

KEY ISSUES IN THE DEBT COLLECTION PROCEDURE

Introduction:

Today the rapid development of business relations dictates the conditions of the market, that is why debt collecting is a relevant issue in modern business society. It often happens when unscrupulous debtors do not fulfill their obligations under the contract or deliberately delay the payment process. In this article, we will look at possible solutions to this problem.

What to do if the debtor does not return the debt?

In fact, there are several ways to recover of debt. The easiest way to return the debt in the pre-trial settlement procedure using the claim procedure. Moreover, the claim procedure is mandatory before filing a claim to the court. If the party violates the pre-trial claim procedure, the court has the right to return the claim to the plaintiff for the pre-trial settlement. Since there are subtleties when filling a claim, the best solution would be to entrust it to specialists.

What to do if the debtor does not respond to the claim?

In practice, the debtor can refuse to sign the claim or assert in court that he did not receive it. But this problem is solved by simply sending the claim by mail to the legal address of the debtor.

How to proceed after submitting a claim?

In practice, it is enough to wait 10 calendar days or another period specified in the claim, after which you can file a law suit to the court. When filing a law suit, you will need to pay a state fee of 1% of the amount of claims for individuals or 3% for legal entities. If in the course of legal proceedings, the parties enter into an amicable agreement, then the filing fee is returned to the plaintiff. It is important that law suit is filed to the court at the place of the debtor's legal address, if the jurisdiction is not prescribed by the parties in the contract. At the moment, most of the court heading take place online, in this regard, the place of the actual location of the debtor is not essential.

After the court decision enters into force, the court issues a writ of execution at the request of the plaintiff. The writ of execution is sent to a private bailiff, at the location of the debtor, or the property.

What are the alternative ways of debt collection?

In addition to the general procedure for collecting debt in the court, there is also a simplified procedure.

If the debtor's claims are indisputable, and the debtor does not declare any disagreement with the debt, then the court issues a court order by way of summary procedure. In this case, the plaintiff pays 50% of the state fee. After the court order the enters into force, the court can also provide a writ of execution.

The second alternative way is to obtain an executive note from a notary. Similar to the first case, the claims of the claimant must be indisputable. The notary sends a letter on the issuance of a writ of execution to the debtor. If the debtor disagrees with this writ within 10 working days, the notary will not be able issue such writ. In case has issued a writ of execution, then the claimant will need to transfer it for execution by a private bailiff.

- **Who should you choose as a debt collection consultant?**

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