

Writ of Seizure and Sale

A Writ of Seizure and Sale focuses on the recovery of debt from the sale of movable or immovable property. A Writ of Seizure and Sale is an option to consider if you know that the Judgment Debtor owns valuable property that can be sold and the proceeds used to pay the debt owed by the Judgment Debtor. The provision for Writ of Seizure and Sale can be found in Order 45 rule 1 (1) (a) of the Rules of Court 2012.

Once an order for a Writ of Seizure and Sale is obtained, the court sheriff/bailiff will seize the property stated in the order. Upon seizing the property owned by the Judgment Debtor, the sheriff or bailiff will then auction the seized properties to satisfy the judgment debt owed by the Judgment Debtor. An auction of the seized property will usually be carried out within 14 days after seizing of the property to satisfy the judgement debt.



Once the properties are seized, the judgment debtor cannot deal with the properties in any manner that will affect the validity of the seizure, such as selling or mortgaging the properties (for movable properties) or transferring, leasing, or charging the property to another party (for immovable properties). However, do take note that the law dictates that certain properties cannot be seized and sold. Nevertheless, Under Section 3 of the Debtor Act 1957, essential life items such as clothes and cooking vessels and prohibited from being attached.

