

99046054058000

Apply for foreclosure

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/6001255/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046054058000
Leistungsbezeichnung I	Apply for foreclosure
Leistungsbezeichnung II	Apply for foreclosure
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul

Sachverhalt

Fachlich freigegeben durch

Handlungsgrundlage

- Gesetz über die Zwangsversteigerung und die Zwangsverwaltung (ZVG)
- Gesetz über Kosten der Gerichtsvollzieher (Gerichtsvollzieherkostengesetz – GvKostG)

Teaser

If a debtor does not fulfil an enforceable claim (for example, a court-awarded monetary claim is not paid), their creditor can initiate compulsory enforcement. In addition to court judgements, other enforcement titles can also form the basis for compulsory enforcement.

Volltext

If a debtor does not fulfil an enforceable claim (for example, a court-awarded monetary claim is not paid), their creditor can initiate compulsory enforcement. In addition to court judgements, other enforcement titles can also form the basis for compulsory enforcement.

Depending on what the enforceable claim is for, different types of compulsory enforcement can be considered.

Claim for payment of a sum of money

Seizure and forced sale/forced administration of

- movable property
- Real estate (land, houses, condominiums)

The debtor's claims against third parties (such as the claim for payment of wages against the employer) can also be attached. Realisation takes place by means of a so-called attachment and transfer order, which is issued by the local court as the court of enforcement.

Claim for the surrender of an item

If the debtor's obligation to surrender an item is enforceable, the bailiff takes it and hands it over to the creditor. Execution for the return of property also includes the eviction of flats.

Claim to certain actions by the debtor

Modul

Sachverhalt

If the debtor has an enforceable obligation to perform a certain act (for example, to remove a fence), the creditor can be authorised to perform the act or have it performed at the debtor's expense. Alternatively, a penalty payment can be imposed on the debtor.

Claim for injunctive relief

If there is an enforceable obligation on the debtor to refrain from a certain action, a fine may be imposed for each offence.

Contact point

Distribution centre for bailiff orders

→ Amt24-Behördenwegweiser

(Enter "Amtsgericht" and the place of jurisdiction in the Amt24 search field)

Erforderliche Unterlagen

- Application form (available here via Amt24 or via www.justiz.sachsen.de)
- Enforceable copy of the enforcement order
- useful: List of the current claim, including in particular any instalments already paid or costs incurred in previous enforcement proceedings
- if enforcement attempts have already been made in the past: Proof of the costs incurred

Voraussetzungen

Enforcement order

The most common titles are

- Enforcement orders (result of dunning proceedings)
- court judgements
- Cost assessment orders
- Maintenance assessment orders
- Settlements
- notarised deeds

Enforcement clause

Modul
Sachverhalt

Apart from the enforcement orders and other few exceptions, these titles must be provided with a so-called enforcement clause. In principle, such a clause is only issued once. This is to prevent repeated enforcement. An enforcement clause could have the following wording: "The above copy is issued to the applicant/plaintiff for the purpose of enforcement against the defendant/respondent."

Service

As a rule, the title with the clause must be served on the debtor before enforcement begins. Judgements and orders are served by the court itself. All other titles must be served by the creditor himself. The bailiff responsible for this can be found via the bailiff distribution centre of the district court in whose district the debtor is resident.

Kosten

Bailiff costs: Calculation according to the Bailiff Costs Act (GVKostG)

Verfahrensablauf
Assignment

- You instruct the bailiff directly with the prescribed forms.
- You can find out who is responsible via the distribution centre for bailiff orders of the respective local court (directories are usually also available on the Internet).
- After being commissioned, the bailiff visits the debtor and attempts to collect the titled debt from him.

Debt settlement

If the debtor settles the claim in full plus the enforcement costs incurred, you will receive the amount due to you from the bailiff.

If the debtor is unable to settle the debt in one payment, the bailiff can also make an instalment payment agreement with the debtor. The repayment should be completed after twelve months. Each time an instalment is received, the bailiff will pay you the

Modul
Sachverhalt

remaining amount after deducting the enforcement costs.

Seizure and forced sale

If no payments can be provided by the debtor, the bailiff will search the home for attachable items.

- Smaller movable items can be taken away immediately by the bailiff. Other items are left in the debtor's home but are sealed with a pledge.
- The seized items are auctioned off at the subsequent auction date. You will receive the proceeds minus the costs.

If the debtor has settled the claim by the auction date or has concluded a corresponding instalment payment agreement, the auction will be suspended.

Bearbeitungsdauer
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Hinweise

Advance on costs by the creditor

The debtor of the enforcement costs is initially the enforcement debtor. However, the bailiff can request the creditor to pay an advance on the expected costs.

If the debtor is not in a position to pay the enforcement costs, the bailiff will collect these from the enforcement creditor. In subsequent enforcement applications, these costs can then be recovered as necessary costs of enforcement together with the enforceable claim.

Rechtsbehelf
Kurztext
Ansprechpunkt
Zuständige Stelle

Modul	Sachverhalt
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Formulare	
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Ursprungsportal	
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