



Pignoramento

Condemned morose: after the injunction can the seizure be possible?

In the choice of the road to undertake for forcible recovery, you need to make an overall assessment of the various variables in play.

Question:

"The administrator who has obtained an injunction against the moron Condomm can conquer a property owned by the latter?"

Answer:

"Pursuant to **Article 63 of the provisions for the implementation of the Italian Civil Code**, for the collection of contributions resulting from the allocation state approved by the Shareholders' Meeting, the custodial administrator may obtain, even without the approval of the Shareholders' Meeting, a **decree Provisionally executive injunction**.

This, therefore, can be notified (within the deadlines set by law for its effectiveness) directly along with the precept.

Which means that, in vain, ten days after notification of an injunction and a precept, the administrator has the possibility to proceed with **the forced recovery of the condom's claim by expropriation**, thus also deciding to foreclose a property owned by the debtor, This is economically viable.

In that regard, it is further underlined that **Article 2740 of the Italian Civil Code** states that "the debtor is responsible for fulfilling the obligations with all his present and future assets", with the consequence that **the roads in order to satisfy the condominium credit Are different and do not necessarily go through the aggression of real estate**.

In fact, the administrator may also attach movable assets and credits, choosing the means that, looking at the concrete case, is more convenient and with greater guarantees of achieving the purpose.

When deciding which solution to choose, it should be borne in mind that **the road to real estate expropriation is a road that entails considerable costs**, which however should be anticipated by the Condomnian.

Usually, however, it is undertaken for large sums of credits, although nothing excludes that it may be preferable even in the case of minor amounts.

With regard to the latter, however, it is always always advisable to check whether the debtor's salary, pension, car or other mobile goods or mobile goods can be seized. It is, of course, much easier and less reliable procedures onerous. "

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