtor creates working relation, and that from the day when to such employer is delivered execution decision.

139.2 Former debtor's employer has the duty that without delay through urgency letter deliver to the new employer the execution decision and for this to inform the court.

139.3 Former employer has duty to inform the court without delay about the termination of working relation with debtor, if the new employer is not known to him, for which the court will inform the execution proposer, assigning to him a time-limit within which he should collect data about the new employer of execution debtor.

139.4 If the execution proposer does not inform the court about the second employer within assigned time-limit, then the court will suspend the execution procedure.

Article 140
Responsibility of employer for non-payment of required installments

140.1 Execution proposer might propose to the court in executive procedure that through decision orders the employer of execution debtor to pay all installments which were not deducted to debtor according to the decision on execution.

140.2 Request from paragraph 1 of this article, the execution proposer might present until the conclusion of the execution procedure.

140.3 Decision by which is approved the request of execution proposer has legal effect of decision on execution.

Article 141
Responsibility of the employer for non-stopping of installments

Employer who has not acted according to the decision for execution, or who has not acted according to article 139, paragraph 2 and 3 of this law, is responsible for the damage which the execution proposer ha suffered due to his omission.

Article 142
Sequestration upon consent of debtor

142.1 Debtor has the right that through certified document give consent, for the purpose of realization of the creditor's request, for sequestration of a part of his personal incomes and direct payment to his creditor, in assigned manner in such document.

142.2 Document from paragraph 1 of this article has legal effect of execution decision.

142.3 Document from paragraph 1 of this article, with effects of delivery of execution decision, to the employer of debtor is delivered by creditor through urgency letter. Exceptionally from the provisions of paragraph 1 of this article, sequestration in the basis of consent of debtor does not produce legal effects in application of execution on personal incomes for fulfilling the credit, in basis of legal nutrition, rewarding the caused damage, breach of health, decrease respectively loss of working ability and rewarding for damage in basis of loss of nutrition due to the death of nutrition provider.

Article 143
Application of the provision from this chapter

Provisions of this chapter of this law are applied accordingly also in execution procedure for other permanent monetary incomes of the execution debtor.

EXECUTION OF CREDIT ACCORDING TO THE BANK ACCOUNT

Article 144 Compulsory execution

144.1 Execution for realization of the monetary credit against the execution debtor might be applied for all monetary means that he has in his bank accounts, except cases when by the law is foreseen otherwise.

144.2 With the execution decision in monetary means that are evidenced in the transaction account of debtor, the bank is ordered that the amount of money for which the execution is assigned, to transfer from transaction account of debtor to transaction account of execution proposer, while for credits which is not foreseen payment through bank account to pay such amount to the execution proposer in cash.

144.3 Execution for monetary credit, which according to the deposited savings, flowing account, or account, valute account, or any other account in the bank excluding the transaction account of debtor, belongs to the execution debtor and it is assigned that way that through execution decision, bank is ordered that the amount of the money for which is assigned execution to pay to execution proposer as soon as the execution decision becomes final.

144.4 Decision from paragraph 3 of this article, has the effects of execution decision by which is assigned sequestration of monetary credit and its transfer for encashment.

144.5 In execution decision from paragraph 1, 2, and 3 of this article, it is noted the number of the debtor's account from which the payment should be conducted, or other manner of commission of payment.

Article 145 Obligation of sending data for account

145.1 Court with the execution decision will oblige the bank to send a notification about all changes in debtor's account, if there are no means in account or if the existing ones are not sufficient for fulfillment of the credit assigned by the execution decision. Notification covers changes in debtor's account in time period of 30 days, from the day of delivery of execution decision and it should contain each transaction in account, including withdrawal of cash money, deduction of means or withdrawal from debtor's account, and also their transfer within bank or between banks.

145.2 Data which the bank sent to court and which has to do with transfer of monetary mean between banks should contain amongst others the name of recipient and the account number of accepting bank.

Article 146

Order of payment

146.1 Bank conducts payment in order according to the time of delivery of execution decisions, unless otherwise foreseen by the law.

146.2 Bank keeps special evidence for order of execution decisions, according to the day and time of reception and to the execution proposer it gives, upon his request, a certificate for the position of his credit in such order.

146.3 Bank cannot apply an order from debtor before he fulfills the assigned credit from the execution decision, unless otherwise foreseen by the law.

146.4 With execution decision is equalized public document, for which such thing is foreseen by the special law.

Article 147 Periodical payments

147.1 If by the execution decision the bank is ordered to conduct payments of certain amounts in certain time periods, then debtor should accomplish payments according to the order from the execution decision.

147.2 In cases from paragraph 1 of this article, the order of payments of upcoming installments is counted according to the time of delivery of execution decision.

147.3 Bank keeps special evidence for execution decisions by which are ordered upcoming periodical payments.

Article 148 Actions in cases where there are no means in account

148.1 If in the account noted in the execution decision are no means, bank in such account will transfer the debtor's monetary means from other accounts that he has in that bank. Such thing the bank does according to the order assigned by the execution proposer and in amounts assigned in execution decision.

148.2 If the bank does not achieve to completely fulfill executive credit due to non-existence of sufficient means in debtor's account, then it will keep special evidence and based on that will conduct transfer as soon as the means arrives into account, unless by the execution decision is not foreseen otherwise.

148.3 About the fact of non-existence if means in the debtor's account, the bank should without delay informs the court. Together with notification the bank will sent to the court also notifications for changes in the state of debtor's account.

Article 149

Actions in cases of obstructions for commission of execution

149.1 If bank considers that there are legal obstacles, or other obstacles for execution according to the provisions from this chapter of this law, then it will keep the execution decision, will conduct sequestration of the debtor's means and will inform the court about the existence of obstacles for execution.

149.2 If it has to do with the obstacles that are long-termed in nature, the court will suspend the procedure of execution, whilst in cases of other causes; it informs the execution proposer and bank for further actions.

Article 150

Execution towards debtor with solidar responsibility

150.1 If in the basis of execution document two or more debtors are solidar responsible, then the court upon request from the execution proposer, against them issues only one execution decision by which is conducted sequestration of the debtors account in amounts assigned in the execution decision.

150.2 Proposer might assign in the execution proposal the order of debtors according to which will be conducted taking of means by debtors, and if he fails to do so, the taking of means will be conducted according to the order in which the debtors are mentioned in the execution proposal.

150.3 If in the case from paragraph 2 of this article in the debtor's account are not sufficient means for fulfillment of obligation, bank will sent the execution decision for application to the bank of other solidar debtor, together with the report for committed execution up to that moment, and for this it will inform the court without delay.

Article 151

Execution from the accounts of legal persons

If the debtor in status of legal person has monetary means in several accounts in one bank or more banks, then the execution is committed through the application in manner according to the provisions of article 50 of this law.

Article 152

Execution for means in devisory account

If the execution is conducted for the purpose of fulfillment of the credit with other monetary means, means from valute account of debtor will be transferred exchanged to Euro, according to the rate at the day of the transfer, in benefit of the account of execution debtor.

Article 153
Execution for realization of credit in foreign valute

153.1 If the credit concluded in execution document is contained from the money in foreign valute and if the debtor has devisory account in such valute, with the execution decision will be ordered the bank in which is the devisory account, to transfer certain amount in foreign valute, from the debtor's account into account of execution proposer, or that the payment in foreign valute do in some other, by law permitted manner.

153.2 Execution proposer might request that the execution for fulfillment of his credit in assigned foreign valute, to be permitted and applied in other accounts, or in other debtor's items, as execution for realization of his credit in amount needed for purchasing devisory means obliged by the authorized person.

153.3 Provisions of paragraph 1 and 2 of this article are applied also in the cases in which the execution is assigned against debtors who are not legal persons.

Article 154
Sequestration of the account with consent of debtor

154.1 Debtor has the right that through the certified document to give consent with the purpose of fulfillment of the creditor's request, to be sequestrated his account in the bank and that the monetary means from such account in accordance with his statement contained in the certified document, directly from the account to be paid to creditor. Certified document produces legal effects that produce final execution decision by which is sequestrated credit from the account and transferred to the execution proposer for encashment.

154.2 Document from paragraph 1 of this article, is handed to the bank by creditor with an effect of delivery of court execution decision directly into its administration, or through urgency letter.

154.3 In execution from paragraph 1 of this article in appropriate manner are applied provisions of article 142 of this law.

Article 155
Responsibility of the bank for caused damage

Bank which does not act in accordance with the execution decision and other court orders is responsible for the damage which is caused to the execution proposer according to the general rules of the civil rights for rewarding the damage.

Article 156
Application of the provisions from chapter ten of this law

In execution procedure for credit according to the account in the bank, in appropriate manner are applied provisions of this law for execution for monetary credit of execution debtor (articles 102 – 143).

CHAPTER XI

EXECUTION ON SHARES AND PORTIONS IN THE TRADING ASSOCIATION

Article 157
Territorial jurisdiction

157.1 For decision-making on execution proposal on shares and for other registered valuable papers (in further text: shares), and for establishing portion or other portion in the trading association and for application of such execution, of territorial jurisdiction is the court in which region is the residence, respectively seat of debtor as owner of share or of portion of trading association.

157.2 If the debtor does not have residence, respectively place of stay, or seat in territory of Kosovo, of territorial jurisdiction is the court according to the seat of the eminent of valuable papers, respectively the seat of legal person in which debtor has a portion of ownership.

Article 158
Executive actions

158.1 On the execution shares is applied execution through sequestration of shares, with their evaluation and with fulfillment of the credit of execution proposer. Exceptionally, share upon the request of execution proposer and upon the consent of debtor might be transferred to execution proposer in its nominal value, instead of payment.

158.2 For the portion of debtor's wealth in trading association, execution is applied through sequestration of the portion, with evaluation and its sale, and with the fulfillment of the creditor's credit.

158.3 Execution actions foreseen by this article are committed even if by the contract or through other legal rules of legal person it is limited or prohibited alienation of shares, or portions in trading association.

Article 159
Sequestration of items

159.1 Sequestration of shares is conducted through hand over of the execution decision to the institution which keeps the register of valuable papers. At the same time the execution decision is delivered also to the depositor and eminent of shares.

159.2 At the moment of the commission of sequestration, the execution proposer gains the right of pledge on sequestrated shares.

159.3 Register of valuable papers, has a duty that in Register conclude that it is created the right of pledge in the benefit of the execution proposer at the moment when to him is handed over the execution decision. Register of shares has a duty that without delay inform the court for legal obstacles for establishment of the right of pledge.

159.4 After the registration of sequestration in the register of valuable papers, the Register should not, in connection with the sequestrated shares, do any kind of registration in the base of their alienation by the side of debtor.

159.5 Register has a duty that without delay inform the court about any change regarding the sequestrated shares, especially for compulsory execution with the purpose of fulfillment of any other credit, or for insurance of such credit.

159.6 To the debtor is not permitted disposal with the sequestrated shares. Warning for such prohibition and for legal-penalty consequences in the case on non-respect of such warning will be noted in the execution decision.

Article 160

Evaluation and the sale of the sequestrated shares

160.1 Shares which according to the law and other legal acts for valuable papers, obligatively are put into circulation in stock exchange, or in other public market, are sold as foreseen by the Law on valuable papers, with inter-mediation of trading inter-mediator selected by the court after the execution decision becomes executable.

160.2 Shares which according to the law and other legal acts for valuable papers, obligatively are not put into circulation in stock exchange, or in other public market, are sold in public auction or through direct settlement. Through direct settlement the shares are sold by the court executor or authorized person for selling of shares to which the court has entrusted the sale.

160.3 Court executor or authorized person for sale of shares, conducts contacting for sale of shares in behalf of debtor in support of the court conclusion which authorizes them for such thing.

160.4 If the shares are sold in public auction, or through direct settlement then the evaluation, determination of sale prices and sale of shares, is conducted by applying in

appropriate manner provisions from chapter nine of this law for execution in movable items of debtor.

160.5 If the shares from paragraph 1 of this article are not sold within time-limit of two months from the day of first offer for sale in stock exchange, or in the case of unsuccessful attempt for sale from paragraph 2, then the execution proposer might request execution through transfer of shares under his ownership, instead of payment.

160.6 Decision for transfer of shares in the ownership of execution proposer is attached over to the register of valuable papers.

160.7 The court has a duty to inform the execution proposer for the right to propose transfer of shares under his ownership, if these are not sold within time-limit foreseen in paragraph 5 of this article. In that case the court calls the execution proposer that within time-limit assigned to him, present a request for transfer of shares in his ownership.

160.8 If the execution proposer does not present request from paragraph 7 of this article, the court suspend execution procedure.

Article 161

Fulfillment of the credit of execution proposer

161.1 Fulfillment of the credit in the procedure of sequestration and sale of debtor's shares is conducted through the appropriate application of the provisions of chapter nine of this law, foreseen for fulfillment for movable items of debtor.

161.2 In appropriate manner are applied the provisions of chapter nine of this law, foreseen for fulfillment for movable items also when decided the transfer of shares of debtor, which could not be sold in the ownership of the execution proposer.

Article 162

Execution for the portion of wealth of debtor in trading association

162.1 Sequestration of the portion in the trading association is conducted through the delivery of the execution decision in the registration court, respectively to other competent registering body, with the purpose or noting the right of pledge.

162.2 Execution debtor does not have the right to dispose with the sequestered portion of his wealth in trading association.

162.3 The evaluation and sale of the portion in trading association is conducted through application, in accorded manner, of the provisions of this law which value for the evaluation and sale of debtor's items, but previously the court should inform the members of the trading association and trading association for assignment of the sale of the portion, inviting them that within 15 days time-limit from the day of notification, declare themselves for existence of interest for purchasing a part of debtor's wealth.

CHAPTER XII

EXECUTION IN THE CREDIT FOR HAND OVER OF ITEMS

Article 163 Territorial jurisdiction

To decide about the proposal for execution for the debtor's credit to hand over certain movable or immovable item, or certain quantity of movable items, and for application of that execution, of territorial jurisdiction is the court in which territory are situated these items.

Article 164 Application of the provisions for execution for monetary credit

Provisions of this law for execution for monetary credit are applied accordingly also in the case of execution for the credit for hand over of movable or immovable items, unless not foreseen otherwise with the provisions of this chapter.

Article 165 Manner of application of execution

Execution in debtor's credit from article 163 of this law is applied through sequestration of that credit, its transfer to execution proposer and through sale of such items.

Article 166 Effect of transfer

Transfer of debtor's sequestrated credit has legal effect of transfer of debtor's monetary credit for encashment.

Article 167 Non-reachable credit

If the debtor's execution credit still has not become reachable, then the court will order debtor that items be handed over after the credit becomes reachable.

Article 168
Lawsuit against the debtor's debtor

Against the debtor's debtor who is not shown to be willing to hand over items to the execution proposer, then this latter has a right that after the decision on transfer of credit becomes final, through lawsuit require hand over of items, if for the obligation of hand over there is no executive document.

Article 169
Hand over of movable items for preservation

With the decision by which is assigned transfer of debtor's credit, the court will order debtor's debtor with the request of execution proposer, that movable items which has to do with the credit to preserve for himself if he wishes so, respectively these to hand over to the official person or other person for preservation.

Article 170
Application of provisions for the preservation of inventory items

For preservation of movable items from article 169 of this law, in appropriate manner are applied provisions of article 83 of this law, foreseen for preservation of debtor's movable inventory items.

Article 171
Sale of items and realization of credit of execution proposer

Sale of movable items which are handed over to official person, or other person from article 170 of this law, and realization of the credit of execution proposer, are conducted according to the provisions foreseen in chapter IX of this law.

Article 172
Hand over of immovable item to the execution proposer

172.1 With decision by which is assigned transfer of debtor's credit, the court orders debtor's debtor that the immovable item which has to do with that credit, to hand over to the execution proposer.

172.2 Execution proposer has duty that with immovable item administer in behalf and account of debtor as good economist, respectively good host and that to the court, upon request, be accountable for administration.

Article 173

Sale of immovable item

172.1 Execution proposer has a right that with purpose of realization of his request, within time-limit of, not longer than 30 days in which the immovable item is handed over, to propose to the court the sale of this immovable item.

172.2 If the execution proposer does not request the sale of immovable item within time-limit foreseen in paragraph 1 of this article the court will suspend execution and will annul all execution actions committed.

Article 174

Application of provisions for execution for immovable item

Sale of immovable item and realization of credit of execution proposer is conducted according to the provisions of this law, foreseen for execution for immovable item.

CHAPTER XIII

EXECUTION FOR OTHER PROPERTY RIGHTS

Article 175

Territorial jurisdiction

175.1 To decide about the proposal for execution for the patent's rights, perfection, or technical execution, usufructs, or any other similar property right of debtor and for application of application of this execution, of territorial jurisdiction is the court in territory of which is situated the residence of execution debtor, and if execution does not have residence in Kosovo, competent is the court in territory of which is his place of stay.

175.2 Provisions of paragraph 1 of this article, that has to do with the residence and place of stay, in appropriate manner are applied also for the seat of legal person.

Article 176

Manner of application of execution

Execution for the property rights from article 175 of this law are applied through their sequestration, and through their exchange into money, in conformity with the provisions from chapter IX of this law.

CHAPTER XIV

EXECUTION FOR IMMOVABLE ITEMS

1. GENERAL PROVISIONS

Article 177 Territorial jurisdiction

To decide on proposal for execution for immovable item and for application of the execution decision, of territorial jurisdiction is the court in territory of which is situated the immovable item.

Article 178 Execution actions

Execution for immovable item is applied through noting of execution into public book of immovable items, with the determination of the value of immovable property, with the sale of immovable property and with the payment of the execution proposer from amount of money obtained by the sale.

Article 179 Immovable item as object of execution

179.1 Unless by legal provision not foreseen otherwise, the object of execution might be only immovable item in its entirety assigned by the provisions which regulates ownership and other real rights, and public books of immovable items.

179.2 Part in co-ownership on immovable item might be special object of execution (ideal part of co-ownership on immovable item), in relation to which are in appropriate manner applied the rules of this law on execution in immovable items.

Article 180 Immovable item in co-ownership of debtor

180.1 In the case of execution procedure for the part of co-ownership, and upon the request of debtor's execution proposer or other co-owner, the court in execution decision

will assign that for sale to be offered immovable item in its entirety but also the part of co-ownership which is object of execution.

180.2 In execution decision the court should emphasize that it will decide depending from the fulfillment of conditions from paragraph 3 of this article, through conclusion whether it will be sold entire immovable item or only part in his co-ownership.

180.3 If the price of the sale of the part in co-ownership would be apparently higher in the case of the sale of entire immovable item, then the court will assign the sale of the entire immovable item, acting as it has to do with the request of the co-owner for division of physically indivisible item, as it is foreseen by the rules by which are regulated co-ownership relations. In execution decision, the court will emphasize that the note of execution relates to the immovable item as entirety.

180.4 In the case from paragraph 3 of this article, co-owner who is not execution debtor has the right to be paid the value of his part from the amount of the obtained money from the sale of immovable item before, the execution proposer's and other person's request who realizes rights in execution procedure, being fulfilled, and before the payment of the costs of executive procedure.

180.5 Co-owner who is not debtors in the execution procedure has the right to request that immovable item which is object of execution to be given to them if they deposit the amount which corresponds to the value of the debtor's part in such immovable item.

Article 181

Instruction for the initiation of the contested procedure

181.1 Co-owner who is not execution debtor to whom is contested part in immovable item which is object of execution, the court instructs to present lawsuit against the execution proposers but also against the debtor, in case he disputes his right with purpose that in contested procedure proves his alleged right. The instruction for rendering lawsuit will not be done, if such co-owner has possibility to prove the existence of his right, in execution procedure, through final verdict, public document, or non-public document certified according to the law.

181.2 For contested process initiated with lawsuit, and for the right of co-owner to request the adjournment of started execution procedure, in appropriate manner are applied provisions of this law by which is regulated the activity of the court according to the objection from third person.

Article 182

Owners of joint property

182.1 Provisions of articles 180 and 181 of this law in appropriate manner are applied also for the owners (co-members) of the joint property. If between the execution debtor

and other owners of the joint property exists disagreements regarding their rights on joint immovable item, then court instructs the owner of the joint property, who disputes the rights of debtor on joint property, to confirm his rights in the contested procedure.

182.2 In contested procedure initiated with the lawsuit, and regarding the rights of owners to request in it the adjournment of execution procedure, in appropriate manner are applied provisions of this law by which is regulated the activity of the court according to the objection from third person.

Article 183

Actions in the case of existence of usufructs

If for the immovable item or ideal part of it exists the right of usufructs, then the right of usufructs might become an object of independent execution and debtor might realize his request from the fruits which gives to him such right in the basis of any legal relation (rent, etc...), and regarding this are applied in appropriate manner the provisions of this law for execution for rights (as object of execution).

Article 184

Proves for ownership of debtor

184.1 Together with the execution proposal for immovable item, it is needed that execution proposer presents extract from the public book of immovable item that the immovable item is registered as ownership of debtor.

184.2 If the right on immovable item from paragraph 1 of this article is registered in the public book of immovable item under some other person and not debtor, then might be approved the execution proposal, only after it is concluded the ownership of debtor according to the provisions of article 42 of this law and being fulfilled conditions for amendment of the state in the public book of immovable items.

184.3 If immovable item is not registered in the public book of immovable items, then in appropriate manner are applied provisions of this law which are valid for territories where such books does not exist.

Article 185

Change of object of execution

185.1 Execution debtor has right that within 7 days time-limit from the day of delivery of execution decision to him, to propose assignment of execution on some other object of

execution. To this proposal debtor has a duty to attach respective evidence from which it is seen that to him belongs the alleged right for other immovable item, in the basis of which evidence might be assigned execution against debtor on such immovable item.

185.2 The court will deliver debtor's proposal to execution proposer who might declare himself about it within seven days from the day of delivery.

185.3 Within time-limit from paragraph 2 of this article, execution proposer has a right to present the request for payment of the costs of initiated procedure on immovable item, and to request depositing of guarantee for reward for damage that he might suffer because of the change of execution object.

185.4 For debtor's proposal, court decides through decision, after the reception of the statement from the execution proposer, respectively after the expiration of assigned time-limit from paragraph 2 of this article, for presentation of statement.

Article 186 **Approval of the proposal for change of object**

186.1 The court might approve the debtor's proposal for the change of execution object if he makes confident that:

- a) execution on the immovable item proposed by the creditor, for him would be very unsuitable,
- b) for reasonable causes he personally could not exchange into money the immovable item which he proposes as a new object of execution (to fulfill the credit of execution proposer), and
- c) the credit of the execution proposer might be completely paid from the new proposed object

186.2 The court with its decision will refuse the proposal for change of execution object, if it evaluates that with such thing the execution would be delayed or made apparently difficult respectively if the execution proposer with the change of execution object would suffer evident damage.

186.3 If the execution proposer in immovable item for which he has requested execution, has gained, before he initiated executive procedure, the right of pledge for insurance of his credit, then without his consent, the execution cannot be assigned to some other execution object.

186.4 In the decision for changing the execution object, the court assigns execution on the other object proposed for execution.

Article 187

The change of the tool for execution

If the debtor as other tool of execution proposes execution on salary, pension, invalid pension, or any other source of permanent incomes, the court may approve such a proposal, under the condition that the debtor make realizable the fact that the credit shall be realized within one year from the day when the decision on approving his proposal is rendered.

Article 188

The decision on the proposal for changing the object

Against the decision by which the proposal for changing the object of execution is refused is not allowed any legal action.

Article 189

The effect of recording in the case of changing the object of execution

If by decision of the court another tool of execution is determined, namely other object for execution is fixed, than recording of the execution for real estate as the first object; shall remain in force until the credit of the proposer of execution is realized. After the credit of the proposer of execution is realized, the court *ex officio* shall order erasure of the execution record.

Article 190

Recording of execution

190.1 After rendering the decision for execution, the court *ex officio* shall order recording of execution in public books of real estates.

190.2 By recording referred to in paragraph 1 of this Article, the proposer of execution gains the right to realized his credit from real estate (the right to realization), while the person who after the execution is completed earns any right on such real estate, is under the obligation to recognize proposer's of execution priority right to realize his credit that gained mature status by recording.

Article 191

Changing the owner of the real estate

191.1 Changing the owner of the real estate during the procedure of execution does not obstruct continuation of the process against the new owner as debtor. All up to than

completed execution actions remain valid and the new owner, during further execution, may not exercise the actions which could not be exercised by previous owner.

191.2 By proposal of the execution proposer the court shall render decision on continuation of the execution procedure against the new owner as the debtor in that process. The new owner has no right to appeal such decision.

191.3 The proposer of execution who did not gain the right of pledge before the procedure of execution is initiated, at the moment of recording the execution in public books of real estate, gains the right to realize his credit on such real estate before the person who later on gained the right of pledge or realization of his credit on such real estate.

191.4 After the recording of the execution in public books of real estate is completed, it is not allowed recording of changing the right of ownership based on debtor's disposal, regardless the time of that disposal.

Article 192

Publication of decision for the execution

192.1 In the territories where real estate's public books does not exist, or where they are destroyed or obliterated, the court, by proposal and on costs of the proposer of execution, shall publish the decision on execution in Official Gazette of Kosovo and, at least, in a daily newspaper which is usually distributed all over the territory of Kosovo.

192.2 In the case of publication of decision on execution referred to in paragraph 1 of this Article, the recording of execution after its registering in real estate public books produces legal effects from the moment when the decision on execution is published for the first time by the means of information.

Article 193

Beginning of the execution

193.1 For realization of a other credit of the same creditor or other creditor after logging of execution recording in real estate's public books, can not be exercised a different specific procedure for the same real estate which is the object of the execution.

193.2 The proposer of the execution for whose credit the execution is fixed later on the same real estate shall be included in the already started procedure of execution.

193.3 In the procedure of the execution which is already started may be included other proposer for execution until the moment when the court renders the conclusion by which assigns the buyer of the real estate, on a public auction.

193.4 For entering of a another creditor in the procedure of execution which is ongoing, the court shall inform the proposer of execution on whose benefit the recording is already done.

Article 194

The effect of refusing or postponing of execution for some of creditors

194.1 The reasons for which the execution is not allowed in the benefit of certain proposers of execution for the same real estate, namely the reasons for suspension of the execution in relation to any of the proposers for execution, are without any impact for the procedure in the benefit other proposers of execution.

194.2 f the reason for postponing the execution relates only to one of proposers for execution, the execution shall not be postponed, but the court, while deciding on realization of the credits, shall postponed realization of his credit until the procedure for realization of his credit is not carried on. The money dedicated for realization of his credit shall be deposited and guarded in the court until the procedure is continued. If that procedure is not continued, the mentioned means will be used for realization of the credits of other proposers of execution, or will be delivered to the debtor of the execution.

Article 195

Realization of claims secured by the pledge

In the procedure for execution on a real estate, their claims also may realize the creditors who secured their credits through pledge, although they did not initiated execution procedure in accordance with the rules which determine the order of realization of their claims.

Article 196

Extinction of the right on pledge

196.1 The right of pledge on real estate recorded in real estate's public books extinct on the day when the decision on selling the real estate is executed, although it may the case that creditors secured by pledge did not entirely realized their credits, except when the agreement from paragraph 2 of this Article exists.

196.2 The buyer of real estate and the creditor who is secured by pledge, at latest in the session of its selling, may agree that the right of pledge remains even after execution of the decision on sale, while buyer to take the debt of the debtor in relation with that creditor in the amount which would belong him in the procedure of execution. In this case, the buying price of real estate decreases for the amount of taken debt.

196.3 The buyer and the creditor secured by pledge will conclude the agreement from paragraph 2 of this Article in the form of court agreement in execution procedure or the form of notaries document.

Article 197
Servitudes and real loads

197.1 Real servitudes, real loads and the rights of construction on real estate will not extinct by sale of real estate.

197.2 By sale of real estate will not extinct also personal servitudes which are recorded in real estate's book prior to the right for realization of which the execution procedure is ongoing.

197.3 Other personal servitudes extinct with the execution of decision on the sale of real estate.

197.4 The provisions of Article 196 par.2 and 3 will be analogously applied in relation to personal servitudes from paragraph 3 of this Article.

Article 198
The leasing contract for real estates

198.1 The leasing contracts for real estate which are concluded and recorded in real estate's public books prior to gaining of the right of pledge or the right to realization for which the execution is proposed, will not extinct by the fact of sale of real estate.

198.2 The leasing contracts that are not recorded in real estate's public books prior to gaining the right of pledge or the right to realization for which the execution is proposed, will extinct at the moment when the decision on sale becomes final, if between the buyer and lessor is not otherwise agreed.

198.3 The former lessor shall be responsible for all damage that lease suffered with extinction of contracts referred to in paragraph 2 of this Article. Lessee has no right to require the compensation of the damage in execution procedure.

Article 199
The right of residence

199.1 The right of residence acquired prior to gaining the right of pledge or right to realization for which the execution is proposed, shall not extinct by sale of real estate. The buyer of real estate takes the place of the lessor from the moment of acquiring the right of ownership on real estate.

199.2 The final decision by which the sale of real estate is confirmed constitutes a execution document for displacement.

199.3 The inability for displacing the lease on the basis of executive document from paragraph 2 of this Article, does not obstruct the buyer to realize his rights against him in a litigious procedure.

Article 200

Sighting of real estate

200.1 The court, by special conclusion, shall provide the person interested to buy the real estate with a allowance to look it. Such allowance the court gives only when the person interested requires so. By conclusion shall be determined the time and the way of sighting the real estate.

200.2 If the debtor or any other person obstructs seeing of real estate, the court by a conclusion shall order the debtor or other person to move from real estate at the time of sighting the real estate. The conclusion for moving shall be executed by official person, if necessary with the assistance of the police.

200.3 Against the person from paragraph 2 of this Article the court may pronounce fines or measures provided in Article 20 of this Law.

Article 201

Insurance of real estate

201.1 With the purpose of preventing the damage on real estate, making possible its estimation, sighting and protecting, the court, by request of the proposer for execution, through a conclusion, may order:

- a) temporary displacement from real estate of the debtor and other persons;
- b) giving real estate under guarding to the proposer of execution or other third person;
- c) other measures necessary for protection of real estate, or for performing of execution without any obstacles.

201.2 Against the persons who unable or obstruct the process of execution, the court may pronounce fines and other measures provided in Article 20 of present Law.

201.3 Necessary means for application of fines and measures from paragraph 1 of this Article must be deposited by the proposer of execution at the onset of the process.

2. EXCLUSION FROM THE EXECUTION

Article 202

The real estates that can not be the object of execution

202.1 The agricultural parcel of the farmer in surface of half ha may not be the object of execution.

202.2 The provisions of paragraph 1 of this Article do not relate to executions for realization of credits secured by the right of pledge contracted for real estate (by mortgage).

3. DETERMINATION OF THE VALUE OF REAL ESTATE

Article 203

The manner for determination of the value

203.1 On the manner for determination of the value of real estate decides the court by the conclusion, right after rendering the decision on execution. If it finds necessary, prior to bringing the conclusion, the court may hold a court session with parties..

203.2 Determination of the value of real estate shall be done after the decision on execution becomes final.

203.3 Determination of the value of real estate shall be done also prior to the moment defined in paragraph 2 of the present Article, if the proposer of execution requires so and pays the costs of determination of the value of real estate even in the case when the execution procedure is suspended.

203.4 The value of real estate is determined on the basis of expert evaluation and other facts related to its market price on the day of evaluation.

203.5 During determination of the value of real estate the facts that may decrease its value shall be considered, this if certain rights on real estate remain even after the sale.

Article 204

Determination of the value by tax administration

Except the way for determination of the value for real estate provided for in Article 203 of this Law, the court may require the competent tax body to provide data on the value of real estate.

Article 205

Determination of the value for joint ownership part

In the procedure for execution of the part in joint ownership, the estimation shall contain the ascertained values of entire real estate and of the part on joint ownership, as well as of the part on joint ownership which would be obtained in the case of the sale of entire real estate, in accordance with paragraph 2 of Article 180 of present Law.

Article 206
Determination of the value through agreement

The provisions of Articles 203 and 204 of present Law will not apply in the case when the judicial parties and other persons who realize their right in the procedure of execution determine the value of real estate by agreement.

Article 207
Reversal on the basis of lack of coverage

207.1 Every person who has the right to be paid from the price of the real estate, and who according to the order has the priority in relation with the proposer of execution, may propose the suspension of execution, if the ascertained value of the real estate can not cover neither partly the amount of credit of execution proposer.

207.2 The proposal for suspension of the execution may be submitted within 7 (seven) days from the day of delivery the sale conclusion.

207.3 By proposal of the holder of a right and after fulfilling the conditions from paragraph 1 of this Article, the court shall suspend the execution procedure through its decision.

THE SALE OF REAL ESTATE

Article 208
The conclusion on the sale

208.1 After the procedure for determination of the value of real estate is completed, the court issues the conclusion on the sale of real estate by which determines the value of real estate and the manner and conditions for sale, as well as the time and venue of sale, if the sale shall be performed through public auction.

208.2 In the procedure of execution for the part in joint ownership from Article 180 of this Law, the sale conclusion will contain, in particular, the data for entire real estate and also for the part in joint ownership which is the object of execution, as well as the notice that the court, for whole object of sale, shall decide in accordance with the provisions on auction session and the sale of real estate.

Article 209
Publication of the sale conclusion

209.1 The real estate sale conclusion shall be published at the court billboard, or otherwise if the court decides so.

209.2 The party has the right to publish the sale conclusion on his costs in public information means, respectively to inform on conclusion the persons who mediate in sale of real estates.

209.3 From the time of publishing the sale conclusion on the court billboard until the day of the sale the period of at least 30 days must pass.

209.4 The sale conclusion shall be delivered to the judicial parties, the persons who have priority right to realize their credits or the right for realization of the same rank with the proposer of execution, the persons who have recorded right or priority e legal right the competent body of tax administration.

Article 210
The manner for real estate sale

210.1 The sale of real estate shall be performed through oral public auction.

210.2 The session for real estate sale shall be hold in the of the court, if the court did not determined any other sale venue.

210.3 The sale session shall be exercised in the front of single judge or of professional court associate assigned by judge.

Article 211
Sale agreement through direct collusion

211.1 The parties and creditors secured by pledge, whose rights for realization of credits are at least of the same rank with that of the proposer for execution, may agree, at latest until the moment of the sale of real estate in public auction, that the sale of real estate be performed within assigned term through direct collusion between the person authorized for sale of real estate and official person, or in any other manner..

211.2 The sale contract through direct collusion shall be in written form.

211.3 On behalf of debtor the contract shall be concluded by the person whom by court conclusion the sale is trusted. The signatures of persons who conclude contract must be confirmed by competent body.

211.4 This contract starts to produce legal effects from the day when the decision for delivering of sold real estate is issued.

Article 212
The sale conditions

212.1 The real estate's sale conditions are incorporated in sale conclusion and among other contain:

- a) detailed prescription of real estate and other things belonging to it;
- b) denomination of third persons rights which do not extinct by the sale of real estate;
- c) the information if the real estate is released from persons and things or it is still in use, and if so, on which legal basis;
- d) the value of real estate;
- e) the price which can be reached by sale of real estate and who is obliged to pay the taxes and costs related to sale;
- f) the term within which the buyer has the duty to pay the amount of buying price;
- g) the sale manner;
- h) the amount of guarantee, the term for its payment, whom and how it has to be paid;
- i) the specific conditions that the buyer must fulfill in order to acquire the right of ownership on real estate;

212.2 The term within which the buyer is obliged to deposit the price may not be longer than 30 days from the day of the sale, regardless the fact if the price has to be paid at once or through installments.

212.2 In the procedure for execution of the part in joint ownership from Article 180 of present Law, the condition of sale from paragraph 1 of this Article will include the conditions of the sale whether for entire real estate as well as for the part in joint ownership which is the object of execution.

Article 213
Advance payment

213.1 As the buyers in a public auction may participate only persons who priory have deposited a guarantee.

213.2 Except persons who according to present Law have no obligation to provide guarantee in execution procedure, from this obligation are excluded also the proposer of execution and the holders of the rights recorded in real estate's public books which extinct by sale of real estate, if their credits are equal with the amount of the guarantee and if when considering their priority and determined value of real estate, such amount would be paid from buying price.

213.3 The amount of guarantee should be equal with one tenth of determined value of real estate, but may not be higher than 5.000 Euro.

213.4 The bidders, whose offers are not accepted, except three most favorable offers, shall be paid back the amount deposited, right after completion of auction.

Article 214
The case with only one bidder

214.1 The session of public auction shall take place even if only one bidder participates.

214.2 By the proposal of the person who has the priority right to realize his credit, the court may, through a conclusion, postponed the session of public auction, if it is participated by only one bidder.

Article 215
Who may not be buyer

The buyer of real estate may not be the judge or other person who exercise official duty in the procedure of sale, their spouses and the persons who are relatives by blood line with them (predecessors, descendants, bothers and sisters and their spouses), debtor and his/her spouse, the evaluator of the value of real estate, as well as any other person who according to Law may not acquire the right of ownership on real estate which is the object of execution.

Article 216
The right of pre-purchase

216.1 The person who has the legal or contradiction right for registered pre-purchasing in public record of movable has the advantages before the most favored purchaser in the case that immediately after the end of the bid declares that he buys the real assets with the same conditions.

216.2 In the case that the real assets has be sold by straightforward agreement the court will summon the Official Holder of registered pre-purchase of real assets in the momentum of legal act for execution of public record of real assets.

Article 217
The right of pre-purchase of the executive tender

217.1. In the case that in the real assets doesn't exist the right of lawful pre-purchase neither contractor one, namely in the case that official holders did not use the right, than the right of pre-purchase has the proposal of execution.

217.2 Purchaser of execution win the right of pre-purchase of real assets in the moment of the record of legal decision for execution in the public record for real assets.

217.3 In the case that persons want the right of pre-purchase of the real assets before the purchaser of execution, state in the court record that they will not use such right, than the purchaser of execution has an advantage towards their most convenient purchaser in the case that immediately after the sale declares he will buy the real assets with the same conditions

Article 218 **The price of a real state purchase**

218.1 In the first session of a purchase auction, real assets can not be sold with the price that is lower than half of the determined value. The starting offers for the first session, that are lower than half of the determined value will not be reviewed.

218.2 Without agreement of persons who has a right in the executive procedure to realize their credits before purchaser of execution, the real assets in the auction session can not be sold for the price that can not cover even partly the amount of a purchaser of execution's credit.

218.3 In the case that the real assets could not be sold in the first session, the court will determined the second session in the timeframe of 30 days.

218.4 The court will assign the second session in the timeframe of 30 days even when three convenient purchasers did not pay the bill in the first session within the foreseen time limit.

218.5 In the second session the real assets can not be sold for the price that is a smaller than one third of the assigned value with the selling conclusion. The starting offer in the second session can not be smaller than one third of the determined value

218.6 In the case that the real assets is not sold even not in the second session, the court will determine the second session in the timeframe of 15 to 30 days. In this session the real assets can be sold with whatever price, without taking into consideration the determined value of the real assets.

218.7 in the case that do not exists persons with the right of pre-purchase or contractual right, than person who according to the law has right of realization with priority of his credit from selling price, won the right of pre-purchase of the real assets by the price reached in the third session.

Article 219
Assigning the price according to the parties agreement

219.1 in the case that parties, before the executive procedure has started, has reached the agreement in the court, that real assets to be sold for the lowest price comparing from item 1,2 and 5 of the article 218, than in such case the real assets can be sold with the lower price even in the first session. Such agreement is valuable only if in the executive procedure do not take part persons with the registered rights in the public records real assets.

219.2 The lowest price by which the real assets can be sold according to dispositions according to the paragraph 1 of this article can not lower than one third of the assigned value.

219.3 Parties and persons ensured by guarantee can reach the agreement through given statements in the official records, that the real assets to be sold with the lower price than is mentioned in the paragraph 1, 2 and 5 of this article

219.4 Provisions of the paragraph 1,2 and 8 of the article 218, and paragraph 1 of this article, suitably applied even in the case when the real assets is sold according to direct agreement.

Article 220
Session for sale and selling of real assets

220.1 Nisi on the day of holding session the decision for execution is not made executive, the court can delay the session for auction and sell for mostly 30 days

220.1 Once it has ascertained that the conditions are fulfilled to hold the session for auction the court announce the start of the auction.

220.3 In the case the executive procedure applies for the part in co-ownership from the article 180 of this law, in the same time the court offer for selling the part of co-ownership, and the real assets in altogether. After the deposition of the most convenient offers for the two objects and after the evaluation of the conditions from the paragraph 3 of the article 180 of this law, the court by the decision will decide for definitive selling object.

220.4 Selling auction ends once five minutes have passed after appearance of the most convenient offer.

220.5 After the end of the auction the court ascertain which purchasers have offered the price above minimum and ascertain that the real assets is sold to the most convenient purchaser, in the case that the other conditions are fulfilled.

220.6 In the auction selling of the real assets the official records are held,

Article 221
Announcement of the selling conclusions

For selling the real assets to the most convenient purchaser the court issues written conclusion in the board of the court and send a sample to the parties and persons who has taken part in the auction as purchaser.

Article 222
Selling in the case of straight settlement

222.1 in the case of selling the real assets by straight settlement, the court issues the conclusion pursuant to article 221 of this law, once the fulfilled conditions for valuable selling.

222.2 In the case of the momentum of the issued conclusion of the paragraph one of this article the decision for execution is not made executive yet, the court can postpone to issue it for mostly 30 days.

222.3 Provisions of the paragraph 3 of the article 220 of this law are applied even for selling in the straight settlement.

222.4 Conclusion for paragraph 1 of this article is published in the board of the court and it is sent to all persons to whom is sent the conclusion for selling as well as to the purchaser of the real assets.

Article 223
Deposition of the purchase price

223.1 Purchaser of the biggest offer in the session of selling pays the full price of purchase decreased for insurance of deposit, depositing in the court during foreseen time limit by court which can not be shorter than 30 days from the day of the publishing of the purchase conclusion.

223.2 in the case that the purchaser of the biggest bidder does not deposit the purchase price in the foreseen time determined by the court, the court by the conclusion announce selling null which is done to this purchaser and by the new conclusion ascertain that the real assets is sold to the second following purchaser which can not be shorter than 30 days from the day of the submission of the conclusion, has to deposit the purchasing price in the court. In the case that the second purchaser do not deposit the price within the determined timeframe by the court, court applies rules for the third following purchaser.

223.3 In the case that none of the 3 purchasers from paragraph 2 of this article do not fulfill compulsory deposition of the purchasing price within determined timeframes, court can consider that the first session did not succeed and can call the new session , as foreseen by articles 211 to 220 of this law.

Article 224
Expenses of unsuccessful session

224.1 The expenses for the unsuccessful session will be paid from the ensured deposit by the first purchaser, to whom the real assets is sold and who will not pay purchasing price according to the foreseen timeframe. In the case that such expenses can not be covered in whole from the ensured amount which is deposited from the first purchaser, difference will be paid from the ensure of the second purchaser, in the case that he will give up from purchasing real assets. These rules are applied even in the case of giving up of the purchasing by the third purchaser.

224.2 Expenses of the next session are paid proportionally from the ensure of the purchaser to whom the real asset is sold, but who did not deposit the purchasing price within the timeframe foreseen by the court.

224.3 The remain sum after payment of procedural expenses is back to the ensue depositor.

Article 225
Restitution of Deposited Securities

225.1 After submission at court of the total price of sold real asset, the deposited securities from the other bidders are returned within the time limit of 3 days from the day of submission of the price at court.

225.2 If the buyer of the goods is the proposer of execution and if other persons do not exist whose credits are fulfilled before his credit from the price with which is sold the real asset, then he is not obliged to submit the price at court that corresponds to the amount of his credit.

225.3 If the purchase price is higher than his execution credit, the execution proposer must deposit the difference of his credit price.

225.4 Provisions of the paragraphs 1, 2 and 3 of this article are applied when the credit of the execution proposer in accordance with the law is fulfilled before the credits of other creditors are fulfilled who have the right for fulfillment by the same sale price of the real asset of the debtor.

Article 226
The delivery of real asset to the buyer

226.1 After the deposition of the price , the court issues a written resolution by which evaluates that the real asset is sold to the certain buyer.

226.2 By the written issue from paragraph 1 of this article, the court decides that the real asset should be handed to the buyer, whereas the public record official-holder of real asset is ordered to register the right of the property of the buyer regarding the real asset which he bought. By this written resolution the court appoints the cancellation of the rights for which it was stated that they would be cancelled by the written resolution regarding the selling of real asset.

226.3 Against the written resolution from paragraph 1 of this article, it is not allowed turn down but its attack can be done by complain.

226.4 The written resolution from paragraph 1 of this article, is shown in the court chart. After 3 days after the day of publication in the court chart, it is considered that the written resolution is handed to all the persons to whom the conclusion must be handed regarding the selling and regarding the participation in the auction.

Article 227

The loss of the right of the possession of the real asset

At the moment of selling the real asset the debtor loses the right of the possession of the real asset and he is obliged to hand it to the buyer immediately after the delivery of a written resolution regarding the selling of a real asset, unless foreseen differently by law or by agreement with the buyer.

Article 228

Moving out of the debtor

228.1 After the issue of the written resolution regarding the delivery of the real asset, the court on the request of the buyer, by conclusion orders the debtor to move out and hand the real asset to the buyer.

228.2 The executive tender from paragraph 1 of this article, is done according to the provisions of the chapter XII of this law.

228.3 In the executive tender procedure from paragraph 2 of this article, the buyer of the real asset gains the procedure position of the executive tender proposer, at the moment of the application of the executive tender proposal in order that the act of moving out and delivery of the real asset can be done.

Article 229

Moving out of other persons

229.1 After the issue of the written resolution by which it is estimated that the real asset was sold, the court based on the request of the buyer, through the written resolution orders the other persons who are located in the sold real asset, to move out and hand the

property to the buyer, unless they possess the valuable document that serves as a juridical base regarding the use of the real asset. By the same written resolution the executive tender is appointed to the persons concerning the moving out and handing of the property of real asset.

229.2 The executive tender court will initiate the enforcement of the executive tender of the written resolution from the paragraph 1 of this article, immediately after its issue. The executive tender is applied according to the rules of this law regarding the executive tender, moving out and handing of the real asset .

229.3 In the procedure which is done according to the paragraph 1 and 2 of this article, the buyer has the procedure position of the executive tender proposer.

Article 230

Protection of the purchaser right

Abolishment or change of the decision of execution once the decision has been applied By which is ascertained sell of the real assets does not have impact in the right of the purchaser property issued in accordance to the decision for delivery of the real asset.

Article 231

Completion of the credit by delivering real assets to the creditor

231.1 In the case that real asset is not sold even in the third session of the public auction, or by straight agreement within the foreseen time frame by the court, in the request of

231.2 The executive proposer, the court by a decision can deliver a real asset to the executive proposer.

Article 232

Suspension of the execution

232.1 In the case that real asset could not be sold even in the third session, while the executive proposer did not exhaust the right by article 231 of this law, the court will suspend the execution.

231.2 The execution tenderer by selling through straight settlement will be suspended in the case that the real asset could not be sold in the determined time frame by parties and persons agreement who realize their credits in the same executive procedure, except when from parties agreement something else comes up.

Article 233

The effect of the suspension of the execution

Decision for the suspension of execution is not obstacle for proposer to execute and initiate over again the executive procedure in order to realize the same credit for the same real asset.

5. HANDING THE REAL ASSET IN USAGE TO THE EXECUTIVE TENDERER

Article 234 Conditions for handing in usage

234.1 When the conditions are fulfilled for suspension of the execution, on the request of executive proposer which request he can submit in the time frame of 30 days, the court can decide to hand the real asset in usage to him by paying.

234.2 Final decision for giving the real estate to the execution proposer for use, the debtor can file an appeal.

Article 235 Duration of usage and award

235.1 By written resolution the court decides to hand the real asset in usage, and determines duration and the monthly amount for usage of the real assets to the executive proposer. The award amount is determined according to the expert opinion.

235.2 Usage duration that the real asset is given in usage to the executive proposer and always taking into account the executive proposers amount of the credit as well as the determined amount for usage of the real asset.

235.3 Award for usage of the real asset is calculated to the debtor in the credit fulfillment of the executive proposer.

235.4 After the time frame referred to paragraph 2 of this article, executive proposer is obliged to hand over the real asset to the debtor.

235.5 For handing and hand over of the real asset, in an appropriate manner referring to the article 227 to 229 of this law are applied.

6. PAYMENT OF THE EXECUTIVE PROPOSER

Article 236 Momentum of payment

The court pays to the execution proposer immediately once the price of purchasing of the sold real asset is deposited.

Article 237 **Paid Persons**

237.1 From the selling price the executive tender proposer is paid by whom initiative the executive tender procedure started, insured pledged creditors and when they did not applied their credits and the persons who have the right of reward for personal serge

237.2 The remain of a buying price that remains after the fulfillment of requests made by the persons from paragraph 1 of this article, is delivered to the debtor, if such a thing does not meet any judicial obstacles.

237.3 If the price of selling of real assets is not sufficient for a complete fulfillment of loans of the same turn, their fulfillment is done in the proportion by the height of such loans.

Article 238 **The fulfillment of prior loans**

238.1 The things which need to be paid by order from the amount earned from the selling of real assets are;

- a) expenses of the executive tender procedure;
- b) requests of the insured pledged creditors, which are realized before the executive tender proposer by the order of priority;
- c) the request of the executive tender proposer;
- d) requests of the insured pledged creditors ,which are realized by order of priority after the executive tender proposer;
- e) rewards for personal serge, which are canceled by selling real assets .

238.2 If the debtor except the main debt is due to pay interest, then that is paid before the main debt is paid.

238.2 More persons belonging to the same point of paragraph 1 of this article, realize their requests according to the turn of gaining the right of pledge and the right of fulfillment of loan of the executive tender proposer, respectively according to the turn of gaining the personal serge, unless the agreement is foreseen differently.

Article 239 **The order of fulfillment of other credits**

239.1 The provisions of the article 238 of this law, in a conform way are applied as well as in the fulfillment of the rights from sub-mortgage and the rights that contain a burden upon the credit which is realized.

239.1 Expenses and interest for the three last years up to the moment of a written resolution about the delivery of a real assets, appointed by the executive document, are paid according to the order of belonging of a main credit.

Article 240

The reward on personal serge and other rights

240.1 If regarding the height of reward about personal serge, or concerning the cancellation of rights at the moment of selling the real assets, an agreement is not found amongst their officials and the executive tender proposer, who comes after them by order of realization, the importance of the reward is defined by the court taking into consideration especially the time for which they will exist, their value and the age of their officials.

240.2 The buyer of real assets and the official of the right of personal serge, may have an agreement so that the buyer can take over the serge, whereas the amount of the defined reward according to paragraph 1 of this article, to be dropped from the buying price of the real assets.

Article 241

The realization of requests in a proportional way

If there are more loans which are in the same order of realization, their fulfillment is done in proportion of the amount that they have, if the sum which was earned through selling the real assets was not sufficient for a complete fulfillment

Article 242

The dispute over the loan

The executive tender proposer, or another person who realizes his loan from the selling price of the real assets, if such a thing has an influence in fulfillment of his loan, has the right to dispute the existence of the loan belonging to another person, except the loan specified by an executive document, its importance and the order by which it should be realized. The dispute can take place at the latest in the session of sharing the earned cash by selling the real assets.

Article 243

The guideline regarding the initiation of the dispute process

243.1 The person who has had disputes over the loan of another person is advised by the court that within the appointed deadline, which can not be longer than 15 days, that through sue to initiate the dispute procedure, if the decision depends on disputable facts and if the dispute is not supported in the court act of a determined form, in a public document, or in a non-public document, but verified by law.

243.2 If the person who disputes the loan, relies the dispute in the court act of the determined form, in the public document, or in a non-public document verified by the law, the court will decide in the executive tender procedure regarding the dispute.

243.3 Regarding the loan dispute, the court will decide in the executive tender procedure and even when the facts are not disputable from which the decision depends.

Article 244

The case when the causes of dispute are reliable

244.1 If the person who disputes the loan to the other person makes it reliable by offering the existing causes of its dispute, the court through the conclusion for the initiation of a disputable procedure, will instruct the person to whom the loan disputable, whereas the decision for the realization of the disputable loan, then it is postponed to the moment of the termination of the disputable process. The court can obscure the decision making process for the realization of the disputable loan by depositing the guarantee by its official.

244.2 The sum of money that regards the disputable loan will be deposited in the court deposit.

244.3 If the person who is instructed to initiate a disputable procedure by pressing charges in the time limit appointed by the court, can not prove that he has initiated such a procedure, it is considered that the loan is not disputable, respectively that he has given up from the request that his loan could be realized in the procedure of an executive tender.

244.4 The provisions of paragraph 1 of this article, can not affect the right of the instructed person to press charges, that even after the termination of the executive tender procedure, to initiate the dispute procedure against the person to whom the loan was disputable, respectively against the person, who has disputed the loan.

244.5 By the proposal of the person whose loan has been disputed, the court can obscure the obtain of the written resolution concerning the realization of his loan, with the depositing of a guarantee regarding the reward of the damage that he can suffer from the cause of the delay of realization of the loan. If the person who has disputed the loan does not deposit the guarantee within the deadline which was appointed, it will be considered that the loan was not disputable at all.

244.6 The person whose loan was disputed , has the right to ask for a reward for the damage caused to him by an unjustifiable dispute of his credit, if such a thing was done with the aim of causing damage to him, or to be obscured in the realization of his rights.

Article 245

The juridical effect of the court act given by the dispute court

The court act given regarding the dispute loan in the executive tender procedure gives a juridical effect against the debtor and all the other executive tender proposers.

7. THE WAY OF REALIZATION OF SOME TYPES OF LOANS

Article 246

The realization of the loan which is not requested yet

246.1 The request of the insured pledged creditor, which was not required up to the day of a written resolution given regarding its fulfillment, and for which the interest was not contracted, will be paid after the reduction of the sum matching the interest-delay appointed by law since the date of the enforcement of the written resolution for payment to the day in which the loan becomes required.

246.2 The loan which is still not required and for which the interest contract has been made, will be paid altogether with the amount of the contracted interest pre-calculated up to the day of the enforcement of the written resolution and its fulfillment.

Article 247

The realization of periodic incomes

247.1 Loans of periodic incomes for the basis of a nutrition-foster care for the base of the reward of the damage caused because of the harm caused in health, or reduction , respectively the loss of the capacity for work and based on the reward of the damage for the nutrition-foster care which was lost because of the death of the provider , which were provided by pledge and become required after the day of the issue of a written resolution for the payment, and are fulfilled with a request of the executive tender proposer.

247.2 Loans from the first paragraph of this article, are pre-calculated conform the way according to which the reward for a personal serge is pre-calculated.

Article 248

Fulfillment of the conditioned loans

248.1 The sum of the loan which was provided by the right of the pledged, and that depends from the condition, will be distinguished and put on the court deposit and will be paid when the urged condition is fulfilled, or when it is for sure that the solving condition will not be fulfilled.

248.2 If the urged condition is not fulfilled, or the solving one is, the separated amount of the selling price of the real assets serves for the realization of the loan of the executive tender proposer which was not realized partly or completely, and if there is no such loan or if after their fulfillment a part of the selling price remains, then the remaining part is delivered to the debtor of the executive tender.

Article 249

The foresight of the pledge and the notification of the dispute

249.1 If there is an evidence in the public record of real assets about foresight of the pledge right, whereas the person on whose favor the foresight is registered, proves that the dispute procedure is in a process in order to justify it, respectively that there is still time for the initiation of this procedure, the loan which involves the foresight will be paid according to the way in which is paid the loan with an urged condition.

249.2 The loan which is recorded in the public record of real assets for the initiation of the disputable process in order to cancel the right of the pledge, or notification about different dispute, it is fulfilled in the way in which it is fulfilled the depending loan by the solving condition.

8. DIVISION SESSION AND DECISION ON PAYMENT

Article 250

Division session

250.1 After the decision on the hand over of the sold immovable item has become final, the court assigns session for division of the amount obtained from the sale, if there are more execution proposers or third persons who has the right on realization of their credits from the amount concerned.

250.2 In the scheduled session will be summoned except parties also the persons who according to the state of scriptures and according to the data from public book of immovable items has the right to be paid from the amount obtained by the sale of immovable item.

250.3 In delivered summon these persons will be warned that their credits, if they does not come to the session, will be treated according to the state deriving from the public book of immovable items, and existing scriptures and that latest at the division session they might dispute to other person the credit, height and realization order.

250.4 In the session is reviewed about the realization of the credit of execution proposer and other persons who submits requests for realization of their credits.

Article 251 **Decision for realization of credits**

251.1 For realization of the credit of execution proposer and of other persons to whom belong the right of realization of their credits, the court decides through decision immediately after the conclusion of session, bearing in mind the data from the public book of immovable items and existing scriptures, and the concluded state during the session.

251.2 During the issuance of the decision from paragraph 1 of this article will be taken into consideration only the credits in relation to which the execution decision became executable, at the day the division session was held.

251.3 If there are credits in relation to which the execution decision has not still become executable until the day of the division session, then these were be fulfilled after the decision becomes executable from the remained amount of the sale price of the immovable item., if such remain exists, whilst overage will be handed over to debtor.

251.4 Provisions of paragraph 2 and 3 of this article has not to do with the ensured credits through pledge.

Article 252 **Appeal against the decision**

252.1 If the necessity of holding the court division session does not derive from this law, the court will publish in announcement board the decision for realization of credits. Upon expiration of the third day from the day of publication in the announcement board it is considered that the decision is delivered to all persons who have the right of realization of their credits from the price of the sold immovable item.

252.2 Against the decision for realization of credits the right to appeal has the parties and persons who have alleged realization of their credits from price of the sold immovable item.

252.3 If an appeal against the decision for realization of credits is filed within legal time-limit, the it is delivered to the parties and other participants in the execution procedure, while the decision will be executed if execution proposer within three days time-limit from the day of delivery of appeal to him does not propose the adjournment of execution until the moment of issuance of the second instance court decision.

252.4 Execution of the decision for realization of credits is conducted after the expiration of time-limit for filing of appeal from the persons who has the right to appeal against it..

Article 253
Deletion of the rights and burdens

253.1 After the decision for realization of credits becomes final, the court with an special decision will order that in public book of immovable items be deleted the registered rights and burdens, except the ones which remains for immovable item even after its hand over to the purchaser or which has been undertaken by latter one.

253.2 Purchaser with lawsuit might request deletion of the rights and burdens from paragraph 1, if this was not done by the court and cadastre.

9. EXECUTION ON IMMOVABILITIES WHICH ARE NOT REGISTERED

Article 254
Execution in the territories where does not exist the public book of immutabilities

254.1 In the territory for which is not created the immutabilities cadastre, nor the public book of immutabilities, respectively does not exist by the law foreseen book of the right on immovable items, accordingly will be applied the legal rules which are valid for documents which are submitted together with execution document as evidence for the right of ownership on immovability which is execution object, and legal rules for other manner of registration of execution decision on immovability. This counts also for the case of extermination or deletion of registers.

254.2 If the equipment with evidence for the right of ownership in accordance with the legal rules valid for the certain territory, is impossible then instead of evidence of ownership the execution proposer has a duty that in execution proposal note the place of immovability, its nomination, borders and surface.

253.3 In case of paragraph 2 of this article the court will conduct sequestering inventory of immovability for which is proposed the execution and for the inventory sequestering session will be summoned execution proposer, debtor and persons whose immovability is bordered with such immovability.

254.4 Record of the sequestering inventory has an importance of execution registration and it is published in the announcement board of the court.

254.5 For committed sequestering inventory the court, in Official Gazette of Kosovo and in at least one daily newspaper, publishes announcement in which is indicated the court which made an announcement, number of the case file, names and addresses of parties, data on immovability for which the execution is applied, when and where is held the inventory sequestering session, and when is published the record on sequestering inventory in the court board. After the expiry of 15 days time-limit from the day of

announcement, the court summons the interested persons to inform the court for eventual reasons which obstructs the execution of immovability concerned.

Article 255

Execution for non-registered immovability

255.1 If in the territory in which are established public books of immovability, the immovability is not registered, the execution proposer together with the execution proposal should submit documents in the basis of which might be done the registration.

255.2 After the delivery to the court of execution proposal and in the basis of which might be done the registration of immovability, the court immediately deliver the documents to the court, body or organization which keeps the registers for the purpose of registration. In this case the court stops acting until the conclusion of the registration procedure.

255.3 If the execution proposer in his execution proposal, as object of execution proposes the building, or part of the building which are not registered in the public book of immovability, together with the declaration that registration cannot be done in sense of paragraph 1 and 2 of this article, the court with decision will allow execution on immovability in non-registered ownership of debtor, if the execution proposer hands over or emphasize as evidence for non-registered ownership, building permission issued in the name of debtor, or if the building permission is not in debtor's name, documents for legal actions by which might be obtained ownership of debtor on immovability or part of it.

255.4 Upon request of the execution proposer, the court assigns a duty to debtor or to third person to hand over documents from paragraph 3 of this article, under threat of fine from article 20 of this law. Upon the request of execution proposer, he will oblige, with the court decision, the competent state body to hand over documents from paragraph 3 of this article.

255.5 When the court assigns execution on immovable item which cannot be registered in public book of immovability in accordance with paragraph 3 of this article, in conditions of sale will be particularly emphasized that it has to do with the non-registered ownership, and instead of note it will be conducted inventarisation in manner foreseen in article 254 paragraph 3 and 4 of this law.

FOURTH PART

EXECUTION FOR REALIZATION OF NON-MONETARY CREDITS

CHAPTER XV

COURT PENALTIES

Article 256

Determination of court penalties

256.1 When debtor does not fulfill, within assigned deadline any non-monetary obligation determined by execution document, the court of jurisdiction for determination of the execution of non-monetary credit, upon proposal of execution requester, with execution decision will assign additional deadline and obligation, in the case of non-respect of such deadline to pay to the execution proposer each day of delay, or other time unit, in accordance with the rules from obligation relations, from the expiration of the deadline of court penalties.

256.2 Additional time-limit from paragraph 1 of this article starts to run from the day of delivery of the decision in which is assigned such time-limit to the debtor. Running of the additional time-limit is not interrupted even when the decision for determination of penalties, is attacked by appeal.

256.3 Against the decision from paragraph 1 of this article, the party has the right to appeal within 7 days time-limit. Presented appeal does not produce suspending effect.

256.4 If the debtor within 15 days time-limit from the day the decision from paragraph 1 of this article, becomes final, fulfills his obligation the court might decrease the amount of penalties upon request of debtor presented within 7 days time-limit, but bearing in mind the purpose of payment of penalties. The request of debtor does not influence the permission of execution and its application, in the basis of the final decision for payment of court penalties from paragraph 1 of this article.

256.5 Payment of court penalties might be requested until the time of proposal for execution in the basis of execution document, with the purpose of realization of non-monetary credit.

256.6 The right for court penalties ends in the day when is presented the execution proposal of the final decision for non-monetary credit. Compulsory payment of court penalties, which became required until the day of presentation of the execution proposal, might be requested according to the provisions of article 257.

256.7 If the execution from paragraph 6 of this article is suspended, the right of the execution requester for court penalties might be again realized.

Article 257

Execution for realization of the determined penalties

257.1 In the basis of final decision for payment of court penalties from article 256 of this law, the court in the same execution procedure in which is issued such decision, upon

proposal of execution requester, will issue an execution decision for the purpose of compulsory payment of determined penalties.

257.2 If the debtor in the objection against execution decision alleges that he has fulfilled his obligation, the court will approve his objection in execution procedure only if he proves his foundation with public or non-public document which has an weight of public document.

CHAPTER XVI

EXECUTION WITH PURPOSE OF HAND OVER OF MOVABLE ITEMS

Article 258 Territorial jurisdiction

To decide on the execution proposal with purpose of handing over of one or more certain items, or with purpose of delivery of certain amount of substitute items and for application of the execution, is competent the court in territory of which are situated such items.

Article 259 When items are with debtor or third person

259.1 Execution for hand over of one or more certain items which are with debtor , is applied by taking these items from debtor, through court executor and by handing them over to execution proposer with an written certificate.

259.2 In a manner shown in the paragraph 1 of this article, the execution will be applied even when the items are with the third person who is willing to hand them over to court executor. If third person does not want to hand over the items, the execution requester might propose to the court that to him be transferred debtor's credit towards third person for hand over of items.

259.3 In execution procedure upon proposal from paragraph 2 of this article, are applied provisions of this law on execution in credit for handing over or delivery of movable items.

Article 260 When items are not found with debtor nor with third person

260.1 If the items were not found with debtor nor the third person, the court in the same procedure upon the proposal of execution requester will evaluate the value of items and

with decision will order the debtor that to the execution requester within assigned deadline pay the amount of that value.

260.2 The execution proposer might submit proposal from paragraph 1 of this article within tree days time-limit from the day of notification that items were not found with debtor nor the third person. If the execution requester does not submit such proposal within assigned time-limit the court will suspend execution.

260.3 In the basis of decision from paragraph 1 of this article, the execution requester might propose in the same procedure the execution for payment of the assigned amount. Such proposal should be submitted at latest in time limit of seven days from the day of the issuance of decision from paragraph 1 of this article.

260.4 If the proposal from paragraph 3 of this article is not submitted in the assigned time-limit, the court will suspend the decision and will annul the decision from paragraph 1 of this article and committed executive actions.

Article 261 **Consolidation of proposals**

261.1 Execution requester together with the proposal for execution for hand over of items which are with the debtor, or third person, might submit also the proposal for issuance of the decision from paragraph 1 of article 260. In the case of the consolidation of two proposals concerned, execution according to the 259 of this law and the procedure from this article are applied at the same time.

261.2 The court might assign the foreseen execution from paragraph 30 of the article 260 and to start its application but the actions of the sales of debtor's sequestrated items and transfer of money from his bank account cannot be done before it is concluded that the execution from paragraph 1 and 2 of the article 259 of this law could not be committed.

261.3 If the execution regulated from with article 259 of this law is successfully concluded, the court ex officio suspends the procedure, annuls the decision from paragraph 1 of the article 260 of this law and other committed actions from provisions of paragraph 1 of this article. In such case to the execution requester remains in burden the caused expenses by submission of proposal from paragraph 1 of this article.

Article 262 **Execution for delivery of substitute items**

262.1 If by the execution document is assigned the obligation for delivery of assigned quantity of substitute items which are with debtor, or third person, the execution is applied in foreseen manner for hand over of individually assigned items.(article 259).

Article 263

263.1 When the substitute items are not found neither to debtor or third person, the execution requester might propose that execution to be applied by the authorization of the court within assigned time-limit to buy somewhere else these items on the debtor's expenses.

263.2 The proposal to buy somewhere else the items, the execution requester might submit within seven days from the day in which the court has informed him that items were not found neither to debtor or third person.

263.3 Upon proposal of the execution requester the court by decision orders the debtor that within certain time-limit to deposit with the court the amount of needed money for purchasing of items and assigns the execution for payment of this amount with interest-delay from the day of evaluation of items until the day of deposition of the amount with the court.

263.4 The execution requester has a duty that in proposal from paragraph 1 of this article assign an execution mean with the purpose of payment of the needed amount for purchasing of substitute items.

263.5 Execution of the decision from paragraph 1 and 3 of this article is conducted only after it becomes final.

263.6 If the execution requester in time-limit from paragraph 2 of this article has not submitted the proposal for purchasing of items somewhere else, the court will suspend the execution procedure except when the execution requester has timely submitted also the proposal that debtor pays to him the value of items for which he was obliged to hand over.

263.7 If during the conduct of the procedure the value of the substitute items changes, the execution requester might request from the court new evaluation and might order the debtor to pay the difference in value.

Article 264

The right of reward (compensation) for the damage

With the provisions from this chapter of this law is not touched upon the right of the execution requester that by lawsuit against the debtor in contested procedure, require the reward for damage caused by non-hand over, or non-delivery of items.

CHAPTER XVII

EXECUTION FOR EMPTYING AND HAND OVER OF IMMOVABILITY

Article 265 Territorial jurisdiction

To decide about the execution proposal for emptying and hand over of the immovable item, and for the commission of execution, of territorial jurisdiction is the court in territory of which is the immovability.

Article 266 The manner of application of execution

266.1 The execution procedure with the purpose of emptying and hand over of the immovable item is applied that way that official person of the court, after he removes persons and items from immovability, hand that over to possession of the execution proposer.

266.2 Emptying and hand over of immovability is conducted only after seven days from the day in which to debtor is delivered the execution decision, and who did not submit an objection against such decision. In case that against the decision the debtor has submitted an objection, then the seven days time-limit starts to run from the day in which to the debtor is delivered the decision for refusal of objection.

266.3 If by the removal of persons from immovability are included juvenile persons, then the execution court informs the guardianship body.

266.4 The execution proposer has a duty to ensure the needed working force and the transportation means with the purpose of commission of execution. The request in this regard, the court executor should notify to the execution proposer at least seven days before the start of application of execution.

Article 267 Compulsory measures in case of need

267.1 Upon request from the court, the police authorities and guardianship body are obliged to give all needed assistance, with the purpose of commission of execution actions from paragraph 1 of article 266 of this law.

267.2 Against the persons who obstructs execution, the court pronounces the measure of removal or the fine from article 20 of this law.

Article 268
Removal of movable items from immovability

268.1 Movable items which should be removed from immovability are handed over to the debtor, and if he is not present, then to the adult member of his family or to person authorized by debtor.

268.2 If in the case of the commission of executive actions is not present any of the persons from paragraph 1 of this article, or if these persons refuses to take them the items will be given to other person for preservation, on debtor's costs.

268.3 The execution proposer has a duty to find another person to whom will be delivered the removed items from immovability. The execution proposer might himself take the debtor's removed movable items from immovability for preservation on costs in burden of debtor.

Article 269
Confirmation of the executor's actions by court conclusion

269.1 Removed items gives for preservation to other person or to execution proposer, the official court person. The court might latter decide with conclusion that removed items be taken from other person and be given to third person for preservation.

269.2 For giving of items for preservation to third person and for the costs of preservation, the court will inform the debtor, if this is possible and will assign an time-limit within which he might request the hand over of items after the payment of the costs of preservation until that moment.

269.3 Together with this notification, the court will warn debtor that after the expiration of the assigned time-limit according to paragraph 2 of this article, the items will be sold and from the price of the sale will be paid the costs of preservation and sale of items.

Article 270
The sale of the removed items

270.1 The court will assign through conclusion the sale of the removed items in interest of debtor, if he within time-limit given to him does not request their hand over and does not compensate the costs of preservation.

270.2 The part of the obtained price from the sale, which remained after the payment of the costs of preservation and sale, is deposited in the court in benefit of debtor.

270.3 The sale of items is conducted according to the provisions of this law foreseen in chapter IX of this law, with purpose of fulfillment of monetary credit.

Article 271

Execution for realization of costs

271.1 The execution proposer has a right that in his execution proposal, with the purpose of emptying and hand over of immovable item to request that together with execution be assigned the execution for movable items of debtor, which should be removed from immovability with purpose of payment of procedural costs.

271.2 Execution from paragraph 1 of this article is assigned and applied according to the rules from this law foreseen in the chapter IX of this law for realization of monetary credit, upon proposal from execution requester.

CHAPTER XVIII

EXECUTION FOR REALIZATION OF CREDIT FOR COMMISSION, OMMISSION, OR TOLERANCE/INCURENCE

Article 272

Territorial jurisdiction

If the debtor in the basis of executive document, has a duty to commit an certain action, or to tolerate certain actions, or to omit from certain action, to decide about execution proposal of territorial jurisdiction is the court in territory of which the debtor should fulfill his obligation assigned in execution document.

Article 273

Obligation for action which might be committed by anyone

273.1 Execution for realization of obligation for action which might be committed by anyone, is applied that way that court authorizes the execution proposer that in debtor's costs entrusts to other person commission of such action or himself to commit that action.

273.2 In execution proposal the execution requester might propose that the court through decision order to debtor that in advance deposit an assigned needed amount for payment of the expenses which will be caused with the commission of action by other person, or by execution proposer himself. The quantity of the deposited amount, is assigned by the court on its free evaluation, bearing in mind the price list of the authorized person, for commission of such action, which is attached to the execution decision by the execution proposer.

273.3 Final decision on the quantity of expenses from paragraph 2 of this article, the court gives upon the proposal by execution requester, respectively debtor, after the commission of action.

273.4 If latter on is concluded that in the basis of decision from paragraph 2 of this article, from the debtor are taken more means than needed for coverage of expenses for commission of action and expenses of execution procedure, then the court will return the difference if there are means taken by debtor, respectively will order to the execution proposer that within certain time-limit to return such difference, if these were left in his disposal.

273.5 In the basis of decision from paragraph 2 of this article, the execution might be proposed even before the execution decision becomes final, whilst in the base of the decision from paragraph 3 of this article, only after it becomes final.

Article 274

Obligation of action which might be committed only by debtor

274.1 If the action assigned in execution document might be committed only by debtor, the court with an execution decision will assign to debtor the deadline for fulfillment of obligation. With execution decision the court at the same time threatens debtor and eventually responsible persons in debtor which is legal person, that they will be fined according to article 20 of this law, if within assigned time-limit they does not fulfill obligation.

274.2 If debtor within time-limit assigned by the court does not fulfill obligation, the court upon proposal from execution requester will act further according to the provisions of article 20 of this law.

274.3 Debtor who has fulfilled its obligation within time-limit assigned by the court, ha a duty that without delay inform the court for such thing, and to submit to the court the mean by which he un doubtless proves his allegation. Such evidence is considered written certified statement of the execution requester, from which it is seen that the compulsory action is committed, the record of court executor in which is concluded that the compulsory action is committed, conclusion and opinion of the expert, from which it is seen that the action is committed etc. In contrary it will be considered that the action is not committed.

274.4 If the action which might be committed only by the debtor, does not depend from his will (creation of and music artistic act, visual, literal, architectonic, etc), then the execution proposer does not have right to request the reward from paragraph 1 of this article, but only the right to request reward for caused damage.

Article 275 **Obligation for tolerance and omission**

275.1 If debtor is obligated to tolerate commission of any action, or to omit from the commission of an action, the court, upon proposal from the execution requester who alleges that debtor is acting in contrary to his obligation, with decision will order debtor to behave in accordance with his obligation and threatens him with fine in accordance with article 20 of this law, if he continues to act in the same way.

275.2 The execution proposer might submit a proposal to the court that to debtor be assigned monetary penalty because he, despite of the court order, has continued to act in contradiction with his obligation. This proposal should be done in 15 days time-limit from the acknowledgement for such debtor's behavior, but at latest within time-limit of one year from the breach of obligation.

275.3 After expiration of time-limits from paragraph 2 of this article, the court with decision refuses the proposal for pronouncement of fine and suspends the procedure, while the execution requester loses the right of presentation of new execution proposal, in the base of the same executive document.

275.4 For the execution procedure from paragraph 1 of this article, accordingly are applied provisions of article 274 of this law.

Article 276 **Deposit of guarantee for reward of damage**

276.1 Court, upon proposal by the execution requester will order with decision the debtor to deposit with the court an amount of money for reward for damage which creditor might suffer by the further behavior of debtor in contradiction with his obligation for tolerance and omission. In this case the execution proposer should make confident the possibility of suffering of damage.

276.2 The duration of guarantee is assigned by the court bearing in mind the circumstances of the concrete case.

276.3 In the basis of the decision for deposit of guarantee, the execution is applied upon proposal by the execution requester.

Article 277 **Execution with the purpose of restitution in to previous state**

277.1 If because of the debtor's behavior in contradiction with his obligation from the executive document, is created a change which is not in accordance with the rights of the execution proposer, the court will authorize the latter with his proposal that he himself, and in case of need also with the help of court executor, reinstate the previous state on debtor's expenses and on his risk.

277.2 In regard of the deposit of needed amount for coverage of the costs that might cause the restitution in to previous state and assignment of their definitive amount, are applied the provisions for expenses for execution of action, which except debtor might be committed also by other person.

Article 278

Re-obstruction of possession

278.1 If in the basis of executive document, issued upon lawsuit for the obstruction of possession, is committed execution, or if the debtor has voluntarily fulfilled his obligation, and after this again obstructs possession which in essence does not differ from the previous obstruction, the court upon proposal from execution requester, in the basis of the same executive document will issue new decision on execution, with the purpose of restitution in to the previous state if this is needed, and will threaten the debtor with fine if he again commits obstruction of possession. In this case accordingly are applied the provisions of article 276 of this law.

278.2 Proposal for execution from paragraph 1 of this article, the execution requester might submit within 30 days time-limit, from the day he acknowledged for re-obstruction of possession, but at latest within one year from the repeated obstruction.

Article 279

The right of reward of damage/Compensation

With the provisions from this chapter of the law, is not touched the right of the execution proposer that with lawsuit rendered in contested procedure to request the reward for damage caused by the behavior of debtor in contradiction with his obligation assigned in the executive document.

CHAPTER XIX

EXECUTION OF DECISION FOR DIVISION OF ITEMS

Article 280

Territorial jurisdiction

To decide on execution proposal and for application of execution in the base of the decision for division of items, of territorial jurisdiction is the court in territory of which is situated the item in co-ownership.

Article 281

Physical division of the item

281.1 Physical division of the common item, the court assigns if such a division is foreseen with the execution document.

281.2 Special actions for commission of the physical division are applied according to the circumstances of the case by the judge, or upon his authorization by his legal assistant, or court executor.

281.3 The court will summon the participants of the procedure to be present during the commission of physical division of the item.

281.4 If needed, the court might assign the expertise.

Article 282

Division of item through sale

If in the basis of executive document the joint item should be sold for the purpose of division, the sale will be done in a manner foreseen in chapter IX and XIV of this law. For certain issues the parties might agree differently.

Article 283

Determination of the manner of division by court decision

283.1 Court decides according to the rules on legal-property relations whether to conduct physical division of item, or through sale, if in the executive document is not assigned the manner of division, and the parties has not agreed on such thing.

283.2 Division will be conducted through sale of the joint item, if in the executive procedure is concluded that foreseen physical division of item is not possible, or if it is possible but the value of item will be decreased.

Article 284

Costs of the execution procedure

284.1 Costs of the application of execution according to the provisions of this chapter, are covered by all co-owners in proportion with the value of portions which belong to them for the item in their co-ownership.

284.2 Co-owner who has caused special expenses, has a duty to pay these to the co-owners who had such expenses.

CHAPTER XX

EXECUTION FOR PURPOSE OF TAKING THE STATEMENT OF WILL

Article 285 Non-conditioned credit

285.1 If the debtor through decision which has the feature of executive document, is obliged for giving of a statement of will, is considered that the statement with content as in executive document has given at the moment when such decision has become final.

285.2 If the debtor has undertaken the obligation of giving the statement of will through court or administrative settlement, is considered that the declaration as in the settlement, he has given at the moment in which has become requestable his obligation upon such settlement.

Article 286 Conditioned credit

If the fulfillment of obligation for giving of statement of will depends from fulfillment of any obligation of the execution proposer, or from any other condition, it is considered that debtor has given his statement , at the moment in which the execution proposer has fulfilled his obligation, or in the moment of fulfillment of other condition which is proved by public document, or with the document certified according to the law.

CHAPTER XXI

EXECUTION THROUGH REGISTRATION OF THE RIGHTS IN PUBLIC BOOK

Article 287

Territorial jurisdiction

287.1 For decision on proposal for execution with purpose of establishment of the rights on immovability through registration in public book, and for the transfer, limitation, or deletion of the registered right, of territorial jurisdiction is the court in which territory is situated the body which keeps public book on immutabilities.

287.2 In order to apply execution referred to paragraph 1 of this article , the court or body that has public for such immovable is competent.

Article 288

Manner of application of the execution

288.1 In the base of the executive document by which is assigned the obligation of registration in public book, the court orders that in the public book be conducted the respective registration.

288.2 Assigned registration by the execution decision is applied ex officio.

Article 289

Registration of the right of ownership when the debtor is not registered as owner

When debtor is not registered as owner of immovability, the registration of the right of ownership of execution proposer for this immovability might be done if, execution proposer together with the execution proposal submits the evidence in conformity with the rules for registration of the rights on immovability, that legal predecessor of debtor is the person who is registered as owner.

Article 290

Registration of item's other rights when debtor is not registered as owner

When upon the execution document the execution proposer is authorized that towards debtor require registration of the right of pledge, or any other right on items in immovability except the right of ownership, whilst the debtor is not registered as owner of immovability, the execution proposer might request with the execution proposal that the right of ownership be registered in debtor's name and afterwards be registered the right of execution proposer, if he presents evidence, in accordance with the provisions for registration of the rights in movables, from which evidence is seen that the debtor has gained the right of ownership on such immovability.

CHAPTER XXII

EXECUTION OF DECISION FOR RETURN OF THE EMPLOYEE IN HIS WORKING PLACE

Article 291 Territorial jurisdiction

To decide on execution proposal in the base of executive document, by which the employer is obliged to return the employee to work, or to systemize him in appropriate working position and for application of execution, of territorial jurisdiction is the court in which territory is created the working relation.

Article 292 Time-limit for presentation of execution

292.1 Execution proposal in the base of executive document, by which the employer is obliged to return the worker to work might be presented in 30 days time-limit from the day in which the execution proposer has obtained the right to present this proposal.

292.2 It is considered that the worker has obtained the right for presentation of execution proposal after the expiration of time-limit for voluntary fulfillment of obligation assigned in execution document.

Article 293 Manner of application of execution

293.1 Execution in the base of executive document by which the employer is obligated to return the worker to work, or to systemize him in appropriate working position, is applied through assignment of fines against the employer and responsible person in it.

293.2 Monetary penalty is determined according to the provisions of article 20 of this law and execution provisions for purpose of realization of credit for commission which might be committed only by debtor.

Article 294 Reward of payment in case of return of worker to work

294.1 Execution proposer who has submitted the proposal for return to work, has the right to request from the court the issuance of the decision by which will be assigned that, the debtor has a duty to pay to him, in behalf of salary the monthly amounts which has become requested, from the day when the decision has become final until the day of

return to work. By the same decision, the court assigns execution for realization of monthly amounts assigned.

294.2 Proposal for reward might be attached with the execution proposal, or might be presented latter until the conclusion of the execution procedure.

Article 295

The effect of execution proposal

295.1 Decision by which proposal for reward is approved has the effect of decision by which is certified the existence of obligation of debtor and effect of execution decision.

295.2 Debtor might propose that decision from paragraph 1 of this article be invalidated if after its issuance are changed the circumstances in the basis of which it is issued.

295.3 Reward of monthly salary is assigned in amount which the worker would realize if at work.

Article 296

Realization of reward in special procedure

269.1 Execution proposer, his right for payment of monthly salaries might realize in special contested procedure.

269.2 If the executive court only partially approves the request for payment of monthly salaries, then it will instruct the execution proposer that other part of the request realize in court contested procedure.

CHAPTER XXIII

EXECUTION OF DECISIONS FROM THE AREA OF FAMILY LAW

HAND OVER AND TAKING OF CHILD

Article 297 Territorial jurisdiction

297.1 To decide on execution proposal of the court decision by which it is ordered the hand over of a child to parent, or other person, respectively institution to which the child is entrusted for caretaking and education, competent is the court which is of general territorial jurisdiction for the party who requests the execution, but also the court in territory of which is the child.

297.2 For application of execution, in territorial aspect competent is the court in territory of which is the child at the time of execution.

Article 298 Right of presentation of proposal

Proposal for execution of decision might be presented by parent, or other person to whom the child is entrusted for caretaking and education, and also guardianship authority.

Article 299 Manner of application of execution

299.1 In the case of application of execution, court especially takes care about the need for protection of interests of the child, in biggest possible part.

299.2 With execution decision, the court assigns to debtor a three days time-limit from the day of delivery of decision that child be handed over to parent, or other person respectively institution to whom the child is entrusted for caretaking and education, under threat of pronouncement of fine.

299.3 Fine might be pronounced and executed according to the provisions of this law, for commission of act which might be conducted only by debtor.

299.4 If the execution could not be applied through pronouncement and execution of decision on fine, the execution will be applied by taking the child from person with whom it is and hand over to parent, or other person respectively institution to whom the child is entrusted for caretaking and education.

299.5 Taking and hand over of child according to paragraph 4 of this article, might be conducted only by the judge in cooperation with psychologist from the guardianship body, school, family consultancy, or other specialized institution for inter-mediation in family relations.

Article 300
Continuation of execution

Court, upon proposal by the party to whom is entrusted the child, continues the execution according to the same execution decision, if the child in time-limit of three months, from the day of child's hand over is found to be again with the person from whom it is taken.

Article 301
Taking of child

301.1 Exceptionally from provisions of article 310 of this law, in the case it is concluded that to him is endangered life, health or psycho-physical development, court will apply execution before the previously assigned time-limit for hand over of child and before pronouncement of court fine, by taking the child and handing him over to parent or other person respectively institution to whom the child is entrusted for caretaking and education.

301.2 This execution is applied in cooperation with the guardianship authority, in a manner regulated by article 309 paragraph 4 and 5 of this law.

CHAPTER XXIV

TRANSITIONAL AND FINAL PROVISIONS

Article 302

Execution procedure initiated until the start of application of this law, will conclude according to the provisions of the Law on Executive Procedure ("Official Gazette of SFRY " , no. 20/1978).

Article 303

Execution procedure initiated from the day in which starts the application of this law, will be concluded according to the provisions of this law.

Article 304

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-008
2 June 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI