

Petition for enforcement submitted to the bailiff

(Vht. 12/A §)

On the basis of the Act LIII of 1994 on Judicial Enforcement (Vht.) petition for enforcement in cases falling within the powers of independent court bailiffs may be submitted directly to the competent bailiff if the judgment creditor provides the information defined under Subsections (2) and (3) of Section 11.

When filing a petition for enforcement, the judgment creditor shall disclose

a) the judgment debtor's name (denomination of organization, corporate name of company) and any data necessary for his identification (at least the place and date of birth, mother's name, registration number of organization, company registry number), furthermore

b) depending on the circumstances of the case, the judgment debtor's domicile, workplace or registered address, place of business (hereinafter referred to as "registered address") and the venue where judgment debtor's enforceable assets are located; at least one item from the data listed in this Paragraph shall be disclosed.

(3) If applying for enforcement of a immovable property claim, the real estate registration data shall be supplied.

The bailiff fills out the enforcement order form and forwards it to the court having jurisdiction to order judicial enforcement. The fee for issuing the document must be paid to the bailiff. Based on Section 8 (7) of the SZTFH Decree No 8/2021 (X.29) on court bailiff fees, 1% of the amount of the claim to be enforced without contributions, but at least 2,000 forints and at most 80,000 forints, as well as based on Section 6 (1) 50% of the service charge as average cost allowance is due to the bailiff.

The fee associated with ordering the enforcement must be paid to the court, at the rate specified by Act XCIII of 1990 on Duties. According to Section 39 (1) of Itv. the duty base in non-contentious civil actions is the value of the subject matter of the proceedings at the time of the opening of the proceedings, which based on Section 42 (d) is 1 per cent in enforcement procedures, or not less than 5,000 forints and not more than 350,000 forints.

If the petition for enforcement has been submitted to the bailiff and the bailiff determines that the application is incomplete, the judgment creditor must fill in the gaps in the petition due to his legal obligation, and in case of non-fulfilment, the bailiff will not forward the petition for enforcement to the court.

The bailiff shall prepare the petition if all data and information is available within fifteen days and shall forward it to the court in the number of copies required. If, based on the documents supplied, it is determined that enforcement is not substantiated, the bailiff shall so notify the petitioner within the deadline prescribed for filing the petition.