

CHAPTER FOUR

EXECUTION OF DECREES

- **Decree:** the process by which a *decree*, the operative part of the judgment, is enforced
- **Jurisdiction:** the court which passed the decree/appellate court/court of cassation
- **Transfer of execution:** Art 372-375
- The transferee court cannot alter, vary or add to the terms of the decree.
- Stay of execution by the court which issues the decree: Art 377

Proceeding of Execution

- **Application of execution:** continuance of original suit. Contents-See Art 378
- Judgment debtor must be in default before opting for application.
- Attachment of property-Art 379 and 225
- Application by holders of joint decrees-Art 380
- Application by transferees: Art 381
- For example, the decree-holder has died, the decree-holder become insolvent.
- Application against sureties and representatives: incase the judgment creditor dies- art 382 and Art 383 respect.
- Period of limitation: 10 years for second application.

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- **Procedure:** copy served on judgment debtor with summon□ examination on Oath□ Art 386
- Non appearance or no reason for non-appearance□ execution will proceed.
- **Arrest:** Non-appearance in execution of a decree for the payment of money, the court must order the judgment-debtor to be arrested-Art 386(3)ff
- **Detention**-up to 6 months in prison in case he willfully failed to comply with decree.
- **Modes of execution:**
- **Money**-Art 394 -to court or decree holder
- **Execution in cross objections**-Art 397
- Decree for movable: Art 399
- Decree for immovable: Art 402
- **Order/manner of execution:** Art 403

4.3. Attachment and Sale

1. Attachment

- method of attachment:
- **Properties exempted from attachment:** Art 404
- See the ff provisions
- **Objection:** see Art 418 and 419

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2. Sale of the property

