

**The Law of Execution
No. (23) of 2005**

**The Chairman of the Executive Committee of the Palestine Liberation Organisation;
The President of the Palestinian National Authority,**

Having reviewed the Amended Basic Law of 2003 and its Amendments;
The Ottoman Law of Procedure, promulgated on Jumad al Akhar 15th, 1332 A.H.;
The Law of the Exchange of the Execution of Judgements No. (22) of 1922 A.D.;
The Rules of the Exchange of the Execution of Judgements of 1926 A.D.;
The Law of Judgements (The Exchange of their Execution with Egypt) No. (16) of 1929 A.D.;
The Palestinian Law of Debts (The Confinement of the Debtor), promulgated on October 31st,
1931 A.D.;
The Amended Law of Procedure No. (38) of 1936 A.D.;
The Ottoman Provisional Law of the Notary Public, promulgated on Thi al Qi'dah 27th, 1331;
and
The Law of the Notary Publics (The Foreign Documents) No. (31) of 1921,

which are in force in the Governorates of Gaza,

The Law of the Execution of Foreign Judgements No. (8) of 1952;
The Jordanian Law of Procedure No. (31) of 1952;
The Supplemental Law to the Jordanian Law of Procedure No. (25) of 1965 A.D.; and
The Jordanian Law of the Notary Public No. (11) of 1952 A.D.,

which are in force in the Governorates of the West Bank,

The Draft Law Submitted by the Council of Ministers;

Based upon what the Legislative Council has approved during its session which convened on
November 23rd, 2005 A.D.; and

In the Name of the Arab Palestinian People,

I hereby promulgate the following Law:

PART ONE
General Provisions

Chapter I
The Department of Execution – The Judge of Execution

Article (1)

A Department of Execution, to be presided over by a judge who is thus delegated, shall be established and affiliated with the Court of the First Degree in the territory to which it belongs. An execution officer as well as a sufficient number of functionaries shall assist him. In the event of multiple judges, it shall be presided over by the one to whom such mission is delegated.

Article (2)

1. Each execution shall be conducted through the Department of Execution and under the supervision and guidance of the Judge of Execution based upon an application by the concerned party and shall be enclosed with the writ of execution. The concerned persons at the Department shall commence the execution immediately upon the submission of the application and delivery of the writ of execution and fulfilment of the conditions of the execution.
2. In the event the execution officer refrains from the performance of any proceeding of execution, the concerned person may be entitled to file the issue in a request to the Judge of Execution.
3. The execution officer may take the precautionary measures and may request following the consultation with the Judge of Execution the assistance of the Police.
4. The person who opposes the execution officer by means of resistance or aggression, in addition to the members of the Police who do not perform their duty in case they are thus required, shall be punished with the penalty prescribed in the Penal Laws.

Article (3)

1. The Judge of Execution shall be competent to adjudicate all the disputes and problems of the execution, issue forth the relevant decisions and orders, annul as well as remove the seizure upon the properties of the debtor and sell the seized properties. In addition, he shall be competent to issue forth the order to detain and confine the person against whom the execution is brought in accordance with what is prescribed in this Law.
2. The proceedings established in the Civil and Commercial Procedure shall be followed before the Judge of Execution unless the Law provides otherwise.

Article (4)

1. The jurisdiction shall be instituted for the Department of Execution which:
 - A) The movable property under execution exists within the scope of its jurisdiction.
 - B) In which the person with whom the properties are seized resides in case the seizure of the property pertains to a third person.

- C) Within the jurisdiction of which the immovable property to be seized or sold falls.
- 2. In the event the properties under execution are multiple and fall within the scope of several Departments of Execution, the jurisdiction shall be designated to one of them. As such, the Department for which jurisdiction is instituted shall deputise the other Departments to conduct the seizure and auction in regard of the properties which fall within their jurisdiction. The deputising Department shall complete the proceeding of execution by the distribution of the outcome of the execution and payment of the entitlements of creditors.

Article (5)

- 1. The judgements issued by the Judge of Execution shall be appealed before the Court of Appeals within the jurisdiction of which the Department of Execution falls in the event it pertains to the following issues:
 - A) The jurisdiction of the Department of Execution in the execution of a judgement.
 - B) The seized properties are from among the properties which may be seized or sold.
 - C) The right of any other person to or not to take part in the seizure.
 - D) The right of preponderance between the judgement creditors.
 - E) The adjournment of the judgement for any reason.
 - F) Whether the person who fails to pay the amount of the judgement debt may or may not be confined.
 - G) Any settlement, the statement of which the judgement debtor presents in order to pay the amount of the judgement debt.
- 2. The judgements issued forth by the Judge of Execution shall be appealed before the Court of Appeals within the jurisdiction of which Department of Execution falls.
- 3. The deadline for the challenge against the appeal shall be seven days in the urgent cases, and fifteen days in respect of the rest of cases.
- 4. The deadline shall enter into force as of the date of the issuance of the judgement or decision or order in conformity to the rules established in the Law of the Civil and Commercial Procedure.
- 5. The appeal shall delay the execution until the Court of Appeals adjudicates it, taking in consideration that in the event the appeal pertains to the adjournment of the execution of the judgement ruling for confinement, the appellant must present a sponsor upon whom the Judge of Execution agrees.
- 6. In pursuance of this Article, the appeal shall be deemed to an urgent case and shall be viewed for examination unless the Court deems otherwise.

Article (6)

- 1. At the Department, a special list, in which the applications of execution shall be registered in the sequential order by which they were received, shall be prepared. The register shall include the information related to the writ of execution, including its date, the party which issued it and its content, as well as the information pertaining to the person requesting the execution, the person against

whom the execution is brought and the properties upon which the execution is required.

2. For each application, a file shall be established, in which all the papers pertaining thereto shall be deposited. The file shall be presented to the Judge of Execution before and after each proceeding. The orders, decisions and judgements issued by the Judge shall also be deposited therein.

Article (7)

1. The application for execution shall be submitted by the person possessing the right defined in the writ of execution or by a legal representative thereof.
2. The Public Prosecution shall follow up with the proceeding of execution which belongs to the governmental departments.

Chapter II The Writ of Execution and Relevant Issues

Article (8)

1. Compulsory execution may not take place except by a writ of execution in order to obtain entitlements that are certain in their existence and definite in their parties and specific in their amount and the state of payment.
2. The writs of execution shall be the judicial and regular and religious judgements, decisions and orders as well as the minutess of the judicial settlement and conciliation which are certified by the regular and religious courts and the executable judgements of arbitrators and the official and customary writs along with other writs which the Law grants such capacity.

Article (9)

1. The service of the debtor with a copy of the writ of execution must precede the execution by means of a notice to be signed by the execution officer and be stamped with the seal of the Department of Execution.
2. The notice shall include in addition to the copy of the writ of execution the names of the parties, their domiciles and places of residence as well as the obligation of the debtor to satisfy his or her liability within seven days from the date of notification, with the exception of the writ of execution including the delivery of things which are feared to be damaged or lost wherefore the deadline shall be one day.
3. The Department of Execution may not commence the proceedings of the compulsory execution except following the expiration of the deadlines mentioned in Clause (2) above unless the debtor initiates to execute voluntarily. Nevertheless, in the event fear arises concerning the damage or loss or smuggle or properties of the debtor or other incidents which destroy the property under execution or diminish it, the Department of Execution shall, based upon a decision from the Judge of Execution, seize the movable and immovable properties of the debtor prior to the expiration of such deadlines.

Article (10)

1. In case the debtor is of an unknown place of residence in the writ of execution, the Judge of Execution shall order that he or she be served a notice, a copy of which shall be posted on a visible place in his or her last place of residence. Another copy shall be posted in the lobby of the Department of Execution and the third copy shall be published in a local newspaper.
2. The notice shall include in addition to the information mentioned under Article (9) above the summoning of the debtor to appear before the Department of Execution within two weeks. In the event he or she does not appear within the aforementioned period, the Department of Execution shall commence the proceedings of execution.
3. In the event the debtor does not appear before the Department within the period mentioned above, he or she shall be deemed to be refraining from the execution and the Department of Execution shall commence the proceedings of compulsory execution.
4. Seizure may be imposed upon the movable and immovable properties of the debtor in the writ of execution within the aforementioned period of notice. However, they may not be sold prior to the expiration of the respite unless it is feared that they may be damaged or lost, taking into consideration the deadlines, proceedings and rules provided for in the Law.

Article (11)

1. The Department of Execution, in case the payment of debts is presented to it upon its commencement of the proceedings of execution, must receive it and give a discharge without need to a special authorisation.
2. The provisions of Clause (1) above shall be enforced in the case of partial payment, provided that the Department proceeds to commence the proceedings of execution in order to obtain the remaining debt.
3. Payment by means of bank cheques, deeds or papers shall not be accepted unless they are payable.

Article (12)

1. Whoever replaces legally or by agreement the creditor in his or her entitlement shall replace him or her in regard of the proceedings of execution which have been taken.
2. The provision provided in Clause (1) above shall be enforced upon all the cases, in which an incident that prevents the creditor from continuing the follow up with the proceedings, such as absence, incapacitation or the lapse of the capacity of the person whom he or she represented, takes place.

Article (13)

1. The execution shall be commenced against the debtor by the payment which is defined by the writ of execution and the proceedings of execution shall be implemented against such debtor in accordance with the Law. In the event the

debtor lacks the legal eligibility, the proceedings of execution shall be taken against his or her legal representative.

2. In the event the debtor is a judicial person, the proceedings of execution shall be commenced against that person's legal representative.

Article (14)

1. In the event the debtor becomes incapacitated or dies, the execution shall be commenced against his or her legal representative or heirs by ten days after the papers pertaining to the execution are served to them.
2. The heirs of the debtor may be notified jointly in the last domicile which belonged to their testator without a statement of their personal names and capacities.
3. The execution shall take place in the amount of the properties which the testator inherited.

Article (15)

In the event the heirs deny during the execution that they took possession of the hereditament or a part thereof and it has not been possible to prove it by means of official documents and the deceased did not own visible properties, the creditor must prove before the competent court that the heirs have taken possession of the hereditament. He or she shall obtain a judicial decision thereof.

Article (16)

A third party may not pay the required [debt] in accordance with the writ of execution nor be obliged to pay it except following the notification of the debtor of the intent concerning execution before it takes place by at least seven days.

Article (17)

Prior to the issuance of the judgement on urgent cases or in cases in which the delay aggrieves the creditor, the court may order (based upon a written request by the creditor) that the judgement be executed in pursuance of its draft without its being served. In such case, the clerk shall deliver the draft to the Department of Execution which adheres to returning it immediately following the completion of the execution.

Article (18)

1. The issuance of the judgement concerning the annulment, cassation, revocation or disaffirmance of the writ of execution (by any of the methods which are approved by the Law) shall result in the rejection of all acts of the execution which have been conducted with reference to such writ. The situation shall also be redeemed to its former status.
2. In accordance with the provisions of Clause (1) above, the person against whom the execution has been enforced shall have the right to recover the properties upon which execution has been effected along with their premises and the expenses which he or she has incurred without need to issue forth a new judgement thereof. In the event the annulment has been partial, the recovery shall be restricted to the properties referred to in the annulment.

3. The person entitled to recovery shall have the right to demand that the person requesting the execution of the compensations for the damage which has been caused to him or her as a result of the invalid execution; in the event it has been thus required.

Chapter III
The Enforcement of the Writs of Execution

Section One
The Execution of the Judicial Judgements, Decisions and Orders
(The Ordinary and Expedited Execution)

Article (19)

1. Compulsory execution of judicial judgements, decisions and orders as well as the judgements of arbitrators following their approval by the competent court may not take place as long as the objection for appeal thereof is permissible unless the expedited execution is provided for in the Law or is included in the judicial judgement or decision.
2. Nevertheless, all protective and precautionary proceedings may be taken accordingly.

Article (20)

The expedited execution shall be obligatory by the force of the Law pertaining in regard of the judgements issued forth on expedited cases regardless of the court which has issued them forth unless submission of a bail is provided in the judgement.

Article (21)

The expedited execution without a bail shall be obligatory by the force of the Law in regard of the judgements issued forth to hand or see the minor, or of the hire of the nursery or breast-feeding, or the domicile for the wife, or alimony for the divorced wife or for the children or for the parents.

Article (22)

The expedited execution without a bail shall be obligatory by the force of the Law in regard of the judgements issued forth on the commercial materials on the condition of the submission of a bail.

Article (23)

Based upon a request from the concerned party, the court may order that its judgement include expedited execution with or without a bail in the event it estimates the preponderance of the right of the judgement creditor and it has been feared that grave damages to his or her interests be caused due to the delaying of the execution.

Article (24)

1. In cases wherein the execution of the judgement may not take place except by a bail, the court shall define the type and amount of the bail, provided that it takes into consideration that it shall be sufficient for the removal of the effects of the expedited execution and restoration of the situation to its former status in the event non-entitlement therein is proven later and the Court of Appeals annuls the judgement under execution.

2. In such cases, the expedited execution may not be commenced except following the submission of the ordered bail.

Article (25)

1. In the event the bail ordered in the judgement is an obligation of the judgement creditor to present a capable sponsor, the sponsor shall abide by the drawing up of the bail. The minutes including such bail shall be a writ of execution by the sponsor.
2. In the event the bail pertains to the delivery of the matter ordered in the judgement to be delivered to a capable receiver, the receiver shall adhere to the drawing up before the court's clerk a pledge to accept the receivership and abide by its obligations.

Article (26)

1. The court before which the appeal is submitted may decide based upon the request of judgement debtor the stay of the expedited execution in the event a grave damage is feared to take place due to the execution, on the conditions which it deems to be adequate to safeguard the entitlements of the judgement creditor.
2. The court may associate the execution with the submission of a bail as soon as it is not presented before the Court of the First Degree.
3. The court, when it orders that the execution be stayed, must oblige that a bail be submitted or order what it deems fit so as to safeguard the protection of the right of the judgement creditor.

Section Two

The Execution of the Official and Customary Writs and Commercial Papers

Article (27)

The creditor of a debt of money (in case his or her debt is owing, of specified amount and documented in writing on a customary writ or on a writ that is certified by a notary public or on a commercial paper subject to endorsement) may report to the Department of Execution so that it obtains the debt after he or she submits an application thereto that is enclosed with the deposition of the writ of the original debt.

Article (28)

The creditor may request that the Department of Execution collect his or her debt from the endorsers or sponsors within fifteen days from the date of the filing of the challenge in the event such challenge is required by the Law.

Article (29)

Prescription shall be provoked by the submission of the application of execution and the deposition of the writ of debt at the Department of Execution.

Article (30)

1. The Department of Execution shall serve the debtor a notice that is signed by the execution officer and stamped with the seal of the Department and enclosed with a copy of the writ required to be executed.
2. The notice shall entail the obliging of the debtor to satisfy the debt or express the aspects of objection which he or she may have within seven days from the date of the notification as well as warn him or her that the Department will initiate the execution following the expiration of such date without satisfaction or objection.

Article (31)

In the event the debtor admits the debt or a portion thereof, the admittance shall be recorded in the minutes of the execution and shall be signed by the debtor as well as the Judge of Execution. The Department of Execution shall execute what has been admitted.

Article (32)

1. In the event the debtor files an objection on the designated date and denies the debt or some of it or denies that he or she continues to be indebted in it, the creditor shall be assigned to report to the competent court in order to demonstrate what has been denied. The action shall be filed by the brief proceedings in pursuance of the Law of the Civil and Commercial Procedure.
2. In the event the debt, which is under objection, is established by a customary writ, the objection shall bear an effect that prevents the execution until the action of the creditor is adjudicated unless a decision is issued forth by the court which examines the action to proceed therewith.
3. In the even the debt, which is under objection, is established by a writ that has been certified by the notary public or by a commercial paper that is subject to endorsement, the objection shall not affect the execution which the Department must proceed with unless a decision is issued forth by the court before which the action is submitted to cease it.

Article (33)

In case the debtor does not deny the debt but has claimed to have satisfied a portion thereof, the Department of Execution shall continue the execution within the limits of what he or she has admitted. The debtor must also approach the competent court to demonstrate his or her claim.

Article (34)

1. In case the debtor does not submit the objection on the allotted deadline, the Department of Execution shall initiate the taking of the execution proceedings in accordance with the provisions of the Law.
2. The Judge of Execution may accept the objection which is submitted following the deadline in the event excuses for delay have been proved to exist. In such case, the rules provided under the aforementioned Articles shall be enforced.

Article (35)

The issuance of the judgement ruling for the non-establishment of the debt shall result in the annulment of all proceedings of execution which have been taken to obtain it. The judgement

shall be a writ of execution to recover the situation to its former status prior to the annulled execution. In addition, the judgement creditor in such judgement shall have the right to lodge an action demanding the compensations for the damages that have been caused to him or her as a result of the acts of execution which were taken against him or her in an undue manner.

Section Three **The Execution of the Foreign Official Judgements, Decisions, Orders and Writs**

Article (36)

1. An order may be issued forth in regard of the judgements, decisions and orders issued forth in a foreign country to be executed in Palestine under the selfsame conditions prescribed in such country for the execution of the Palestinian judgements, decisions and orders therein, provided that they do not contradict the Palestinian Laws or cause damage to the supreme national interest.
2. The order to execute the judgements, decisions and orders issued forth in a foreign country shall be requested through an action to be submitted before the Court of First Instance, within the jurisdiction of which the execution is to required, provided that the such judgements, decisions and orders are certified by the competent authorities in due form.

Article (37)

The order concerning execution may not take place except following the verification of the following:

1. That the courts of the State of Palestine are not solely competent of the adjudication of the dispute regarding which the judgement, decision or order has been issued forth, and that the foreign courts which issued it forth are competent thereof in conformity with the Rules of International Judicial Jurisdiction established in their Law.
2. That the judgement, decision or order has possessed the force of the order that has been judged in conformity with the law of the court which has issued it forth.
3. That the judgement, decision or order does not contradict a judgement, decision or order that had been issued in advance by a Palestinian court and that it does not include any contraventions of the public order or morals in Palestine.

Article (38)

The provisions of Articles (36) and (37) shall be enforced upon the judgements of arbitrators issued in a foreign country, on the condition that the judgement has been passed in a case, in which arbitration is allowable in pursuance of the provisions of the effective Palestinian Law of Arbitration.

Article (39)

1. An order may be issued forth to execute the executable official writs which are drawn up in a foreign country under the same conditions established in the law of

such country for the execution of the executable official writs which are drawn up in Palestine.

2. The application concerning the order of execution shall be submitted to Head of the Court of First Instance, within the jurisdiction of which execution is wanted.
3. The order of execution may not take place except following the verification of the fulfilment of the required conditions such as the official nature of the writ and its executability in accordance with the law of the country in which it was completed, and that it is void of contraventions of the public order or morals in Palestine.

Chapter IV

The Subject of Execution

Article (40)

1. Execution shall only be enforced upon the properties of the debtor and within the limits established by the Law.
2. All the properties of the debtor shall guarantee the satisfaction of his or her debts, and all the creditors shall be evenhanded in such guarantee except for those who have the right of precedence in conformity with the Law.

Article (41)

Execution shall commence [to be enforced] upon the liquid money which the debtor owns and upon his or her entitlements with third parties. In the event they are not sufficient, seizure shall be imposed upon his or her movable and immovable properties.

Article (42)

1. In any case by which proceedings existed prior to the enforcement of the sale, an amount of money that is equal to the debts for the sake of which seizure is imposed and expenditures which shall be designated for their satisfaction exclusively may be deposited. Such deposition shall result in the removal of the seizure from the seized properties and its being transferred to the deposited amount.
2. In the event new seizures are imposed thereafter upon the deposited amount, they shall bear no effect on the entitlement of the persons for whom the amount has been designated.

Article (43)

1. In the event the value of the entitlement for which seizure is imposed is less than the value of the seized property, the debtor may request that the Judge of Execution issue forth a judgement in an expedited manner to restrict the seizure to some of such properties through the proceedings of subpoena in which all seizing creditors are parties to litigation. The judgement issued forth may not be subject to challenge in any manner.
2. In such case, the seizing creditors shall have the priority to collect their entitlements of the properties to which seizure is restricted.

Article (44)

1. Seizure shall not be allowable and other proceedings of execution may not be taken in regard of the public movable and immovable properties which belong to the state, public judicial persons or local bodies or the properties of Waqf [religious endowments] which are designated for the performance of their functions.
2. The public properties shall include all of the properties of the state which are designated for a public utility *de facto* or in pursuance of a Law, Decree or a decision from the Council of Ministers.

Article (45)

Seizure shall not be allowable and other proceedings of execution may not be taken in regard of the installations, tools and missions designated for the administration of the public facilities or for the rendering of a general service to the public.

Article (46)

Policies, cheques and writs of order may not be seized unless challenge is lodged against them because of their being not paid or their holder has been declared to be bankrupt or have become in any manner non-transferable.

Article (47)

1. Seizure may not made on what is necessary for the debtor and his or her family members whom he or she is obliged to maintain along with those residing with him or her including furniture, wearing apparel and utensils necessary for living: such as cooking tools, cleanliness and food keeping, in addition to their food requirements for a period of one month.
2. Seizure may not be made on the house owned by the debtor in which he or she lives along with his or her family, nor on the land which he or she owns within the necessary limit which is required for his or her living along with his or her family unless the house or the land are a reason behind the indebtedness.
3. The estimation of necessity in both cases shall be referred to the Judge of Execution.

Article (48)

Seizure may not be made on the following items except for the obtainment of their price or the expenses of their maintenance or an prescribed alimony:

1. What is required for the debtor, including books, utensils and missions for the practice of his or her career or profession by himself or herself.
2. The female livestock necessary for the benefit of the debtor in his or her living as well as his or her family, and necessary food for such livestock for a period of one agricultural season.
3. The equipment and machines and livestock necessary for the cultivation by the debtor of his or her land in case he or she is a farmer, in addition to the necessary food for such livestock for a period of one agricultural season.

4. The amount of the seeds and fertilisers which are sufficient for the cultivation by the debtor of his or her land which he or she used to cultivate in case he or she is a farmer, for a period of one agricultural season.

Article (49)

Seizure may not be made on the established amounts or those arranged on a temporary basis for alimony or disbursement therefrom in a particular purpose, nor on the properties donated or devised to be an alimony except in the amount of a quarter in order to satisfy the debt of a prescribed alimony.

Article (50)

The donated or devised properties on the condition of the impermissibility of the making of seizure thereon may not be seized by the creditors of the grantee or devisee and whose debt has arisen prior to the donation or devise – except for a debt of a prescribed alimony and in the amount of a quarter.

Article (51)

Seizure may not be made on the wages, salaries and remunerations as well as their supplements including increments and allowances and due annuities and honorariums or those alike (in accordance with the Law of Public Retirement) except in the amount of a quarter. In the event of multiple debts, the debts of the prescribed alimony shall have the priority of obtainment.

Article (52)

1. The employee who is responsible for the payment of the salaries, wages and remunerations and those alike (in his or her capacity as a third person) must inform the Department of Execution within one week from its notification of him or her of the making of the seizure that he or she has made the seizure. He or she must also state the amount of the salary designated for the debtor and inform it of each change that is introduced to the function of the debtor as well as his or her salary.
2. In the event he or she does not deduct or partially deducts the amount prescribed by the Law, the Department of Execution shall obtain from the salary of such officer or from his or her other properties the amount which he or she has failed to deduct and shall suspend him or her without being obliged to obtain a judgement against him or her thereof. The officer shall have the right to incur the amount obtained from her or her on the debtor.

Article (53)

1. Seizure may not be made on the author's copyright. However, seizure that does not exceed the half of the copies of the publication which has been published or on their price under the hand of a third party may be made.
2. Seizure may not be made on the publications whose owner dies before they are published, unless it is demonstrated in a definite manner that he or she aimed to publish them.

Article (54)

The following items may not be seized or sold in a manner that is independent from the immovable property but they shall be seized and sold along with them:

1. The movable properties associated with the immovable property and which are stable therein and designated for its service and utility provided that they are used in their designated purposes.
2. Bee hives, machines, utensils and animals and other items necessary for the work of the farmer and labourer.
3. The in-kind insurances and rights of easement.

Article (55)

The creditor must pay in advance all the alimonies and expenditures necessary for the commencement of execution provided that they are obtained later from the debtor.

Article (56)

The judges and the officers who have commenced the proceedings of execution or examined them or in the issues resulting therefrom or taken part in any issue thereof in any manner of participation – may take part in the auction by themselves or by proxy; otherwise, the sale shall be void.

Article (57)

The lawyers who have commenced the proceedings of execution for the interest of their clients or the clients of the debtor may not take part in the auction by themselves or by proxy; otherwise, the sale shall be void.

Chapter V The Disputes and Problems of Execution

Article (58)

1. The disputes of execution shall mean the problems related to the execution itself without entry in the origin of the item upon which execution is conducted. The Judge of Execution shall adjudicate them in pursuance of a provision in the Law. Adjudication thereof shall result in the execution being permissible or impermissible, valid or invalid.
2. The Judge of Execution shall adjudicate the urgent disputes of execution in his capacity as a judge of urgent issues. The lodging of the urgent dispute shall result in the stay of the proceedings of execution concerning which the action has been filed until it is adjudicated. The debtor in the writ of execution must be litigated in the action in case it has been lodged by a third party. In the event he or she is not sued, the Judge must oblige the plaintiff to sue him or her on a date which he is to set for him or her. In the event the Judge's order is not implemented, a judgement may be passed as not to accept the action.

3. The urgent disputes of execution must be adjudicated in the first session which is designated for their being examined. In the event a matter necessitating adjournment appears, the Judge must decide and in pursuance of the circumstances of the presented case: either to continue the stay of execution, or to continue to proceed in the proceedings of execution with or without a bail. In all cases, the dispute must be adjudicated within two months at most from the date on which it was lodged.
4. The filing of any other urgent action shall not result in the stay of execution unless the Judge of Execution rules for the stay.
5. The provision of Clause (4) above shall not be enforced upon the first urgent dispute of execution that is filed by the debtor in the writ of execution in case he or she had not been sued in the previous dispute.

Article (59)

The decision issued forth in regard of the peremption of the urgent action of execution due to the absence of the litigants as well as against the judgement regarding the invalidity of its proceedings or non-admittance of it or of any other judgement that terminates its litigation without adjudication thereof – shall result in the lapse of the effect ceasing the execution which stems from its being lodged.

Article (60)

In the event the plaintiff loses in the actions of urgent execution his or her action, the Judge of Execution may rule that he or she incurs the fees, expenses and fees of the lawyer.

Article (61)

1. The urgent dispute of execution may commence upon the start of execution in the form of a complication through an application for a provisional proceeding requesting an urgent stay of proceeding. In such case, the person in charge of execution must cease the execution or proceed therewith on precautionary grounds without completing it. In both cases, the litigants shall be assigned to appear before the Judge of Execution even in the appointment of an hour and in his house if necessary. The documenting of the occurrence of such subpoena in the record in regard of the person submitting the request shall be sufficient.
2. The person in charge of the execution shall draw up copies of his or her minutes equalling the number of litigants as well as a copy for the Department of Execution, with which he or she shall attach the papers and documents of execution to whom the applicant submits. The clerk at the Department of Execution must register the application on the day on which the copy is received in the relevant register.
3. All the rules provided under the aforementioned Articles shall be applied to the application in relation to the actions of the urgent disputes of execution.

Article (62)

The actual offer shall not result in the stay of the execution in the event the offer is a subject of dispute, unless the Judge of Execution orders that the execution is stayed on a temporary basis along with the deposition of the offered amount or sum which he deems [fit].

PART TWO
The Methods and Proceedings of Execution

Chapter I
Immediate Execution

Article (63)

The liabilities the subject of which is not an amount of money may not be executed compulsorily unless such is legally feasible.

Article (64)

1. In the event the debtor does not succumb in the writ of execution and delivers at his or her will the designated item which is ought to be delivered whilst such an item is invisible to the public, but the debtor has been unable to present sufficient evidence on its having been damaged, destroyed or lost, he or she may be confined in accordance with the proceedings of confinement provided in this Law.
2. The provisions of Clause (1) above shall not be enforced in the event non-delivery is resultant from a reason over which the debtor has no control.

Article (65)

1. In the commitment to perform a particular act in the event the debtor abstains from taking action, the Department of Execution shall execute such act at the expense of the debtor.
2. The creditor shall pay the charges associated with the action required to be executed in advance in case the nature of liability thus allows, provided that such charges are obtained from the debtor following the execution and reimbursed to the creditor. In the event the debtor refrains from the payment of such charges, the Department of Execution shall assess them by means of experts whom it shall delegate for such purpose. It shall also obtain them from the debtor through the seizure and sale of his properties in accordance with the provisions of the Law.

Article (66)

In the event the debtor violates his liability by abstaining from an act under an effective writ of execution against him or her and refuses to remove the act which violate his or her liability, the Department of Execution shall remove the violation at the expense of the debtor. In regard of the charges of the removal, the provisions provided under Article (65) above shall be enforced.

Article (67)

The alteration of possession which takes place following the judgement shall affect the proceedings of execution. Hence, the place to which the writ of execution is related shall be evacuated and recovered from any person whosoever. In the event persons other than the judgement debtor are found to be residing the place to be evacuated and who have reported to the Department of Execution claiming that their residence is not dependent on the judgement debtor nor it is by means of a loan or lease from him or her and have submitted papers proving their independence in residence from him or her, they shall be granted a respite for an adequate period of time during which the execution shall be stayed so that they report to the competent court in

order to obtain from it a writ thereon. The execution proceeding shall be conducted in accordance with the provision of the decision of the aforementioned court.

Article (68)

In the event there are in the place that has been evacuated properties belonging to the person against whom execution is conducted and which he or she refuses to receive and the maintaining of which requires expenditure, he or she shall be notified in due form of the necessity to refer to the Department of Execution within a prescribed period of time to receive them. In case he or she does not adhere thereto, they shall be sold in auction and from the prices of which shall be deducted the expenditures of maintenance and auction before anything else. The remainder shall be kept as a trust from him or her.

Article (69)

In the event the Department of Execution evicts a place and delivers it to the person requesting execution, then the person against whom execution is conducted takes possession of such place without the existence of a legal reason such as acquisition anew as a result of a contract with the person requesting the execution or such as inheritance from him or her or any other legal reason, the Department of Execution shall carry out the execution proceedings once again. The person against whom execution is conducted shall be subject to penalty in pursuance of the provisions of the Penal Law.

Chapter II Execution by Means of Seizure

Section One

The Seizure of the Property of the Debtor [which is available] with a Third Party

Article (70)

1. Each creditor possessing a writ of execution may request that the Department of Execution seize the money and properties and debts which are owned by his or her debtor but which are [available] with a third person.
2. The seizure shall address each debt that is established for the debtor against the person with whom the properties are seized until his or her debt is decided unless he or she has signed on a debt in itself.

Article (71)

1. The charge of the lease of the movable and immovable properties of the debtor may be seized in addition to his or her wages for the private works and services in which he or she is employed, provided that more than a quarter of which is not seized.
2. The claim of the lessee that he or she has paid the rent may not be heard in the event the payment has been conducted in a manner contravening the conditions included on the certified rental contract or in a manner contravening the customs and traditions of the town unless the payment is proved to have taken place separately.

Article (72)

1. When the properties required to be seized are in the possession of a third person, the seizure shall take place by sending a writ of seizure to or her that shall be delivered to him or her in person and signed by the execution officer. The writ shall include the following information:
 - A. A copy of the writ of execution in accordance with which the seizure shall be imposed.
 - B. A statement of the origin of the amount for the sake of which seizure is made and its interests and the expenditures.
 - C. The prohibition of the third person with the seized properties from payment of what is in his or her possession to the debtor whose property is seized or deliver it thereto along with the designation of the seized property in a manner that negates ignorance.
 - D. The assigning of the person with the seized properties to determine his or her liability within ten days.
2. The Department of Execution may not deliver the writ of seizure unless the person requesting the seizure deposits in the treasure of the Department a sufficient amount for the payment of the fee of the minutes to determine the liability. The deposition shall be marked on the origin of the notification and its copy.

Article (73)

1. As soon as the third person is notified of the seizure, he or she shall be prohibited from the handing of the properties in his or her possession or from paying for him or her the debts which he or she owes. In the event he or she violates that, his or her liability shall be in confrontation with the seizer; thus he or she shall pay to him or her the properties which he or she had paid for the debtor or their equivalent value. The Department of Execution shall execute such liability compulsorily through the means and procedures provided in this Law.
2. Nonetheless, the third person must in spite of the seizure pay for the debtor the properties of whom are seized and to deliver to him or her the properties which the Law prohibits from being seized or the properties which he or she owes that exceed the entitlements for the sake of which seizure is made without need to a judgement thereon.

Article (74)

1. The seizure shall be served to the debtor through a notice to be delivered to him or her in due form. It shall include a copy of the writ of seizure which is served to the third person with the seized property.
2. The Department of Execution must serve the seizure to the debtor within the seven day following its being served to the third person. The notice shall include a copy of the writ of seizure delivered to the third person with the seized property.

Article (75)

1. The debtor whose properties are seized may lodge the action requesting the removal of the seizure before the Judge of Execution under whose jurisdiction he

or she falls and shall not protest against the third person for the lodging of such action unless it is notified to him or her.

2. The notification of the third person with the action shall result in the preventing of him or her from paying to the seizer except following adjudication thereof.

Article (76)

1. The third person must declare the properties of the debtor which are in his or her possession and the debts which he or she owes in accordance with a minutes to be drawn up at the Department of Execution within the ten days following his or her being notified of the seizure. A detailed statement of the properties which are in his or her possession as well as the debts which he or she owes shall be mentioned in the minutes, with their amount, writ and reasons behind their expiration in the event they have expired be made clear. (He or she shall also state) all of the seizures made under his or her possession and shall deposit the papers supporting his or her report or certified copies thereof.
2. The third person shall not be exempted from the obligation of his or her declaration that he or she is not indebted to the debtor on whose properties seizure is made.

Article (77)

1. In case the third person does not declare the properties which he or she owes in the manner and on the date provided under Article (76); declares other than the truth; or conceals the papers which he or she must deposit in order to support the declaration, a judgement may be passed against him or her for the benefit of the creditor making the seizure [to obtain] the amount for which seizure is made, through an action to be lodged against him or her and by the normal circumstances of litigation before the Judge of Execution under whose jurisdiction he or she falls.
2. In all cases, the third person must be made liable for the expenses of the action as well as the required and due reimbursements resulting from his or her failure or tardiness.

Article (78)

1. The third person following seven days from the date of his or her declaration must deliver to the Department of Execution the properties and debts which he has declared or the amount thereof that satisfies the entitlement of the seizer.
2. The third person shall have the right to deduct the expenses which he or she has disbursed from the debt which he or she owes following the approving of them by the Judge of Execution.
3. In the event the property is feared to be damaged or destroyed, it shall be delivered to the Department of Execution within one day. The Department of Execution shall within a maximum period of three days sell it in a public auction. The price shall be deposited at the Department of Execution.

Article (79)

In the event the third person does not deliver the properties which he has declared on the date prescribed under Article (78), the Department of Execution must seize such properties or their equivalent amount from the properties belonging to the third person. It must also commence their selling by the means and procedures provided in this Law in order to obtain the entitlements of the creditor making the seizure.

Section Two

Execution by the Seizure and Selling of the Movable Property Belonging to the Debtor

Article (80)

In the execution by the seizure of the movable properties belonging to the debtor, the execution officer shall appoint one of the assistants or clerks at the Department of Execution to execute the seizure proceeding.

Article (81)

1. In accordance with Article (80), the seizure officer alone or with the execution clerk and the person in charge of the execution shall travel to the location where the properties required to be seized are present. He or she shall impose the seizure on such properties in pursuance of the decision of the Judge of Execution under a minutes to be drawn up in the location where it is imposed in the presence of two witnesses.
2. In addition to the information which must be mentioned in the papers of the persons in charge of the execution, the minutes shall entail the following:
 - A. A statement of the writ of execution in accordance with which seizure is conducted.
 - B. The location of the seizure and the procedures which the seizure officer has taken as well as the obstacles and challenges which he or she faced during the seizure and the measures which he or she took in this regard.
 - C. A statement of the seized properties in detail, along with a statement of their type, specifications, amount and weight or measurement as well as a statement of their value in estimation.

Article (82)

1. In the event the seizure is imposed on jewellery; gold or silver bullions; invaluable metal; precious stones; or any other trinkets, it must be weighed and the specifications of which must be stated in an accurate manner in the minutes of seizure.
2. Such materials shall be assessed with the discretion of an expert to be appointed by the Judge of Execution based upon a request by the execution officer.
3. In such manner, other artistic items, such as plaques, ornaments, artistic drawings and antique belongings, may be assessed based upon a request by the seizure officer or the seizer or the person whose properties are seized.
4. In all cases, the report of the expert shall be enclosed with the minutes of seizure.
5. In case occasion requires that the items mentioned in Clauses (1) and (3) above be transported to be weighed or assessed, they must be placed in a sealed secure

receptacle. Such shall be mentioned in the minutes along with a description of the seals.

Article (83)

The ripe fruits and vegetables and all agricultural crops may be seized following their being obtained or harvested even if they are not transported from the groves to be stored in storehouses may be seized. In case the seized items are feared to be damaged or their value does not afford the expenses to maintain them, the Judge of Execution may decide to sell them immediately, thereby maintaining the interest of both parties.

Article (84)

1. In the event the seizure is not completed in one day, it may be completed in a consecutive day or days. The seizure officer must take the necessary measures to maintain the seized properties and which are required to be seized until the seizure is completed. Each time the proceedings of seizure are stayed, the minutes must be signed.
2. The Judge of Execution if necessary may permit the seizure officer to continue the proceedings of execution following the legal working hours or on official holidays until the seizure is completed.

Article (85)

1. The seizure officer shall seize the properties of the person against whom execution is required wherever he or she locates them when he or she verifies that they belong to him or her even if the location in which the properties are required to be seized is not his or her place of residence or other persons other than his or her family members reside with him or her therein.
2. In the event it appears to the seizure officer that such properties belong to another person other than the one against whom execution is required, he or she must not seize them and must draw up a minutes of the *status quo* which is to be presented before the Judge of Execution. The Judge of Execution following the examination of the case may decide not to carry out execution upon such properties, to carry it out thereupon in case it appears *prima facie* that they are owned by the debtor. The others shall have the right to review the Judiciary and take legal proceedings necessary to prove their entitlements in the seized properties.
3. The action of retrieval must be filed against the seizer or all the seizers (in case they are many) as well as the person whose properties are seized. The pleading must include an adequate statement of the evidence on the ownership and the supporting documents must be attached thereto.
4. The filing of the first action of retrieval shall result in the cessation of the sale.

Article (86)

The properties which the (person against whom execution is required) takes possession of in his or her place of residence shall be deemed – according to the root of title – to be owned by him or her. They shall be seized without paying attention to the objections which he or she or any other third person mentions in order to exclude them wholly or partly from the seizure unless he or she presents a judgement or decision that was issued forth by a court or a document of notice to

delay the execution that was drawn up prior to the date the judgement ruling for the writ of execution.

Article (87)

In the event the seizure is made in the presence of the person against whom execution is required, he or she shall be given a copy of the minutes of seizure. If the seizure is made in his or her absence, the minutes must be served to him or her within a maximum period of three days.

Article (88)

1. In cases which require the appointment of a receiver to the seized properties in accordance with what is defined under Article (89), the seizure officer shall appoint the receiver mentioned above and select him or her in the event the seizer or the person against whom seizure is made do not present a capable person. The person on whose properties seizure is made must be appointed in case he or she thus requires unless squandering is feared [to take place] with reasonable causes to be mentioned in the minutes.
2. The receiver must not be from among those who work in the service of the seizer or seizure officer nor be a spouse or relative by kinship or marriage to any of whom up to the fourth degree.

Article (89)

In the event the seizure officer does not find in the place of seizure a person who accepts receivership, the seizer and seizure officer shall select him or her. In case the debtor is present, he or she shall assign him or her to [assume] receivership. His or her refusal thereof shall not be taken into consideration. In the event he or she is not present, however, he or she must seal the seized properties in their location if appropriate or transport or deposit them with a competent person who accepts receivership to be chosen by the seizer or seizure officer. If not attainable, he or she must present the case to the Judge of Execution to take the proper measure.

Article (90)

The receiver shall sign the minutes of seizure and a copy thereof shall be handed to him or her. In case he or she abstains from signing or refuses to receive the copy, the seizure officer must present the case on the same day to the Judge of Execution so as to order that the minutes be served to him or her through the legal proceedings of notification within twenty four hours. The seizure officer must prove all of that in the minutes.

Article (91)

1. The receiver other than the debtor shall be entitled to a remuneration in return for his or her receivership. Such remuneration shall have a privilege over the seized properties.
2. The remuneration of the receiver shall be estimated by an order to be issued forth by the Judge of Execution based upon an application that is presented before him.

Article (92)

1. In case the seizure officer finds that the properties required to be seized had already been seized, he or she must take stock of such properties and document

them in a minutes as well as seized those which had not been seized. He or she shall make the receiver of the first seizure a receiver thereto in case they are in the selfsame location.

2. The drawn up minutess shall be served on the next day at most to the first seizer, debtor and receiver in the event he or she has not been present as well as the Department of Execution which made the first seizure.
3. The serving that the properties which had previously been seized shall result in their being seized for the sake of the debts together. The seizure shall remain effective for the interest of the second seizer even though it was ceded by the first seizer.

Article (93)

In the event seizure is imposed upon the movable properties in an invalid, such shall not affect the subsequent seizures on the selfsame movable properties in case they are imposed in a valid fashion in themselves.

Article (94)

The seizure of the properties of the debtor which are seized by multiple debtors shall not be removed except upon consent and agreement of all seizers. In case the first seizer ignores the following up with the proceedings of execution as well as delivering and finalising them within their legal duration, any other seizer may request that they be pursued.

Article (95)

The excesses of the seized properties which occur following the seizure shall be deemed to be part thereof by default.

Article (96)

1. The seizure shall be deemed as if it had not taken place in case the sale is not completed within two moths from the date on which it was made unless the sale has been halted in pursuance of the Law or under the judgement of the court or upon the consent of litigants.
2. Agreement to adjourn the sale for a period exceeding two months from the date of agreement shall not be allowable.
3. The Judge of Execution when necessary may order to extend the date for a period exceeding two months. He may also, in the event the seized properties are feared to be damaged or whose value does not afford the charges to maintain them, order that they be sold immediately for the interest of both parties without adherence to date provided for in Clause (1) above and on the date prescribed under the following Article.

Article (97)

The sale may not be conducted except following the elapse of at least seven days from the date on which the copy of the minutes of the seizure is handed to the debtor or he or she is notified thereof. It may not be conducted except following the elapse of at least one day from the date of the completion of procedures of announcement and publication of the sale which are provided in this Law.

Article (98)

1. Upon the commencement of the selling of the seized properties of the person against whom execution is required, the order of the selling shall be published in one or more daily newspaper(s) and in the lobby of the Department of Execution within two weeks unless the value of the properties do not afford the charges of publication or in the event no newspapers are available in the place of the sale. Thereupon, it shall be sufficient to post an announcement of the sale in the lobby of the Department of Execution and in the place in which the properties are present.
2. The kind and type of the properties to be sold along with their approximate description and the place and time of auction shall be included in the announcement.
3. A copy of the newspaper and the notice of the announcement as well as the relevant drawn up minutes shall be kept in the file of execution.
4. Insurance in the average of ten per cent shall be taken from each person who takes part in the auction.

Article (99)

The auctioning of the seized properties shall take place in the market closest to the location in which they were seized. The Department of Execution may choose another location for the sale that is necessitated by the nature of such properties.

Article (100)

1. On the date allotted in the announcement for the sale in public auction, the seizure officer may not commence the proceedings except after he or she takes stock of the seized properties and draws up a minutes thereof in which he or she states the items that might have been missing therefrom.
2. The non-attendance of the seizer and the person whose properties are seized shall not prevent the auction nor shall it cause its being delayed.
3. The sale in the auction shall be conducted by the seizure officer who places the seized properties and announces them through the auctioneer. Then, he or she shall sell and deliver them to person demanding them on the prescribed price. He or she shall draw up a minutes thereof and sign it along with the concerned present persons. In the minutes, he or she shall mention all the procedures of the sale, the challenges and obstacles which he or she has faced during the sale, the measures which he took in this regard, the attendance of the seizer and the person who properties are seized, their absence, the price at which the sale was completed, the name of the purchaser and his or her signature.

Article (101)

In the event the purchaser does not immediately pay the price, the seized property shall be offered anew for sale at his or expense. The auction shall take place immediately in the event it is possible. The abstaining purchaser shall not benefit from the increase in the price but he or she shall incur the difference between the price which he or she offered and the price which was lastly paid along with the additional expenses which he or she has caused. The minutes of the

sale shall be deemed to be a writ of execution with reference to him or her of the difference of the price and of the aforementioned expenses.

Article (102)

1. In case the sale in auction does not take place on the day which is scheduled in the minutes of the seizure and in the announcement, it shall be postponed to another day. The procedures of the announcement shall be repeated in the manner detailed under the previous Articles. The certificate documenting the announcement shall be served to the person whose properties are seized by at least one day prior to the sale.
2. In case the postponement of the sale in auction is because no body offers to purchase, the seized properties shall be sold in the new auction to the person who offers to purchase them even at a price that is less than that which has been assessed in the writs of seizure.

Article (103)

In case the properties to be sold are numerous and of which some has been sold that is adequate for the satisfaction of the debt and its interest and the expenses, the auction must be halted and the remaining properties shall be returned to their owner.

Article (104)

1. The properties which are seized for the sake of an ordinary debt may be sold even if they were seized for a privileged debt. In such case, the persons entitled to the privileged debt shall first obtain their entitlements. The remainder shall then be paid to the persons entitled to the ordinary debts.
2. The properties which are posted as insurance of a debt may be sold in the event it appears that their value exceed the insured debt and the person entitled to the ordinary debt requests that they be sold but stipulated that:
 - A) The auction is not to be opened with an amount that is less than the insured debt.
 - B) To pay upon the completion of the sale to the persons entitled to the privileged debts their entitlements then to pay the remainder to the person entitled to the ordinary debt.

Article (105)

The Department of Execution must proceed with the sale based upon a request by the seizer in the event the Court decided to revoke the action of retrieval; or refuse it in accordance with the Law of Civil and Commercial Procedure; or in the event it was deemed that it had not taken place; or judged not to be admitted; or the invalidity of its pleading; or the revocation of litigation therein; or the admittance of its being abandoned; or any other judgement that terminates its litigation without adjudicating its subject matter even if such judgement is subject to appeal.

Article (106)

In the event a second action of retrieval is filed by another retriever, or it had been filed by the selfsame retriever but had been deemed as if it had not taken place; or a judgement has been passed to revoke it or not to admit it; or that the court is ruled not to have jurisdiction; or the

invalidity of its pleading; or the revocation of litigation therein; or the accepting of its abandonment, the sale shall not be ceased unless the Judge of Execution decides to cease it due to important reasons.

Section Three

The Seizure and Sale of Shares, Bonds, Assignments, Revenues and Dividends

Article (107)

The shares, bonds and assignments which are present in the possession of the debtor shall be seized in the manners prescribed for the seizure of the movable property in the event they belong to the their bearer or are subject to circulation by means of transference or endorsement or similar technical means and methods which the Law adopts for the circulation of financial papers.

Article (108)

1. The shares and bonds which are present in the possession of the debtor and which are drawn up for the name or stipulated to their bearer in addition to the arranged revenues and due dividends owed by any judicial person and the entitlements of devisors in the companies shall be seized in the manners prescribed for the seizure of the properties in the possession of a third person.
2. The party which has issued the shares and bonds which are drawn up for the name and the party responsible for the payment of revenues, dividends and the entitlements of devisors, whether it was a company or any other judicial person, and immediately upon its being notified of the seizure in its capacity as a third person shall adhere to put forward an explanation on the registration of such papers that provides that they may not be transferred to another name.
3. The seizure of the entitlements referred to in Clause (1) above shall result in the seizure their revenue and all that is entitled therefrom until the day of the sale.

Article (109)

The shares and bonds and others provided for under the previous two Articles by means of any of the legally specialised parties which the Judge of Execution appoints based upon a request submitted to him by the person requesting the seizure. The Judge of Execution shall state in his decision the procedures of announcement which are necessary to be taken.

Section Four

The Seizure and Sale of Immovable Properties

First: The Procedures of Seizure and Relevant Registers and Notices

Article (110)

1. The execution upon the immovable properties of the debtor shall be conducted based upon an application that is submitted by the creditor to the competent Judge of Execution.

2. The creditor's application must include a statement of the type of the writ of execution, its date, the amount of the debt required to satisfied, the date on which the writ was served to the debtor, a statement of the description of the immovable properties wanted to be seized, including their location, area, boundaries, numbers, et cetera which shall be useful in their allocation in accordance with the Laws in force.
3. The creditor shall have the right to sue out a decision from the Judge of Execution ruling for the search and investigation of any immovable properties which the creditor possesses by the competent authorities.
4. The execution shall commence based upon a decision to be issued forth by the Judge of Execution.
5. The Department of Execution shall notify the concerned authority of such decision so that it puts forward a remark on the register of such properties in order to prevent their being conveyed to another person and to make clear in its response the identity of the registers of title related to such properties.

Article (111)

1. The debtor's immovable properties which are legally allowable to be seized may be seized and sold for the satisfaction of a debt on which a judgement has been passed or which is associated with a writ that must be executed even if they are not registered at the Departments of Registration, provided the following conditions are taken into consideration:
 - A. The creditor shall request that the Department of Lands register the immovable properties in the name of the debtor.
 - B. The Department of Land Registration shall register the request on a special register after the creditor submits to it a certified copy of the judgement or the writ which is in his or her possession as well as any other papers or writs which the Director of the [Department of] Lands requests. He or she must also pay the required fees.
 - C. Investigation shall be conducted on the dispositions of the debtor upon whom execution is required in the manner provided in the Laws and Bylaws pertaining to the new proceedings of registration.
2. The execution shall then be commenced upon such properties in accordance with the procedures provided in this Law. The Department of Execution shall deduct from their price the amounts which the creditor has spent on the applications of registration and shall pay them to him or her.

Article (112)

The Department of Execution shall serve to the debtor a notice of the proceedings which took place with reference to the previous two Articles and shall notify him or her that in the event he or she does not initiate to satisfy his or her within one month from the date on which the notice was served to him or her, it shall commence the execution to sell his or her immovable properties which are set forth in the notice.

Article (113)

1. By the expiration of the date referred to under the previous Article and the debtor does not pay his or her debt, the Department of Execution shall conduct the proceeding of seizure. Thus, the officer of seizure shall move to the location in which the immovable property is situated and shall draw up a minutes to be signed by him or her as well as by the witnesses and in which he or she states the type of the seized property, its specifications, boundaries, contents, the estimation of its area, the name of the neighbourhood in which it is located or the village, its number, the status of the [cultivated] crops, the date of their harvest, the persons residing therein, the type of documents upon which they rely in regard of their residence and the estimated value of the seized property upon the discretion of the officer of seizure with one or more expert(s).
2. A copy of the minutes of seizure shall be handed to the debtor against whom execution is conducted in the event he or she is present. He or she shall be notified of it on the next day at most in case the seizure has taken place in his or her absence.

Article (114)

1. To the immovable properties shall be annexed their fruits and revenues for the period of time following their being seized.
2. The Judge of Execution may, either in spontaneously or based upon a request by the creditor making the seizure, assign an officer of seizure or another functionary at the Department of Execution to harvest the crops as well as collect the fruits and sell them.
3. The fruits and crops shall be sold in auction or by any other means which the Judge of Execution permits. The price shall be deposited in the treasure of the Department of Execution.
4. The Department of Execution must not impede the access to the immovable properties by the tenant or creditor who is guaranteed to [obtain] entitlements to the crop on the immovable property for the aims of the catering for or harvesting of the crop.

Article (115)

1. In the event the immovable property is not leased, the debtor shall be deemed to be a receiver thereon until it is sold unless the Judge of Execution decides to depose him or her from the receivership or restrict his or her powers thereon.
2. The debtor who resides in the seized property may stay residing therein without a rent until the sale is completed. Immediately upon the completion of sale, he or she must vacate it.
3. In the event the seized immovable property is leased, the rent which is due for the period following the seizure shall be deemed to be seized in the possession of the tenant as soon as he is assigned by the Department of Execution not to pay it to the debtor.

Article (116)

1. In the event the net amount yielded by the immovable properties of the debtor in one year meets the entitlements of the creditor laying the seizure and such creditor

is authorised to seize control of the aforementioned crops, the Judge of Execution shall issue forth an order to delay the selling of such properties. In case the aforementioned crops are seized in return for an privileged debt but the creditor laying the seizure is not able to obtain his or her debt therefrom in a regular manner or any accident following such authorisation occurs which prevents him or her from obtaining his or her entitlements, he or she may request that the properties be sold again. The delaying of the selling in the fashion mentioned above shall not lead to the removal of the seizure on the aforementioned properties. They shall remain seized until the debt for which they are seized is satisfied in full.

2. In the event the debtor claims that he or she owns properties which he or she can make available in order to pay the debt if he or she is given a respite of time, and that the selling of his or her immovable properties taking into consideration all the circumstances of the case shall position him or her in an inappropriate hardship, the Judge of Execution must call the two parties and hear their statements. In case he is convinced with the validity of the debtor's claim, he shall issue forth a decision to delay the selling for a maximum period of six months or to pay the debt for the sake of which the properties are seized in instalments within the period of time which the court decides. Seizure shall remain effective upon such properties until the debt is satisfied in full.

Article (117)

The Judge of Execution may in a decision which he issues forth permit the debtor to sell or convey to others his or her seized immovable properties on the condition that he or she deducts from their price upon the sale or conveyance the amount of the judgement debt along with the fees and expenditures.

Article (118)

The creditors whose debts have not been insured with the immovable property which was placed as insurance for a debt of another person may seize and sell it even if the due date of the debt which is insured with the aforementioned immovable property has not been mature yet. In case it is sold, the debt which is insured with the immovable property shall be paid first in accordance with the writ of insurance. Any excessive amount thereof shall be paid to the other seizers in accordance with this Law.

Second: The List of the Sale Conditions and Challenge Against It

Article (119)

1. The Department of Execution within thirty days from the date of seizure shall set forth a list of the conditions of the selling of the seized immovable properties.
2. Such list must include the following information:
 - A. The statement of the writ of execution in accordance with which the seizure occurred.
 - B. The date of the notification of the debtor of the decision of seizure, the date of seizure, and the notification of the debtor thereof.

- C. The designation of the seized immovable properties in the minutes of the seizure as well as the statement of their type, descriptions, location, boundaries and area.
- D. The conditions of the sale and the basic price that is defined in the minutes of seizure.
- E. The partition of the seized immovable properties into transactions if such is possible along with the statement of the basic price for each transaction.
- F. The statement of the date of the session of challenges and the date of auction.

Article (120)

The list of the conditions of the sale shall be attached with the following documents:

- 1. The certificate of the statement of taxes and the fees prescribed for the seized immovable properties.
- 2. The writ in pursuance of which the seizure shall be commenced.
- 3. The decision of the Judge of Execution to impose the seizure and the notification of the debtor therewith.
- 4. The minutes of seizure and the notification of the debtor thereof.
- 5. A certificate from the department responsible for the registers of titles pertaining to such properties.

Article (121)

- 1. The Department of Execution must, within the first three days following the drawing up of the list of the sale conditions, notify thereof the debtor whose properties are seized as well as the creditor laying the seizure as well as all the creditors for the debts of whom the seized property has been placed as insurance prior to the issuance of the decision of seizure and the endorsement therewith in accordance with the provision of Article (110)
- 2. The notice shall include the following information:
 - A. The date of the drawing up of the list of the sale conditions.
 - B. The designation of the seized immovable properties in a gross manner and statement of their basic price.
 - C. The date of the session that is designated for the examination of the potential challenges that may be submitted against the list and statement of the time of its convention as well as the date of the auction and the time of its being held in case no challenges are submitted against the list.
- 3. The person to whom [the seizure] is notified shall be informed to view the list and express the aspects of invalidity or the remarks which he or she may have by means of challenge against it prior to the session mentioned in Clause (2) above by at least three days; otherwise, the right thereto shall be revoked.

Article (122)

The session to examine the challenges against the list before the Judge of Execution shall be defined in the list of the sale conditions provided that it takes place following the elapse of thirty days from the date of the expiration of the date mentioned under Article (121). The period of time between such session and the session of the auction shall not be less than thirty days and not

exceed sixty days. In case no challenges are filed, the designation of the first of these two sessions shall be deemed to be as if it had not taken place and the procedures of the announcement of the auction shall be taken.

Article (123)

1. The Department of Execution shall announce the drawing up of the list by publication in one of the daily local newspapers and by posting on the notice board in the lobby of the Department within the seven days following the notifications mentioned under Article (121). The minutes of the posted [list] and a copy of the newspaper shall be deposited in the file of execution within the seven days following the announcement mentioned above.
2. Each person shall have the right to view the list of the sale conditions at the Department of Execution.

Article (124)

1. The debtor, creditors and any other parties referred to under Article (121) above must express the aspects of invalidity in the procedures preceding the session designated for the examination of the challenges as well as express all remarks on the conditions of the sale by means of challenge against the list of the sale conditions at the Department of Execution by at least three days prior to the session that is designated for the examining of them; otherwise, their right to adhere to them shall be revoked.
2. Each interested person other than those mentioned in Clause (1) above may express the aspects of invalidity or remarks which he or she may have by means of challenge against the list or by means of interference upon the examination of the challenge.

Third: The Proceedings of the Sale in Auction

Article (125)

1. Taking into consideration what Article (4) determines, the Department of Execution within the scope of which the real estate falls shall conduct the auction thereon.
2. The Judge of Execution shall define the date of the session of the auction based upon a request by any of the creditors and any other concerned parties that are referred to under Article (121). He shall not issue forth an order thereof except following the verification of adjudication of all the challenges which have been lodged against the list on time by compulsorily executable judgements.
3. The Department of Execution shall notify the persons mentioned under Article (121) of the date of the auction and of its location by at least seven days prior to the designated date.

Article (126)

No relevance shall be ascribed to any type of agreements which the two parties might agree thereon for the conduct of the auction in contravention of the legal conditions which are provided

in this Law. Each agreement as such shall be deemed to be null. However, the debtor may disregard the notifications which this Law grants him or her.

Article (127)

1. The Department of Execution shall announce by means of publication and posting the auction by thirty days prior to the day on which it is designated to be held.
2. In the localities where more than one newspaper is published, the announcements shall be published in one or more newspaper as occasion may require. Copies thereof shall be posted in the lobby of the Department of Execution and on the door of the seized property and in any location where people crowd. In case the immovable property which is offered for sale is of a considerable value, however, the Department of Execution may announce it by other additional means.
3. The announcement must include a statement of all the specifications of the immovable property as well as its verified statuses upon the seizure along with a statement of the names and surnames of the two parties, the time designated for the auction and the conditions to take part therein.
4. Following the drawing up of the list of auction and the announcement of the case, the auctioneer or the seizure officer must call for the conduct of such act at least three times in the localities where people crowd as well as in the locality in which the property is situated. The manner shall then be included on the back of the list.

Article (128)

The launching of the auction shall take place as of the date of the announcement thereof. Each person wishing to enter in it must pay insurance in the amount of ten per cent of the basic price that is defined in the list. By the expiration of the thirty days, the sold [property] shall be provisionally referred to the bidder with the highest price from among them. Such shall be included on the list of auction and shall be certified by the seizure officer.

Article (129)

1. Following the provisional reference, the manner shall be announced once again. Such announcement shall include a statement of the completion of the procedure of provisional reference as well as a statement of the value of the last price of the auction and the date and time of the conduct of the last public sale. As of the date of this second announcement, the auction shall be deemed to have been launched for the second time for a period of fifteen days. The persons wishing to take part therein shall adhere to paying insurance amounting to five per cent of the price prescribed in the provisional reference.
2. On the date scheduled in the second announcement, the public auction shall take place between the two present parties. The Judge of Execution shall decide on the definitive reference for the purchaser who has demanded the immovable property with the highest price. Such decision shall be deposited in the file of execution.

Article (130)

1. On the day following the issuance of the decision pertaining to the definitive reference, a notice including information about the results of the last auctions and of the decision of the final reference shall be served to the debtor. He or she shall

be notified that he or she is obliged to pay or come to the Department of Registration to decide on the sale and conveyance in the presence of the competent officer within fifteen days from the date of notification. In case such respite of time elapses but the debtor does not satisfy his or her debt and does not willingly carry out the proceeding of the deciding on the sale or conveyance for the purchaser, the Department of Registration shall be notified of the necessity to conduct the proceeding of the sale or conveyance for the purchaser.

2. In case the debtor pays his or her debt in addition to the costs of the execution prior to the completion of the proceeding of registration, the order issued forth pertaining to registration shall be cancelled and be deemed as if it had not taken place.
3. Following the completion the proceeding of registration in the aforementioned manner, the judgement of the sale or conveyance shall not be invalidated in the event the debtor wishes to satisfy his or her debt.

Article (131)

In the event the price of the auction of the immovable properties which are offered for sale is exorbitantly less than their primary price which is defined on the list of the auction, the Judge of execution must extend the proceeding of the auction for a period of time not exceeding forty five days. The completion of the proceeding of the sale and conveyance at the price which is determined as a result of such auction shall become to an inevitable matter.

Article (132)

In the event the bidder to whose possession the property is referred by means of a final dereference rejects to accept the conveyance and pay the price of the auction, the property shall be offered to the second bidder who abstained before him or her with the price with which he or she was satisfied. In the event such bidder takes it, the Department of Execution shall incur the difference between the two prices on such abstainer from his paid insurance. If not sufficient, it shall be taken from his or her other properties. In the event the second bidder insists to abstain, the property shall be placed anew in the auction for a period of fifteen days. The Department of Execution shall fine the abstainer with the difference between the two auctions.

Article (133)

In the event a bidder, following the definitive reference and prior to the expiration of the respite of time of the last notice which must be served to the debtor in accordance with the provision of Article (130), applies and binds ten per cent or more, such binding must be accepted. Thereupon, the auction shall be conducted anew between such bidder and other bidders and between the person to whose possession the immovable property was referred by means of a definitive reference for a period of three days. Then, the definitive reference shall be conducted to the last bidder therefrom.

Article (134)

1. The Department of Execution must complete the proceeding of the conveyance of properties whose definitive reference was conducted in an immediate manner. In case such proceeding is not completed within a period of one month, the purchaser may revoke the auction following the proceeding of conveyance. The

Department of Execution shall serve a notice to the persons who occupy the property in which it notifies them of the obligation to vacate and hand it within a respite of fifteen days. At the end of such period, the Department of Execution shall conduct the proceeding of the handing it to the purchaser.

2. Following the elapse of one year on the proceeding of the sale or conveyance of real properties that have taken place through the Department of Execution in public auction, no claim to revoke such sale or conveyance under the pretext of the occurrence of formal errors in the executive proceedings may be allowed. Such provision shall not include the minor, absentee and incapacitated person.
3. The occurrence of fraud or forgery in the executive notices shall not be deemed to be from among the formal errors.

Article (135)

1. In the handing of the immovable properties to the purchaser and in the resolution of potential disputes in regard of a third person, the status with which such property was when the Department of Execution seized it in order to sell it in the auction shall be taken into consideration.
2. With reference to the provision of Article (115), the rental contracts and all other contracts pertaining to the usufruct of the seized property and which were concluded after the seizure shall be effective until the day on which delivery is completed. Thereafter, such property must be delivered to its purchaser without need to another judgement.
3. The excesses which occurred in the sold [property] following the seizure shall be deemed to be included therein without their being mentioned. The person against whom execution is conducted may not separate such excesses from the sale.

Article (136)

In the event the two parties do not agree upon the value of the vegetables and all other ground crops that are attached in an immovable property such as the grove and field which are not included in the sale, the two parties shall be called. Each one of them shall appoint an expert along with a third expert to be appointed by the Judge of Execution so that they assess their gross value. The aforementioned immovable property shall not be expropriated from its owner unless the purchaser pays in advance the value which the experts have estimated.

Fourth: The Discontinuation of Procedures and their Impediments

Article (137)

1. In case the auction is delayed for legal reasons or because the creditor does not follow up with it, the auction must be repeated following the expiration of fifteen days.
2. In case the auction is abandoned for a period of time exceeding one year, the previous respites shall be annulled and shall be commenced anew.

Article (138)

In the event a person claiming the disposition of an immovable property which was bidden in auction wishes to delay the proceeding of the auction, his or her claim shall not be heeded unless he or she submits it prior to the issuance of the decision of the definitive reference and also

presents a capable sponsor who shall guarantee for the creditor each spoilage and damage that may be caused to his or her as a result of the delay. Thereupon, the Judge of Execution shall grant him or her a respite of fifteen days in order to report to the competent court from which he or she shall obtain a decision to delay the auction; otherwise, it shall proceed with the proceeding.

Article (139)

In case the action of entitlement to a portion of the seized property is filed but the court decides the delay the auction, the auction may be commenced anew in regard of the remaining portions.

Article (140)

In case the removal of seizure on an immovable property which the Department of Execution has imposed become necessary due to the satisfaction of the debt or for another reason but another Department of Execution has notified such Department of the obligation to single out a portion of the price of the property upon its sale, the first Department must before it removes the seizure notify the Department of Execution of the *status quo*. In case fifteen days elapse but a response therefrom regarding a new seizure is not received, a decision shall be taken to remove the seizure mentioned above.

Article (141)

In the event the creditor does not follow up with the proceeding for a period of one year as of the date of the imposing of the seizure without a legitimate excuse and the person whose immovable property is seized requests that the seizure be removed, the Department of Execution must notify the seizer of the issue. If one month expires following his being notified or the announcement in the event his or her place of residence was unknown without follow up by the creditor with the proceeding, the Judge of Execution may decide to remove the seizure in case he deems that it achieves justice.

PART THREE

The Distribution of the Outcome of Execution

Article (142)

The amounts which have been collected from the debtor along with the prices of the properties which have been sold through the Department of Execution shall be divided amongst the creditors who have demanded their debts after the Department of Execution designates for the creditors of the privileged debts what belongs to them and maintains it for them even if they do not submit a request to satisfy the debts to which they are entitled.

Article (143)

In case the properties obtained in accordance with Article (142) are not sufficient to satisfy all the debts due for the creditors, they shall be distributed to them in accordance with the following order:

1. The creditors of the privileged debts according to their order in the privilege and preponderance.

2. In the event the creditors are of one rank in privilege and the available properties are not sufficient for the payment of all such debts, they shall be distributed amongst them by the percentage of the debt of each one of them in relation to the total privileged debt.
3. In the event the available properties are in excess of the privileged debts, the excess thereof shall be distributed amongst the creditors of the ordinary debts in their percentage in relation to the total of the creditors' debts.

Article (144)

The amounts which are subject to the relative distribution shall have first the costs of execution which the creditor laying the seizure has disbursed in the cause of the obtainment of such amounts be deducted therefrom.

Article (145)

In the event it appears to the Department of Execution that it has obtained from the debtor amounts that exceed those which he or she is obliged to deliver and pay to the creditor, it must assume the duty of recovering them from the creditor and paying them [back] to the debtor based upon a decision from the Judge of Execution without need to report to the courts and obtain therefrom a judgement thereof.

Article (146)

The precedence in the seizure does not grant the seizer any privilege in view of the rest of the seizers. However, in case the second judgement which is the reference of the second seizure and its basis has been issued forth based upon a verbal declaration or abstention from the oath or upon a written declaration the date of which has not been officially proved that it had preceded the date of the legal reasons to which the first judgement referred, the judgement creditor with the second judgement may not join the judgement creditor with the first judgement in the seized properties. However, he or she may obtain his or her property from the remaining properties of the debtor.

Article (147)

The amounts which are obtained from the debtor with reference to a judgement issued forth by the courts or with reference to the writ of execution shall be registered on a minutes and daybook for the account of the creditor. Following the conducting of the proceeding of the registration in the detailed manner, such amounts may not be seized for the obtainment of any debt that is demanded from the debtor.

PART FOUR Various Provisions

Chapter I The Lien and Its Grades

Article (148)

1. The lien shall be general in the event it is inclusive of all the properties of the debt, and shall be special in the event it pertains to a portion thereof.
2. The creditors with the general lien shall obtain their debts from all the properties of the debtor in favour to the other creditors in a manner not contradicting the creditors the special debts.
3. The creditors with the special lien right shall obtain their debts from the properties of the debtor to which the lien is related and who do not have a lien over other properties of the debtor.

Article (149)

1. The privileged debts by a general lien shall be:
 - A) The ruled alimony of the wife, children and parents.
 - B) The taxes and fees which the government collects of whatsoever type whether they were from among the properties which are collected in a direct manner or by proxy.
2. All debts mentioned in Clause (1) above shall be obtained from the movable and immovable properties of the debtor of which some [properties] shall be prioritised over others in accordance with their grades prescribed in the Laws and orders issued forth in this regard. In contrast, the other debts which are demanded for the government from persons shall not be privileged.

Article (150)

The privileged debts by a special lien shall be:

1. The fees and taxes which are imposed for the government over the selfsame seized movable and immovable properties, including the fees, taxes, excises, taxes of properties and lands as well as other taxes. These shall be obtained from the prices of such properties in a privileged manner by a special lien.
2. The rental fee of the property which is documented in a rental contract shall be obtained in a privileged manner from the prices of the properties which are subject to seizure and which are placed in such property.
3. The rental fee of the productive land such as the farm, field and grove which is documented in a writ shall be obtained from the crops of such lands and shall be prioritised over the other debts with the exception of what is mentioned under Clause (2) above. It shall be collected from the crops of such lands.
4. The fee due for the owner of the hotel shall be obtained from the properties of the debtor which are placed in such hotel before other debts are satisfied.

Article (151)

The lien arising from the placing of the immovable properties as insurance of the debt shall be subject in its determination and regulation to the provisions of the Laws and bylaws concerning such lien.

Article (152)

The persons who are entitled to the special lien shall have precedence in the obtainment of their debts over the persons entitled to the general lien.

Article (153)

The lien shall not be proved unless the nature of the debt and its type are documented in an explicit and decisive manner in the writ of execution. The claims which are submitted to the Department of Execution in contravention of its provisions or which take place anew shall not be taken into account.

Article (154)

The rules provided in regard of the liens in the effective Civil Law as well as in the other special laws shall be enforced upon what is not provided for in this Chapter.

Chapter II The Confinement of the Debtor

Article (155)

1. The debtor must after he or she receives the notice of execution report to the Department of Execution and present to it a settlement that suits his or her financial ability and the amount of the debt in order to pay the due amounts of the judgement debts which he or she owes. In the event he or she does not present a suitable settlement or submit insurances and request the instalment of the debt for the period upon which the judgement creditor does not agree, the Judge of Execution must order that both parties appear before a session which he shall define to hear their statements.
2. In the session thus defined, the Judge of Execution and in the presence of the judgement creditor shall commence an interrogation of the debtor in order to ensure his or her ability to pay the judgement debt amounts and identify his or her properties and reveal his or her dispositions which he or she performed or intends to perform for the purpose of hiding them from sight of the creditor in order to prevent enabling him or her to obtain the debt or concerning his intention to escape.
3. The Judge of Execution shall be entitled to interrogate the creditor and hear the witnesses in the event he deems it necessary to hear their testimony with or without the oath in order to explore the reality of matters whether the debtor attends or not.

Article (156)

The Judge of Execution based upon a request by the judgement creditor may order that the judgement debtor be captured and confined in the following cases:

1. In case he or she does not report to the Department of Execution and present a settlement to satisfy his or her debt within the period thus defined in the notice mentioned under the previous Article.
2. In case it is proved to the Judge of Execution based upon verbal or written evidence and as a result of the interrogations which he has commenced in accordance with Article (155):
 - A) That the debtor had owned or possessed since the issuance of the judgement sufficient [amounts] that enable him or her to pay his or her judgement debt amounts or the amounts remaining to be paid or to pay an instalment of a payable

debt in accordance with his or her pledge in the proceeding and that he refused or neglected the payment.

- B) That the debtor had donated or transferred or delivered to a third party some of his or her properties or allowed a third party to conduct it or posited some of his or her properties as insurance for a debt or hidden it, thereby leading to the preventing of the creditor from the obtaining of the amounts judged for him or her wholly or partly.
- C) That the debtor intends to escape while he or she had not revealed the properties that belong to him or her which fall within the jurisdiction of the courts of the country and which suffice for the satisfaction of the judgement debt or had not given a guarantee to pay it.

Article (157)

1. The period of confinement which is in implementation of any decision which the Judge of Execution issues forth must not exceed (91) days. The total of the periods of confinement may not exceed (91) days per year regardless of the amount of the debt or multiple debts.
2. The period of confinement may not exceed (21) days in case the judgement debt amount does not exceed five hundred Dinars. In the event the judgement debt is decided to be paid in instalments, the period of confinement may not exceed (21) days for each instalment which the debtor fails to pay.

Article (158)

1. The debtor may not be confined once again for the selfsame debt after his or her being released whether with the consent of the judgement creditor or due to the expiration of the period of confinement to which he or she is sentenced.
2. Taking into consideration the provision of the previous Article, the Judge of Execution may in case a decision has been issued forth by the Court or the Judge of Execution to pay the judgement debt in instalments deem that each of such instalments be an independent debt.

Article (159)

The Judge of Execution may decide to adjourn the confinement of the debtor until another date in the event a medical report that is issued by an official competent medical committee which proves to him that the debtor who is to be confined due to the non-payment of the debt to which he or she is sentenced does not bear confinement due to his or her illness.

Article (160)

The confinement of the debtor and his or her release shall not affect the right of the judgement creditor to obtain his or her debt from the properties of the judgement debtor.

Article (161)

There is no need to request a proof of capability for the persons mentioned below upon, the request of their confinement:

1. Those whom the Notary Public certifies their capability and who have sponsored the debtor at the Department of Execution.
2. The person judged with the personal rights resulting from an offence without need to prove his or her capability.
3. The person judged with the alimony of the wife, ascendants, descendants or relatives in the event he refrains from paying it without need to prove his capability.
4. The debtor indebted with a debt arising from what belongs to him or her in contrast to the possession of the debtor such as the price of the sale or insurance, for whom there is no need to prove his or her capability.

Article (162)

The creditor shall not be assigned to investigate about the properties of the debtor which are sufficient for his or her debt so that he has the right to request that he or she be confined. However, the debtor may request that the decision of confinement be withdrawn by the revealing and disclosing of his or her properties which are sufficient for the satisfaction of his or her debt.

Article (163)

A decision of confinement shall not be issued forth in pursuance of this Law against:

1. The person who is not responsible in person for the debt such as the heir who has not seized the estate and the guardian and the trustee.
2. The debtor who has not reached eighteen years of age and the insane and the lunatic.
3. The debtor with a judgement debt between the husband and his wife or for a debt that is judged for the descendants against the ascendants.

Article (164)

In case the judgement debtor against whom an order of confinement has been issued forth pays the due instalment of the debt or acted in accordance with the order of the Judge of Execution or revealed properties belonging to him or her for the satisfaction of the debt ruled against him or her or the amount thereof remaining without being paid, the Judge of Execution may revoke based upon a request by the judgement debtor the order of confinement and to order that he or she be released.

Chapter III Miscellaneous Issues

Article (165)

The writs of execution which are deposited at the Department of Execution for execution in case abandoned by their concerned persons without follow up for six consecutive months as of the last proceeding which has been conducted in their regard shall have their execution stayed until the request of execution is submitted.

Article (166)

1. The judgements shall be subject to execution within fifteen years from the day on which they were issued forth.
2. The other writs of execution shall be subject to execution in the event the liabilities documented thereon are not subject to prescription in accordance with the relevant Laws.

Article (167)

The cash and in-kind trusts which have been deposited in the Fund of Execution or which the Department has collected or recovered from the judgement debtors upon a request by their owners, in the event the person entitled to them does not report to the Department of Execution to take them within a period of five years as of the serving of the notice or as of the date of their being announced in the newspapers in due form with regard to those whose place of residence is unknown, shall have the right to demand them revoked and they shall be registered as a revenue for the Public Treasure.

Article (168)

The legitimate excuses which interrupt the elapse of the time shall apply to the previous two Articles. However, the claims which are of the same matter must be solved by means of litigation before the competent court.

Article (169)

1. This Law shall apply to all the procedures and proceedings of execution which are implemented following its enforcement unless a provision provides otherwise.
2. All proceedings of execution that have been commenced or were suspended upon the commencement of the implementation of this Law shall be deemed to have been conducted in the prescribed due form in case they have been conducted in accordance with any Laws that have been effective prior to the date of the enforcement of this Law.
3. With reference to the provisions of Clause (2) above, the provisions of this Law shall be enforced inasmuch as the Judge of Execution deems to be possible upon all the proceedings of execution which were suspended from the phase to which they ended.

Article (170)

1. The implementation of the provisions of this Law shall not violate the right which is prescribed for the administrative authorities and parties to the obtainment of their entitlements in an obligatory manner in the means and procedures provided in the Laws which thus regulate.
2. With the exception of the provision in Clause (1) above, the provisions of this Law shall be enforced upon the execution which is conducted by the parties of administration in a manner that does not contradict the provisions stated in their Laws.

Article (171)

The implementation of the following Laws which are operative in the governorates of the West Bank and Gaza Strip shall be repealed:

1. The Ottoman Law of Procedure, promulgated on Jumad al Akhar 15th, 1332 A.H.
2. The Law of the Exchange of the Execution of Judgements No. (22) of 1922 A.D.
3. The Rules of the Exchange of the Execution of Judgements 1926 A.D.
4. The Law of Judgements (The Exchange of their Execution with Egypt) No. (16) of 1929;
5. The Palestinian Law of Debts (The Confinement of the Debtor), promulgated on October 31st, 1931 A.D.;
6. The Amended Law of Procedure No. (38) of 1936 A.D.;
7. The Law of the Execution of the Foreign Judgements No. (8) of 1952 A.D.;
8. The Jordanian Law of Procedure No. (31) of 1952 A.D.
9. The Supplemental Law to the Jordanian Law of Procedure No. (25) of 1965 A.D.;
10. All the provisions which contradict the provisions of this Law and which are mentioned under any other Laws that have been in force prior to its enforcement.

Article (172)

All competent authorities – each one within its sphere of jurisdiction – shall implement the provisions of this Law which shall enter into force thirty days following its publication in the Official Gazette.

Promulgated in the city of Ramallah on December 22nd, 2005 Anno Domini,

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