CIVIL PROCEDURE CODE

Prom. SG. 12/8 Feb 1952, amend. SG. 92/7 Nov 1952, amend. SG. 89/6 Nov 1953, amend. SG. 90/8 Nov 1955, amend. SG. 90/9 Nov 1956, amend. SG. 90/11 Nov 1958, amend. SG. 50/23 Jun 1961, amend. SG. 90/10 Nov 1961, corr. SG. 99/12 Dec 1961, amend. SG. 1/4 Jan 1963, amend. SG. 23/22 Mar 1968, amend. SG. 27/3 Apr 1973, amend. SG. 89/9 Nov 1976, amend. SG. 36/8 May 1979, amend. SG. 28/8 Apr 1983, amend. SG. 41/28 May 1985, amend. SG. 27/4 Apr 1986, amend. SG. 55/17 Jul 1987, amend. SG. 60/5 Aug 1988, amend. SG. 31/21 Apr 1989, amend. SG. 38/19 May 1989, amend. SG. 31/17 Apr 1990, amend. SG. 62/2 Aug 1991, amend. SG. 55/7 Jul 1992, amend. SG. 61/16 Jul 1993, amend. SG. 93/2 Nov 1993, suppl. SG. 87/29 Sep 1995, amend. SG. 12/9 Feb 1996, amend. SG. 26/26 Mar 1996, amend. SG. 37/30 Apr 1996, amend. SG. 44/21 May 1996, amend. SG. 104/6 Dec 1996, amend. SG. 43/30 May 1997, suppl. SG. 55/11 Jul 1997, amend. SG. 124/23 Dec 1997, amend. SG. 21/20 Feb 1998, amend. SG. 59/26 May 1998, suppl. SG. 70/19 Jun 1998, suppl. SG. 73/26 Jun 1998, amend. SG. 64/16 Jul 1999, suppl. SG. 103/30 Nov 1999, amend. SG. 36/2 May 2000, suppl. SG. 85/17 Oct 2000, amend. SG. 92/10 Nov 2000, amend. SG. 25/16 Mar 2001, amend. SG. 105/8 Nov 2002, amend. SG. 113/3 Dec 2002, suppl. SG. 58/27 Jun 2003, amend. SG. 84/23 Sep 2003, suppl. SG. 28/6 Apr 2004, amend. SG. 36/30 Apr 2004, amend. SG. 38/3 May 2005, amend. SG. 42/17 May 2005, amend. SG. 43/20 May 2005, amend. SG. 79/4 Oct 2005, amend. SG. 86/28 Oct 2005, amend. SG. 99/9 Dec 2005, amend. SG. 105/29 Dec 2005, amend. SG. 17/24 Feb 2006, amend. SG. 33/21 Apr 2006, amend. SG. 34/25 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 37/5 May 2006, amend. SG. 48/13 Jun 2006, amend. SG. 51/23 Jun 2006, amend. SG. 64/8 Aug 2006, rev. SG. 59/20 Jul 2007

Revoked by § 3 of the Transitional and Concluding provisions of the Civil Procedure Code - SG 59 of 20 July 2007, in force from 1 March 2008

Part one.
GENERAL RULES

Chapter one.
GENERAL PROVISIONS

Art. 1. (Amd. - SG No 124 of 1997) This code shall regulate the proceedings of the civil cases before the courts of law.

Art. 2. (1) The courts of law shall be obliged to consider and settle every application lodged with them for protection and assistance of personal and property rights.
(2) (Suppl. - SG No 124 of 1997) The legal proceedings shall start at the request of the interested person or on demand of the prosecutor in the cases provided for by law.

Art. 3. (Amd. - SG No 124 of 1997) The persons participating in the legal proceedings and their representatives, in fear of responsibility for damages, shall be obliged to exercise the procedural rights granted to them in good faith and in accordance with the practice of good relations. They shall be obliged to present to the court only the truth.

Art. 4. (Amd. - SG No 124 of 1997) (1) The court shall be obliged to settle the cases according to the exact sense of the operative laws, and when they are incomplete, unclear or contradictory - according to their common sense. In case of absence of a law, the court shall ground its decisions on the custom and on the basic principles of right and justice.
(2) The court shall provide the parties with equal ability to exercise the rights granted to them. It shall be obliged to implement the law correctly and identically to everyone.

Art. 5. The court language is the Bulgarian language. Where in the case persons who do not know Bulgarian take part, the court shall appoint a translator with whose help those persons shall perform the legal procedural actions and the actions of the court shall be explained to them.

Chapter two.
JURISDICTION

Art. 6. (Amd. - SG No 124 of 1997) (1) Within the jurisdiction of the courts of law shall be all civil cases, except for those which, by virtue of special laws, are submitted for settlement by other bodies.
(2) The court alone shall decide whether the case, initiated before it, is subject to settlement by it or by another institution.
(3) No other institution shall be entitled to accept for hearing a case which is already being heard by the court.

Art. 7. (Revoked SG 42/05)

Art. 8. (Amd. - SG No 124 of 1997) The persons enjoying the right of exterritoriality, as well as the foreign countries, shall submit to the Bulgarian courts of law:
a) when they have initiated the case themselves;
b) under cases referring to their companies in this country and
c) under cases for real rights on real estates which are located in this country.

Art. 9. (1) (Par. 1 amd. - SG No 60 of 1998, No 55 of 1992) The parties to a property dispute may agree that it would be resolved by an arbitration court, unless the dispute has as its subject matter any real rights or possession over a real estate, support money or a right under a labour legal relation.
(2) (New par. 2 - SG No 55 of 1992) The arbitration court may be with its seat abroad if one of the parties is with a place of residence or seat in another country.
(3) (New par. 3 - SG No 55 of 1992, revoked SG 42/05)
(4) (Par. 4, prev. par. 2 - SG No 55 of 1992, revoked SG 42/05)

Art. 10. (Amd. - SG No 124 of 1997) (1) The question whether the initiated case is subject to hearing by the courts of law or by a body outside the legal system may be raised at any stage of the case or ex officio by the court.
(2) The ruling of the court on this matter may be appealed by a private complaint.

Art. 11. (1) (Amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, No 64/1999) The institution which reckons that the case, accepted for trying by the courts of law, is within its own jurisdiction, as

well as the prosecutor, may bring up a dissension on the jurisdiction before the Supreme Cassation Court. Until the settlement of the matter the proceedings before the court shall be stayed. In this case the court may take measures for securing the claim.
(2) (New - Izv. No 90 of 1961; suppl., SG, No 64/1999) The dispute on jurisdiction shall be resolved by the procedure of the preceding paragraph also in the cases where the courts of law and the other institutions have refused to hear the case because it has not been within their jurisdiction. In these cases dispute on institutional subordination can also be brought up by the claimant.

Chapter three.
REMOVAL OF MEMBERS OF THE COURT JURY

Art. 12. (1) (Amend., and suppl., SG No 64/1999) Any judge, who is a party to the case or is a spouse or relative of any of the parties by a direct line of descent without limitation, by lateral branch up to the forth degree or by marriage up to the third degree, In these cases dispute on institutional subordination can also be brought up by the claimant, cannot take part in the case.
(2) (Amd. - SG No 31 of 1990, No 64/1999) He shall be removed also if he has taken part in the settlement of the case or if he has been a witness, an expert or an attorney to the case, as well as if he is interested in the outcome of the case or is in special relations with the party, which raise well-founded doubts in his impartiality.

Art. 13. (1) (Amend., SG No 64/1999) The request for removal of a judge may be made by any of the parties at the first session, after the reason for removal has arisen. The judge shall be obliged to remove himself on his own.
(2) (Suppl., SG, No 64/1999) The secretary of the court may also be removed by the prosecutor for the same reasons.

Art. 14. (1) (Amend., SG, No 64/1999) The court shall settle the matter on the removal with the participation of the said judge.
(2) (Amend., SG, No 64/1999) If, due to removal of judges the hearing of the case in the definite court is impossible the superior court shall decree its sending for hearing to another equal court.

Chapter four.
PARTIES, CAPACITY AND REPRESENTATION

Art. 15. (1) Parties to civil cases shall be the persons, on whose behalf and against which the case is being conducted.
(2) No one may lay a claim someone else's rights before a court on his behalf, except for the cases provided for by the law.
(3) (New - Izv., No 90 of 1961) In the case under which a person has claimed someone else's rights, the person whose right has been claimed, shall be summoned as a party too.

Art. 16. (1) The capable persons may perform personally all legal procedural actions.
(2) The minors and the persons placed under total judicial disability shall be represented by their legal representatives - parents or guardians. The under-age persons and the restrictedly disabled shall perform the legal procedural actions personally, but with the consent of their parents or custodians.
(3) (Amend., SG, No 64/1999) The under-age persons may conduct their cases personally, when it refers to disputes on labour legal relations or to disputes, ensuing from transactions under art. 4, par. 2 PFL.

(4) Those irretraceably missing and those declared absent shall be represented, in the first case - by their representatives, appointed by the court, and in the second case - by the heirs put into possession.
(5) The persons with unknown place of residence shall be represented by persons, specially appointed by the court.
(6) In case of contradiction in the interests between the represented person and the representative, the court shall appoint a special representative.

Art. 17. The representatives under par. 2, 4 and 5 of the preceding article may perform the actions, for which in accordance with art. 22 an explicit power of attorney is required, only with the approval of the court, before which the case is heard.

Art. 18. (1) (Amd. - SG No 124 of 1997) The corporate bodys shall be represented before the courts of law by the persons that represent them by law.
(2) (Amd. - SG No 124 of 1997) The state institutions shall be represented by their managers, determined in accordance with their organisational rules. Where the state institution has no separate account with a bank, the legal procedural actions shall be performed by and against the institution, which has such an account and to which the first one is directly subordinate.
(3) (New - Izv., No 90 of 1961) The state shall be represented by the Minister of Finance.
(4) (New - SG No 55 of 1997; amend. - SG 17/06) Under cases referring to estates - state-owned property, located on the territory of the state, the state shall be represented by the Minister of Regional Development and Public Works.
(5) (new - SG 36/06, in force from 01.07.2006) In cases concerning fulfilment and termination of concession contracts the state shall be represented by a minister determined by the decision of the Council of Ministers referred to in Art. 58, para 2 of the Law for the Concessions.

Art. 19. (Amd. - SG No 124 of 1997) The state institutions shall be obliged to notify the Minister of Finance of the cases, initiated by them or against them, and under cases referring to real estates - state-owned property - the Minister of Regional Development and Public Works. The Ministry of Finance and the Ministry of Regional Development and Public Works may take part in these cases.

Art. 20. (1) The following may be representatives of the parties by proxy:
a) the advocates;
b) the parents, children or the spouse;
c) the legal advisers or other employees with legal education at the institutions, enterprises, co-operations and other public organisations and corporate bodys;
d) (New - SG No 1 of 1963) the lawyers from the social legal offices at the health institutions who represent the mothers and children, needing legal aid;
e) (New - SG No 124 of 1997) the regional governors, authorised by the Minister of Finance or by the Minister of Regional Development and Public Works, in the cases under art. 18, par. 3 and 4.
f) (Prev. subparagraph "d" - SG No 1 of 1963; prev. subparagraph "e" - SG No 124 of 1997) other persons provided for by the laws.
(2) (Amd. - SG No 27 of 1986, amd. - SG No 124 of 1997) The trade-union organisations and their units may be represented by the workers and employees.
(3) (New - Izv., No 90 of 1961) (Revoked, SG, No 64/1999)

Art. 21. (Suppl. - SG No 124 of 1997) The attorneys shall ascertain their identity by a power of attorney, signed by the party or its representative. Obligatorily indicated in the power of attorney shall be the three names, exact address and telephone number of the attorney.

An explicit power of attorney is needed for lodging claims for civil status, including marriage claims.

Art. 22. (1) The general proxy shall entitle to performing all legal procedural actions, including the receipt of deposited expenses and re-authorisation.
(2) An explicit power of attorney shall be needed for the conclusion of an agreement, for reduction, withdrawal or waiver of the claim, for the acknowledgement of the claims of the other party, for receiving money or other valuables, as well as for actions in general, that represent disposal of the subject of the case.
(3) The legal advisors of state institutions and enterprises may not conclude an agreement.
(4) The power of attorney shall be valid until the end of the case at all instances, unless agreed otherwise.

Art. 23. The client shall be entitled to withdraw at any time its proxy by notifying the court, but that shall not stop the hearing of the case. All actions, performed legally by the attorney until the withdrawal of the power of attorney, shall remain valid.

Art. 24. (Suppl., SG, No 64/1999) In the case of death, mental derangement or deprivation of rights of the attorney, as well as a refusal from his power of attorney about which he has informed the court the proceedings under the case shall not be stayed, but its hearing may be adjourned for another session, if the court finds that these circumstances could not have become known to the party or that it has learned about them so late that it could not substitute in due time its attorney for another one.

Art. 25. (1) At any stage of the case the court shall take into account, ex officio, the absence of procedural capacity, of legal representative power, of consent of the parent or custodian for lodging the claim, as well as the lack of a power of attorney for the same.
(2) The court shall determine a relevant term for removing these shortcomings, and after its expiry, if they fail to be removed, the proceedings shall be terminated.
(3) When these shortcomings affect the performing of some procedural action during the course of the proceedings, if they are not removed within the term specified by the law, it shall be considered that the action was not performed.

Art. 26. (1) The party that wishes to perform a procedural action which allows no delay against a person that is procedurally incapable and that has no legal representative or custodian, may request from the court, before which the case is pending, to appoint a custodian of that person.
(2) The expenses for appointing the custodian shall be borne initially by the party, at whose request the custodian was appointed.

Chapter five.
PARTICIPATION OF THE PROSECUTOR

Art. 27. (1) (Amd. - SG No 124 of 1997) The prosecutor may initiate the proceedings provided for in this code in the interest of another person or enter as a party in proceedings already initiated in the cases provided for by law.
(2) (Amd. - SG No 124 of 1997) Besides the prosecutor shall produce a conclusion on the civil cases in the cases, provided for by law.

Art. 28. (Rep. - SG No 124 of 1997)

Art. 29. (1) The prosecutor shall exercise the rights granted to him by law in accordance with the rules, established for the parties to the case.
(2) The prosecutor cannot perform actions that constitute disposal of the subject of the case.

Art. 30. (Rep. - SG No 124 of 1997)

Art. 31. (Suppl. - Izv. No 90 of 1961, amd. - SG No 124 of 1997) In the cases under art. 27 the court shall, ex officio, constitute as a party the person, in defence of whose rights and interests the prosecutor has initiated the case.

Chapter six.
TERMS

Art. 32. (1) The term of the proceedings, where it is not established by law, shall be determined by the court.
(2) The term shall be counted by months, weeks and days.

Art. 33. (1) The term that is counted by months shall expire on the respective day of the last month, and if the last month has no respective date, the term shall expire on its last day.
(2) The term that is counted by weeks shall expire on the respective day of the last week.
(3) The term that is counted by days shall be counted from the day, following the one, from which the term starts, and shall expire in the end of its last day.
(4) Where the term expires on a non-working day, that day shall not be counted and the term shall expire at the working day, following it.

Art. 34. (1) The last day of the term shall continue until the end of the twenty-fourth hour, but if something has to be done or presented at the court, the term shall expire at the moment of closing the working time.
(2) (Amd. - Izv., No 90 of 1961) The term shall not be considered exceeded when the forwarding of the application was made by mail or when it was lodged at another court, at the prosecutor's office or at another jurisdiction within the term.

Art. 35. Upon stopping of the proceedings all terms that have started, but have not yet expired, shall stop as well. In this case the stopping of the term shall start from that event, by reason of which the proceedings have been stayed.

Art. 36. (1) The legal terms and those determined by the court may be extended on application of the interested party, filed before the expiry of the term, if the court finds the application well-grounded.
(2) This provision shall not refer to the terms for lodging complaints.

Art. 37. (1) The party that has exceeded the term established by law or determined by the court, may request its restoration, if it proves that the exceeding was due to peculiar unforeseen circumstances.
(2) The application for restoring the term shall be filed within seven days from the communication of its exceeding.

Art. 38. When the court by mistake determines a longer term than that, established by law, the action performed after the legal term, but before the expiry of the term established by the court, shall not be considered delayed.

Art. 39. (1) The application for restoration of the exceeded term shall be settled by the court, before which the delayed action had to be performed, by summoning the parties as well.
(2) Simultaneously with the application for restoration of the term presented should be also those papers, for the presentation of which the restoration of the term is requested, and if it refers to depositing money for expenses, the court shall establish a new term for its depositing.
(3) A private complaint can be lodged against the ruling of the court, which allows or rejects the restoration of the term.

Art. 40. The procedural actions performed after the expiry of the established terms, shall not be taken into consideration by the court, unless ruled otherwise.

Chapter seven.
SUMMONING AND COMMUNICATIONS

Art. 41. (1) The serving of subpoenas shall be carried out by the proper court official who shall certify with his signature the date and manner of serving.
(2) (Par. 2, amd. - SG No 36 of 1979, amd. - SG No 124 of 1997) If in the place, where the serving has to be done, there is no legal institution, the serving shall be carried out through the municipality or the city-council.
(3) (Par. 3, new - SG No 89 of 1976) The summoning may be also done by post by a registered letter with advice of delivery.
(4) (Par. 4, prev. par. 3 - SG No 89 of 1976, amd. - SG No 28 of 1983, amd. - SG No 124 of 1997) In urgent cases the summoning may be done by telephone, telex, facsimile or by telegram. The summoning by telephone and by facsimile shall be verified in writing by the official that did it, the summoning by telegram - by an advice of its delivery and by telex - by the written confirmation of a sent message.
(5) (Par. 5, new - SG No 28 of 1983; Suppl., SG 105/02) The party should be summoned not later than seven days prior to the session. This rule shall not apply in the executive process.
(6) (Par 6 - New, SG, No 64/1999; Amend., SG 105/02) The first-instance and appellate court shall subpoena the parties only for the first session on the case as well as for every following session when some of the parties has not been regularly subpoenaed or the hearing of the case is postponed in a closed session. For the remaining court sessions the parties shall be obliged the follows themselves the development of the proceedings. In case of obstruction of the further progress of the case the court shall be obliged to subpoena the parties again in compliance with the first sentence upon removal of the obstruction for its progress.
(7) (Par 7 - New, SG, No 64/1999; Revoked, SG 105/02)

Art. 42. (1) The party may name a person at the seat of the court (a court address) to whom the subpoenas and communications shall be served.
(2) If several claimants or defendants have indicated a common court address or have a common attorney, one subpoena shall be issued for all persons, and their names shall be written in it.

Art. 43. (Amd. and suppl. - SG No 124 of 1997) All communications of the court with persons and institutions that are located outside the boundaries of the Republic of Bulgaria, shall be performed through the Ministry of External Affairs, unless otherwise provided for by an agreement for legal aid.

Art. 44. (Amd. - SG No 89 of 1976, amd. - SG No 124 of 1997) (1) The party that lives or departs for more than thirty days abroad, shall be obliged to specify a court address, if it has no attorney for the case in the Republic of Bulgaria. The legal representative, the custodian and the attorney of the party shall have the same obligation, if they depart abroad.
(2) If the persons under the preceding paragraph do not specify a court address, all papers shall be enclosed to the file and shall be considered delivered. They should be warned by the court about these consequences upon serving the first subpoena, communication or other papers.

Art. 45. (Previous text of art. 45 - SG No 124 of 1997; amend., and suppl., SG, No 64/1999) (1) The subpoena should contain: the court issuing it, the name and address of the summoned person, under which case and in what capacity it is summoned, the place and time of the session and indication of the legal consequences from the non-appearance. The subpoena shall indicate the obligation under Art. 41, para 6.
(2) (New - SG No 124 of 1997) (Revoked, SG, No 64/1999)

Art. 46. (1) (Amd. - SG No 89 of 1976) The subpoena shall be served against the personal signature of the summoned person or its attorney in the case. When the person is incapable, the subpoena shall be served on its legal representative or custodian or on its attorney in the case.
(2) (Amend., and suppl., SG, No 64/1999) In case the deliverer fails to find the summoned person, he shall serve the subpoena on a major person from his family. The person, through which the serving is carried out, shall sign on the receipt with the obligation to hand in the subpoena to the one to whom it refers. On cases for matrimonial claims the subpoena cannot be presented to the neighbours or to the other spouse. The deliverer shall verify with his signature the date and manner of serving, by noting also the capacity of the person, on whom the subpoena was served.
(3) (Par. 3 rep. - SG No 124 of 1997)

Art. 47. (1) (Previous text of art. 47 - SG No 124 of 1997, amd. SG No 124 of 1997) When the summoned person or its attorney in the case, as well as the persons, pointed in par. 2 of the preceding article, cannot sign because of illiteracy or for some other reason, or if the summoned person or his family refuse to accept the subpoena, the deliverer shall make a note to that effect on the receipt. The refusal to accept the subpoena shall be verified by the signature of at least one witness and the deliverer shall note their three names and addresses. In this case the person shall be considered as summoned.
(2) (New - SG No 124 of 1997; amend. and suppl., SG, No 64/1999) When an advocate is an attorney in the case, he cannot refuse the receiving of the subpoenas of his client, except after the withdrawal of the power of attorney by the procedure of art. 23, refusal of power of attorney according to Art. 24, as well as when it is unambiguously clear from the letter of attorney that it does not regard the instance for which the subpoena is issued.

Art. 48. (Amd. - SG No 124 of 1997) The serving of subpoenas to the corporate bodys shall be carried out in their offices, by indicating the name and position of the addressee. The refusal of the summoning shall be verified under the preceding article.

Art. 49. (Amd. - SG No 28 of 1983, amd. - SG No 124 of 1997) The summoning may be done at the place of work of the person through and official from the administration. The summoning shall be proper, if the three names and the position of the addressee are pointed out.

Art. 50. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02) If, on initiating the case, the permanent address of the defendant is unknown or if, during a period of one month, the defendant cannot be subpoenaed at his permanent address and his absence is certified by a signature on the subpoena by at least one witness, as the serving person shall indicate his full name and address, he shall be summoned through a publication in the unofficial section of the "State Gazette", made at least one month prior to the session. The court shall permit the summoning to be done by this procedure, after it has ascertained, by an inquiry at the respective address office or otherwise, that the permanent address of the defendant is actually unknown.
(2) If, despite the publication the defendant fails to appear before the court during the hearing of the case, the court shall appoint a representative for him.

Art. 51. (1) (Par. 1 - amd. - SG No 89 of 1976 and No 28 of 1983) The party that has changed permanently or temporarily the address, which it has communicated for the case or at which it has been summoned once, shall be obliged to notify the court of its new address. The person, indicated for court address, the legal representative and the custodian shall have the same obligation as well. The obligation shall be written in the subpoena.
(2) (Amd. - SG No 124 of 1997) Upon failure to fulfil this obligation, the subpoena shall be enclosed to the file and shall be considered as served.
(3) (New, SG 105/02) Foreigners staying in the country shall be subpoenaed at the address announced at the services for administrative control of the foreigners. If the person has changed the announced address without fulfilling his obligation under art. 28, para 2 of the Law of the foreigners in the Republic of Bulgaria for announcing the change, all subpoenas and papers shall be enclosed to the file and shall be considered served.
(4) (New - SG No 124 of 1997; prev. para 3 - SG 105/02) A trader or a corporate body that are entered on the respective register, shall be summoned at the last address indicated on the register. If the person has changed its address without having fulfilled its obligation for entry of this circumstance, all subpoenas and papers shall be enclosed to the file and shall be considered as properly served.

Art. 52. The communications and the other papers, relevant to the case, shall be delivered by the procedure, specified in the preceding articles.

Chapter eight.
EXPENSES

Art. 53. A state charge and expenses for the proceedings shall be collected for conducting the case.

Art. 54. The state charge shall be collected in the cases and at amounts, specified by the State Charges and Tariffs Thereto Law.

Art. 55. (1) The state charge shall be collected on the price of the claim, which shall be determined as follows:
a) on claims for money receivables - of the claimed amount;
b) (Amd. - Izv. No 90 of 1961, suppl. No 37 of 1996) on claims for ownership and for the conclusion of a final contract - 1/4 of the tax valuation for taxation of the inheritance, and if there is not any - 1/4 of the market value of the estate;
c) on claims for impaired ownership - from 1/2 of the amount under the preceding subparagraph;
d) (amd. - Izv., No 90 of 1961) on claims for existence, invalidation or breaking of a contract - of the value of the contract, and where it refers to contracts for purchase of an estate - at the amounts of subparagraph "b";
e) on claims for the existence or termination of a contract for rent - of the rent for one year;
f) on claims for periodical payments for a certain period - of the total sum of all payments;
g) on claims for periodical payments for an unlimited period or for life payments - of the total sum of the payments for three years.
(2) On claims that are not mentioned above, as well as on inestimable claims, the charge shall be determined by the regional judge or the chairman of the court.
(3) (Prev. par. 4 - SG No 55 of 1987) Where several claims have been lodged by one application, the price of the claim shall be equal to the total amount of the separate claims.

Art. 56. (1) The price of the claim shall be specified by the claimant. The issue of the price of the claim can be raised by the defendant or by the court ex officio, at the first session at the latest. In case of discrepancy of the indicated price with the real one, the court shall determine the price of the claim.
(2) The ruling of the court, by which the price of the claim is increased, shall be subject to appeal by a private complaint.

Art. 57. On claims, under which the valuation represents a difficulty at the moment of lodging the claim, the price of the claim shall be determined approximately by the court, and subsequently an additional charge shall be required or the charge taken in excess shall be refunded in accordance with the price that the court shall determine upon settlement of the case.

Art. 58. In case of reduction of the claim the deposited charge shall not be refunded. In case of increase of the claim the charge on the difference shall be deposited in addition.

Art. 59. The sums for expenses for the summoning of witnesses, experts and for making inspections shall be deposited with the court in advance by the party that requested them, at an amount, determined by the court. If the summoning or the inspection are carried out on the initiative of the court, the sums may be claimed from the one of the parties or from them both, according to the circumstances.

Art. 60. If the party remains liable for any expenses, the court shall issue a ruling on their collection by force.

Art. 61. (Amd. - SG No 124 of 1997) The remuneration of the witnesses shall be determined by the court.

Art. 62. The remuneration of the experts shall be determined by the court in view of the work done and the expenses incurred.

Art. 63. (1) No charges and expenses for the proceedings shall be deposited by:
a) the claimants specified in art. 5, subparagraphs "c - g" of the State Charges Law;
b) (amd. - SG No 36 of 1979, amd. - SG No 124 of 1997, amend., SG 86/05, in force from 29.04.06) the persons that, by acknowledgement of the chairman of the district court or of the regional judge, on the grounds of a declaration on their financial status, have not sufficient funds to pay the charges and expenses;
c) on claims, initiated by the prosecutor.
d) (new, SG 84/03) the Ministry of Justice when it acts in its quality of a central body in the meaning of the European Convention for recognition and fulfillment of decisions fro exercising parental rights and restoration of the exercising of parental rights of 1980.
e) (new – SG 86/05, in force from 29.04.06) from the claimant on claims for damages from tort arising from offence for which an entered in force sentence exists.
(2) In the above mentioned cases the expenses for the proceedings shall be paid from the sums, allocated for that purpose in the state budget.
(3) In case the claim is granted the charges due and the expenses paid shall be assigned to the convicted party.
(4) (Suppl. - SG No 87 of 1995; Suppl., SG 105/02) The state institutions, the municipalities and the Bulgarian Red Cross shall be exempt from payment of charges, but not from legal expenses.

Art. 64. (1) The charges, the expenses for the proceedings and the remuneration for one attorney, if the claimant had any, paid by the claimant, shall be paid by the defendant commensurate to the granted part of the claim.
(2) The defendant shall also be entitled to request the payment of the expenses incurred by him, commensurate to the rejected part of the claim.
(3) The defendant shall be entitled to expenses also upon termination of the case.
(4) (Suppl., SG, No 64/1999) For excessive payment of remuneration to a lawyer by the party compared with the actual legal and factual complexity of the case the court can adjudge a lower amount of the expenses in this part but no less than the minimal determined amount according to Art. 36 of the Attorney Law.

(5) (Prev., para 4; amend., SG, No 64/1999; amend., SG 105/02) Where the case has been settled to the benefit of a state institution or municipality, the convicted person shall be obliged to pay to it all charges and expenses, obligatory for the individual citizens. Attorney remuneration as well shall be awarded to the benefit of the state institutions, municipalities and other corporate bodies, if they have been defended by a legal adviser.
(6) (New – SG 79/05) If the claim of the person who had obtained legal support is recognised, the due fees and paid expenses shall be awarded to the benefit of the National Bureau of Legal Support commensurate to the recognised part of the claim. In case of enforcement decision, the person who had obtained legal support shall owe expenses commensurate to the dismissed part of the claim.

Art. 65. (1) (Par. 1 amd. - Izv. No 90 of 1961 and SG No 28 of 1983, amd. - SG No 124 of 1997, suppl., SG, No 64/1999; Amend., SG 105/02) The party that causes adjournment of the case or revocation of the decision through putting forward of demands, stating of facts or evidence, which it could state or set forth in due time, shall bear, irrespective of the outcome of the case, the expenses for the new session, respectively for the appeal of the decision and for the collection of the new evidence or the repeated collection of the already collected evidence, the expenses of the other party and its representative for appearing during the case, and also shall pay an additional state charge at the amount of 1/3 of that paid initially, but not less than 100 levs.
(2)(amend., SG 86/05, in force from 29.04.06) If the defendant, by his behaviour, has not given a cause for initiating the case and if he acknowledges the claim, the expenses shall be assigned to the claimant, except the cases of Art. 63, Para 1, letter "e".

Art. 66. In case of agreement the expenses shall be borne by the parties, as they have incurred them, unless otherwise agreed.

Art. 67. The third person - accessory shall neither owe, nor be assigned any expenses.

Art. 68. Where a prosecutor participates as a party to the case, the expenses due shall be assigned to the state or shall be paid by it.

Art. 69. The expenses for the execution shall be for the account of the debtor, except in the cases:
a) where the case is terminated in accordance with art. 330 and
b) where the execution actions are abandoned by the appellant or revoked by the court.

Art. 70. (Amd. - SG No 55 of 1987) The court decision regarding the expenses, as well as the ruling on the additional state charge under art. 65, par. 1, may be appealed by a private complaint, if the decision itself is not appealed.

Art. 70a. (New - SG No 1 of 1963, amd. - SG No 124 of 1997) The sums deposited for expenses for witnesses, experts and business trips and the guarantees in money and valuables shall be deposited to the revenue of the state budget, unless they are demanded within a term of one year from the date when they have become executable.

Chapter nine.
FINES

Art. 71. (Amd. - SG No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997; Amend., SG 105/02) If the witness or the expert summoned in court do not appear without any valid reasons, the court shall levy on them a fine at the amount of up to 100 leva and shall rule on their compulsory bringing at the following session.

Art. 72. (Amd. - SG No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997; Amend., SG 105/02) If the witness or the expert refuse to give testimony or conclusion without any valid reasons, the court shall levy on them a fine at the amount of up to 100 leva.

Art. 73. (Amd. - SG No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997) If any third person that is not participating in the case, refuses to present a document or object for investigation demanded by the court, for which it has been ascertained that the person holds, the court shall levy on it a fine from 20 to 50 leva, depending on the circumstances and shall urge it again to present it.

Art. 74. (Amd. - SG No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997) Any official, who has served the subpoena improperly or has not brought to the court in due time the receipt for its serving, or has failed to fulfil any other order of the court, as well as any private person that fails to fulfil its obligations under art. 46, par. 2, shall be levied by the court with a fine of up to 50 leva.

Art. 75. (Amd. SG - No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997) For disturbing the order at a court session and for non-fulfilment of the orders of the chairman of the jury, the court shall levy on the guilty person a fine of up to 50 leva.

Art. 76. (Amd. - SG No 28 of 1983, amd. - SG No 124 of 1997) Within a term of seven days an application for the revocation of the levied fine may be filed at the court that levied it. The term shall start from the day of the court session and in the cases of art. 73 and 74 - from the day of the communication. The court shall consider the application at a closed session and, if it acknowledges the stated reasons as valid, it shall reduce or revoke the fine, as well as the compulsory bringing. The ruling shall be subject to appeal by a private complaint.

Art. 77. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The fines under art. 71-75 shall be levied also by the state or private bailiff in the cases of untimely or improper serving of the subpoenas and communications, as well as for failure to fulfil any other of his orders.
(2) (Par. 2, amd. - SG No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997) The latter shall levy a fine at the amount of 30 leva on the persons that impede the examination of the object, put up for sale.

Art. 78. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The pronouncement by which the state or private bailiff levies the fine, may be appealed within a term of one week from the communication before the regional judge who passes judgement at a closed session with a ruling that is not subject to appeal.

Part two.
PROCEDURE OF CLAIMS

Dial one.
PROCEDURE BEFORE THE FIRST INSTANCE

Chapter ten.
JURISDICTION

Art. 79. (1) All civil cases, except for those within the jurisdiction of the district court as a first instance, shall be within the jurisdiction of the regional court.
(2) (Par. 2 - new - Izv. No 90 of 1956, rep. SG No 55 of 1992)

Art. 80. (Amd. - Izv. No 90 of 1961) (1) (par. 1, amd. - SG No 28 of 1983) Within the jurisdiction of the district court as a first instance shall be:
a) the claims for ascertaining or contesting origin, for termination of an adoption, for placing under judicial disability or for its revocation;
b) (amd. - SG No 55 of 1992, No 43 of 1997, amd. and suppl. - SG No 124 of 1997, SG, No 64/1999;
(2) (Suppl. SG 105/02) the claims under civil or commercial cases with a price of the claim over 10 000 leva, except for the claims for support money, for protection of real rights on real estates and chattel and for labour disputes under the Labour Code;
c) the claims which, pursuant to other laws, are subject to hearing by the regional court;
d) (New - SG No 124 of 1997) claims for ascertaining inadmissibility or invalidity of the circumstances entered on the register of the district court, as well as for non-existence of an already entered circumstance.
(2) (Amend., SG, No 64/1999) The district court can take over and solve a case which is under the jurisdiction of a regional court of his judiciary region.

Art. 81. (1) The claim shall be lodged before the court in whose region is the place of residence of the defendant.
(2) (Suppl., SG, No 64/1999) The claim for support money may be lodged also at the place of residence or headquarters of the claimant.

Art. 82. The claims against minors or those placed under judicial disability shall be lodged at the place of residence of their legal representative.

Art. 83. (Amd. - SG No 124 of 1997) The claims for real rights over a real estate, for partition of a co-owned real estate, for borders and for protection of impaired ownership over a real estate, shall be

lodged in the place where the estate is situated. Lodged at the location of the estate shall also be the claims for conclusion of a final contract for the ascertainment or transfer of real rights over a real estate, as well as for breaking, vitiating and invalidating contracts for real rights over a real estate.

Art. 84. (1) The claims for inheritance, for invalidating or reducing of wills, for partition of inheritance and for invalidating voluntary partition, shall be lodged in the place, where the inheritance was opened.
(2) (Amd. SG - No 124 of 1997) If the legator is a Bulgarian citizen and at the time of his death he was not a resident of the Republic of Bulgaria, the above mentioned claims may be lodged at his latest place of residence or before the court, within whose region his estates are situated.

Art. 85. The claims for damages from unallowed injury shall be lodged in the place of commitment of the act or at the place of residence of the defendant.

Art. 86. Any claims against persons that live in one place under conditions which, by their nature, show that those persons are in that place for a longer sojourn, such as: students, schoolboys and schoolgirls etc., shall be within the jurisdiction of the court in the place where they sojourn, where the claims refer to money receivables. The same shall refer to those military persons or labour service men who serve their time as soldiers. The claims against them are within the jurisdiction of the court where the headquarters of their unit are.

Art. 87. Any claim against defendants from different court regions or for an estate that is situated in different court regions, shall be lodged at the claimant's choice at the court of one of those regions.

Art. 88. (1) Any claim against a person with unknown place of residence shall be lodged at the court of residence of his attorney or representative, and if there is no such attorney or representative - at the place of residence of the claimant.
(2) (Amd. - SG No 124 of 1997) The same rules shall apply also to any defendant who does not live within the boundaries of the Republic of Bulgaria.
(3) Where the claimant as well does not reside in the Republic, the claim shall be lodged before the due court in Sofia.

Art. 89. (1) (Amend., SG, No 64/1999) The claims against state institutions, corporate bodys shall be lodged at the court, in whose region is their administration. On disputes that have arisen from direct relations with their units or branches, the claims may be lodged also at the location of the latter.
(2) (Par. 2, new - Izv. No 90 of 1961) The claims against the state, except for the cases under art. 83 and 84 shall be lodged before the court in whose region the disputable legal relation has arisen; when it has arisen abroad, the claim shall be lodged before the Sofia courts of law.

Art. 90. The jurisdiction determined by law cannot be changed by consent of the persons, participating in the case.

Art. 91. By a contract concluded in writing, the parties may determine for settlement of a certain property dispute another court as well, different from the one within whose jurisdiction the case is in accordance with the rules for local jurisdiction. This provision shall not apply to the jurisdiction under art. 83.

Art. 92. (1) Each court shall decide alone whether the case initiated before it is within its jurisdiction.
(2) A protest for non-jurisdiction of the case by its nature may be entered until the closing of the proceedings at the second instance and may be raised ex officio by the court as well.
(3) The protest for non-jurisdiction of the case at the location of the real estate may be entered by the party and be raised ex officio by the court until the closing the oral controversy at the first instance.
(4) In all other cases a protest for non-jurisdiction of the case may be entered only by the defendant and at the first session at the latest.
(5) Simultaneously with the entry of the protest the party shall be obliged to present its evidence as well.

Art. 93. (1) If the court determines that the case is not within its jurisdiction, it shall forward it to the due court. In this case the case shall be considered as pending before that court from the day of filing the application before the undue court, while the actions performed by the latter shall remain in force.
(2) (Par. 2, amd. - Izv., No 90 of 1961, amd. - SG No 124 of 1997) Any dissension on jurisdiction between the courts of law shall be settled by their common superior court. If they belong to the regions of different superior courts of law, the dissension shall be settled by that superior court, in whose region is located the court that has last accepted or refused to try the case. Any dissension on jurisdiction in which a court of appeal takes part, shall be settled by the Supreme Cassation Court. The court shall rule on the dissension on jurisdiction at a closed session. The interested party may appeal the ruling in relation with the jurisdiction.
(3) The change in the factual circumstances, determining the jurisdiction, that has occurred after the filing of the application, shall not be a ground for forwarding the case.

Art. 94. The decision of the district court cannot be revoked only for the reason that the claim was within the jurisdiction of the regional court.

Art. 95. (1) Where in one and the same court or in different courts of law there are two pending cases between the same parties, on the same ground and for the same demand, the case initiated later shall be terminated ex officio by the court.
(2) Where the termination is ruled by the appellate court, it shall invalidate the decision of the first instance.

Art. 96. (Amd. - SG No 124 of 1997) Where by the rules of this chapter the competent court cannot be determined, at the request of the party the Supreme Cassation Court shall, at a closed session, determine the court, before which the claim should be lodged.

Chapter eleven.
LODGING OF CLAIMS

Art. 97. (1) Anyone may lodge a claim in order to restore his right, when it has been injured, or in order to ascertain the existence or non-existence of a legal relation or of a right, where he has interest in that.
(2) A claim may be lodged also for sentencing the defendant to fulfil recurring obligations, even though their executability shall occur after the ruling of the decision.
(3) A claim may be lodged also for ascertaining the veracity or non-veracity of a document. A claim for the ascertainment of the existence or non-existence of other facts of legal importance shall be allowed only in the cases, explicitly provided for by the law.
(4) (Par. 4, amend. - SG No 28 of 1983, No 55 of 1987, amend., SG /86/05, in force from 29.04.06) A claim for ascertaining a criminal circumstance which is of importance for a civil legal relation or for the revocation of an enforced decision, shall be allowed in the cases where the penal prosecution cannot be instigated or has been terminated for any of the reasons, pointed out in art. 24, par. 1, subparagraphs. 2 - 5 or where it has been stayed for any of the reasons, pointed out in art. 25, subparagraph 2 and 26 of the Criminal Procedure Code, as well as where the perpetrator of the act has not been found.

Art. 98. (1) The statement of claim should be written in Bulgarian and should contain the following:
a) indication of the court;
b) (amd. - SG No 28 of 1983, suppl. - SG No 124 of 1997) the name and address of the claimant and defendant, their legal representatives or attorneys, is any, as well as the unified civil number of the claimant and the facsimile and telex number, if any;
c) the price of the claim, when it is assessable;
d) (amd. - SG No 28 of 1983) setting forth the circumstances on which the claim is grounded.;
e) what the demand is and
f) signature of the person, filing the application.
(2) (New - SG No 28 of 1983) The claimant should specify in the statement of claim all evidence and present the written evidence for the circumstances, on which the claim is grounded.
(3) (Prev. par. 2 - SG No 28 of 1983) If the person filing the application does not know or cannot sign it, it shall be signed by the person, to whom he has assigned this, by stating the reason, for which he has not signed it himself.

Art. 99. Presented along with the statement of claim shall be the following:
a) the power of attorney, when the application is filed by an attorney;
b) the state charges and expenses, when such are due, and
c) transcripts of the statement of claim and the supplements thereto, according to the number of defendants.

Art. 100. (1) If the statement of claim does not satisfy the requirements under the preceding two articles, the claimant shall be sent a notice to remove the irregularities within a term of seven days. When the address of the claimant is not pointed out or is unknown to the court, the notice shall be made through putting an announcement in the place, determined for that purpose in the court, for a period of one week.
(2) If the claimant fails to remove the irregularities within the specified term, the statement of claim, together with the supplements thereto, shall be returned and if the address is unknown, it shall be left with the court office at the disposal of the claimant. A private complaint may be lodged against the return of the statement of claim, of which a transcript for serving shall not be presented.

(3) In shall be proceeded in the same way also where the irregularities in the statement of claim are noticed during the course of the proceedings.
(4) The remedied statement of claim shall be considered regular from the day of its lodging.
(5) Any official that forwards the application, without the state charge being fully deposited, shall bear responsibility under art. 6 of the State Charges Law.

Art. 101. Where documents are being enclosed to the file, they may be submitted also in a transcript, certified by the party, but in this case, on demand, it shall be obliged to submit the original of the document or an officially certified transcript thereof. If it fails to do so, the submitted transcript shall be excluded from the evidence of the case.

Art. 102. The transcripts of the statement of claim and the supplements thereto shall be handed over to the defendant together with the subpoena for the first session.

Art. 103. (1) The claimant may lodge, by one statement of claim against the same defendant, several claims, if they are within the jurisdiction of the same court and if they are subject to hearing by the procedure of the same proceedings.
(2) Where the lodged claims are not subject to hearing by the procedure of the same proceedings or where the court finds that their joint hearing will be considerably impeded, it shall rule on dividing of the claims.

Art. 104. (1) At the first session of the case at the latest, the defendant may lodge a counterclaim if, by its nature it is within the jurisdiction of the same court and if it is connected with the initial claim and if a set off can be done with it.
(2) The lodging of the counter-claim shall be made by the rules for lodging a claim. All defects of the counter-claim should be removed at the same session at the latest. Otherwise the counter-claim shall be considered separately.

Chapter twelve.
HEARING OF THE CASES

Art. 105. (1) The hearing of the cases shall be conducted orally at an open session, unless the law provides for a closed session.
(2) (New - SG No 124 of 1997) The cases of first instance of the regional and district courts of law shall be heard by a jury of one judge.
(3) (Prev. par. 2 - SG No 124 of 1997) If, due to the circumstances of the case, its public hearing may prove to be harmful to the public interest or if these circumstances refer to the intimate life of the parties, the court shall, ex officio or at the request of any of the parties, rule that the hearing of the case or the performance of only some of the actions under it shall be done behind closed doors. In such case admitted in the court room shall be the parties, their attorneys, the experts and witnesses, as well as the persons for whom the chairman allows that.

Art. 106. The session shall be headed by the chairman. He shall see to the order in the court room and may remove anyone who does not observe that order.

Art. 107. (1) The non-appearance of any of the parties, which has been properly summoned, shall not be an obstacle for the hearing of the case. But the court shall start its hearing after it has heard the cases, under which the parties have appeared.
(2) (Amend., SG 105/02) The court shall adjourn the case, if the party and its attorney do not appear due to an obstacle which the party cannot remove.

Art. 108. (1) (Suppl., SG, No 64/1999) At the first session of the case, after the resolving of the preliminary issues and those concerning the regularity of the statement of claim, the chairman or one of the members shall obligatory make a verbal report, and further on the court shall proceed to the clarification of the factual side of the dispute.
(2) (Par. 2, new - Izv. No 90 of 1961, rep. - SG No 124 of 1997)

Art. 109. (1) At this session each party shall be obliged to make and ground all of its demands and objections and give a statement on the circumstances adduced by the other party. Further on the court shall invite the parties to come to an agreement. If they fail to reach an agreement, at the invitation of the court the defendant shall produce his evidence and the claimant - his additional evidence, if any.
(2) The court shall put questions to each of the parties concerning the factual contentions of the opposite party. The answers to these questions shall be dictated in short by the chairman, in order to be entered on the protocol.
(3) (Par. 3 rep. - SG No 124 of 1997)
(4) (Amend., SG, No 64/1999) In view of the explanations of the parties the court can decree by a definition for separation of the disputable from the indisputable that certain circumstances need no evidence.

Art. 110. (1) (New - Izv. No 90 of 1961, amd. No 99 of 1961, amd. - SG No 124 of 1997) At its first session the defendant shall be obliged to produce all of his written evidence on the disputable factual circumstances and to point out the other evidence and the circumstances, which he will ascertain with them.
(2) (New - SG No 124 of 1997) In connection with the objections of the defendant, the claimant may, within a term established by the court, produce and point out new evidence.
(3) (New, SG 105/02) As an exception, at the next session, the parties can suggest new circumstances and point out and indicate new evidence only if for lack of them a correct ruling cannot be provided and if the additional stamp duty has been paid according to art. 65, para 1. In this case para 4 of art. 63 shall not apply.

Art. 111. (1) (Par. 1, previous text of art. 110 - Izv. No 90 of 1961) The court shall issue a ruling on the admittance of the evidence and the method of their collection.
(2) (Par. 2, prev. par. 1 - Izv. No 90 of 1961; suppl. SG, N 64/1999) The term established by the court for producing the evidence and depositing expenses for its collection, shall start from the day of the session also for the party, that has not appeared.
(3) (Prev. para 2 - Amend., Izv. No 90 1961; Suppl. SG 64/1999) The witnesses and the experts for whose remuneration expenses have not been paid within the set period shall not be subpoenaed, but the party can bring them to the court session. The payment of the expenses after the deadline shall not be considered grounds for postponement of the case.

Art. 112. (1) When any of the circumstances are out of the region of the court and it is not necessary for them to be collected immediately by the court, it shall assign their collection the local regional judge.
(2) The court shall communicate to the assigned judge the term, until which the evidence should be collected and, if possible, the day of the following session of the case.

(3) The assigned judge shall issue a ruling on all matters in connection with the fulfilment of the assignment.

Art. 113. (Rep. - Izv. No 90 of 1961)

Art. 114. (Amd. - SG No 124 of 1997) (1) At any stage of the case the court may, at the request of any of the parties, oblige the other party to appear in person, in order to answer concretely asked questions of substantial importance to the settlement of the case.
(2) The court shall communicate the questions to the party, obliged to appear in person, which it should answer, and shall warn it of the consequences from the non-fulfilment of this obligation.
(3) The court may accept as proven the circumstances, for the clarification of which the party has not appeared or has refused to answer.

Art. 115. (Par. 1, amd. - SG No 28 of 1983, SG, No 64/1999) (1) Outside the cases under Art. 41, para 6 when the case is postponed the court shall determine the date of the next session and the parties to the case, witnesses and assessors who are present, shall be considered subpoenaed.
(2) The witnesses that have appeared shall be interrogated at the same session, unless the court finds it necessary that all witnesses should be interrogated together. The second summoning of the interrogated witnesses shall be allowed only in exceptional cases.

Art. 116. (1) The claimant may, at any stage of the case at the first instance, change the grounds of his claim if, in view of the defence of the defendant, the court finds it relevant. The claimant may also, without changing the grounds, increase, decrease or change his demand. He may, until the closing of the oral controversy, change the claim from a determinative one to an indictment one and vice versa.
(2) Where in the absence of the defendant the claimant changes his claim, he should do that by a written application, a transcript of which shall be served to the defendant.
(3) (Par. 3, amd. - SG No 28 of 1983) The addition of overdue interest or of collected yields from the object shall not be considered as an increase of the claim, after it has been lodged.

Art. 117. (1) The change of the claim through the substitution of any of the parties by another person shall be admissible at any stage of the case at the first instance with the consent of both parties and of the person, that joins as a party to the case.
(2) The consent of the defendant shall not be necessary when the claimant waives the claim against him.
(3) (Amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997) Under the provision of the preceding paragraph the claimant may direct his claim also against a defendant, who does not agree to enter in the case.
(4) (New - SG No 124 of 1997) At any stage of the case at the first instance the claimant may involve another defendant too, along with the initial one, without their consent as well.
(5) (New - SG No 124 of 1997) In the cases under par. 3 and 4 the claim against the new defendant shall be considered lodged from the day, on which the statement of claim against him has been filed with the court.

Art. 118. Until the closing of the oral controversy at the first instance both the claimant and the defendant may request that the court shall rule with the same decision also with regard to the existence or non-existence of a contested legal relation, on which the outcome of the case depends in whole or in part.

Art. 119. (1) The claimant may withdraw his statement of claim without the consent of the defendant until the closing of the first session of the case. If the claimant lodges the same claim again, he may use the collected evidence in the new case only if there is an obstacle, difficult to surmount, for its second collection.
(2) (Amd. - SG No 124 of 1997) The claimant may waive entirely or partially the disputable right at any stage of the case. In this case he may not lodge the same claim again. Where the waiver was made before the appellate or cassation instance, the appealed decision shall be invalidated.

Art. 120. In case the party dies or the corporate body ceases to exist, the proceedings of the case shall continue in the person of the successor.

Art. 121. (1) If, in the course of the proceedings, the disputable right is transferred to someone else, the case shall continue its course between the initial parties.
(2) The acquirer may enter or be involved in the case as a third person. He may substitute for his assignor only on the conditions of art. 117, par. 1.
(3) The ruled decision shall in all cases represent something awarded also towards the acquirer, except for the acts for the entry, where it refers to a real estate (art. 114 PA) and to the acquisition of ownership through possession in good faith (art. 78 PA) where it refers to movable objects.

Art. 122. (Rep. - SG No 124 of 1997)

Art. 123. When there are several pending cases at the court, in which the same persons take part on the side of the claimant and of the defendant or which have a relation between themselves, the court may join those cases in one proceedings and issue a common decision on them.

Art. 124. Before proceeding to passing judgement the court again shall invite the parties to reach an agreement, if the nature of the dispute allows that.

Art. 125. (Amd. - SG No 124 of 1997) (1) For each agreement which does not contradict the law and the practice of good relations, a protocol shall be drawn up which shall be approved by the court and signed by it and by the parties.
(2) When the prosecutor participates as a party to the case, the court shall approve the agreement, after taking its opinion.
(3) The legal agreement shall have the validity of an enforced decision and shall not be subject to appeal before a superior court.
(4) When the agreement refers to a part of the dispute only, the court shall continue the hearing of the case about the non-agreed part.

Art. 126. (Suppl. - SG No 28 of 1983) (1) A protocol shall be drawn up for the hearing of the case, where entered shall be the place and time of the session, the jury of the court, the parties that appeared, the nature of the statements, the demands and speeches of the parties, the written evidence produced, the testimony of the witnesses and the other persons on the case and the conclusions and rulings of the court. The protocol shall be drawn up under the dictation of the chairman. It should be

drawn up within three days from the session. If the protocol cannot be drawn up within this term, the chairman shall establish a new term for its drawing up, which shall be communicated to the parties.
(2) (Amd. and suppl. - SG No 124 of 1997) The protocol shall be signed by the chairman and the secretary. Amendments to the protocol shall be allowed only on the grounds of notes on its contents, made by the persons taking part in the case, within seven days from its drawing up. The chairman shall pass judgement on them, after having summoned the parties and the applicant and hearing the explanations of the secretary.

Chapter twelve.
FAST PROCEEDINGS (New, SG, No 64/1999)

Art. 126a. (1) At a claim filed by the claimant by the order of this chapter the following cases shall be heard:
a) (New, SG 105/02) on claims under art. 19, para 3 of the Law of the obligations and contracts;
b) (Prev. letter a - SG 105/02) on claims ensuing from a loan contract, including loan for a given purpose, as well as on claims ensuing from a contract for commodity credit;
c) (Prev. letter b - SG 105/02) on claims ensuing from contract for renting real estates or chattel as well as on claims for release or submission of rented or leased property;
d) (Prev. letter c - SG 105/02) on claims ensuing from deposit contract;
e) (Prev. letter d - SG 105/02) on claims ensuing from contracts for production and fulfilment of certain job with a price up to 1 000 levs;
f) (Prev. letter e - SG 105/02) on claims for support and its increase;
g) (Prev. letter f - SG 105/02)) on claims for exercising parental rights in case of disagreement between the parents;
h) (Prev. letter g - SG 105/02) on owner's claims and on claims for determining boundaries;
i) (New, SG 105/02) on claims under art. 74 and 75 of the Family Code;
j) (Prev. letter h - SG 105/02)on claims under Art. 252, 254 and 255;
k) (Prev. letter i - SG 105/02) on claims under Art. 19 of the Law for the civil registration.
l) (new, SG 25/2001; Prev. letter k - SG 105/02; amend. - SG 48/06, in force from 01.07.2006) on claims under art. 344, para 1, item 1, 2 and 3 and art. 357, para 2 of the Labour Code;
m) (new, SG 25/2001; Pre. letter l - SG 105/02) for pecuniary receivables under legal terms of employment.
n) (New, SG 105/02, suppl. – SG 64/06, in force from 09.11.2006) on claims for establishing violation of a registered mark, geographic name, industrial design, invention, utility model, copyright and related right.
o) (New, SG 113/02) on claims under art. 302 and 306 of the Code for the trade shipping;
p) (New, SG 58/03, in force from January 1, 2004) on claims under art. 263n and art. 264j of the Commercial Law.
r) (new – SG 86/05, in force from 29.04.06) on claims for damages from tort, for which an entered in force sentence exists;
s) (New, SG 99/05) on claims under art. 186 of the Law of protection of the consumers.
(2) (suppl., SG 25/2001; Amend., SG 105/02, amend., – SG 86/05, in force from 29.04.06) For objective uniting of the claims, except those under para 1, letters "l" and "r" in case of change of the claim under the conditions of Art. 116 fast proceedings shall not be admitted.
(3) (New, SG 103/99; suppl., SG 28/04; amend. - SG 37/06, in force from 01.07.2006; suppl. - SG 51/06, in force from 24.12.2006) Considered by the order of this chapter shall also be the cases under Art. 87, para 2 of the Law for collecting the state takings and the claims, arising from provision of services to the information society according to the Law on the Electronic Trade.

Art. 126b. On the day of filing the claim the court shall send a copy of it, together with the enclosures, for presentation to the defendant who shall be obliged to answer in writing and to indicate and present all evidence within 7 days.

Art. 126c. (1) Within 5 days from expiration of the deadline for reply the court shall, in a closed session judge on admission of the indicated and presented by the parties evidence and shall set the case for after 15 days. Applied in the subpoena shall not be the rules of Art. 41, para 5 and the deadline under Art. 157, para 1.
(2) The deadlines under para 1 shall also be observed in case of postponement of the case, as well as in the appellate instance.

Art. 126d. The court shall announce the decision with its motives within 7 days after the session in which the hearing of the case was concluded.

Art. 126e. The court can decree on a claim of the defendant hearing of the case by the general order if it established factual or legal complexity of the case or if the gathering or the check up of the proof admissible by the law require continuous time. The definition by which it is passed to the general proceedings shall be subject to appeal.

Art. 126f. Inasmuch as there are no particular rules for the fast proceedings the rules of the general claim proceedings shall apply.

Art. 126g. (1) When a person is deprived by force or by concealed way from his possession of real estate he can file application to the regional court for restoration of the possession by administrative order.
(2) The person shall have the same right against a user whom he has admitted on his real estate and who has refused to leave it upon invitation.
(3) The application must be filed within one month from depriving from possession or from presentation of the invitation.
(4) The regional court shall, not later than 7 days from receipt of the application, check up the data contained in it, taken into consideration the explanations of the offender if he is known. After convincing itself in the truthfulness of the assertions of the claimant he shall issue order for restoration of the possession which shall be subject to immediate fulfilment by the bodies of the police or by the mayor by the same order the regional court can impose to the offender a fine of 100 to 500 levs.
(5) The order for restoring the possession can also be issued when the offender is unknown.

Art. 126h. (1) (Amend., SG 105/02) The order or the refusal to issue such order by the regional court can be appealed within 3 days from judging to the respective district court. The appeal shall not stop the fulfilment.
(2) (Amend., SG 105/02) The district court shall judge on the claim for the same data within 3 days from its filing in a closed session.
(3) (Amend., SG 105/02) The definition given by the district court shall not be subject to appeal.

Art. 126i. Court fees related to these proceedings for restoration of the possession shall not be paid at the time of filing the application but shall be determined in amount of 10 to 200 levs if the check up has been made and shall be assigned to the party against which the decision was taken.

Chapter thirteen.
Evidence

Section I.
GENERAL RULES

Art. 127. (1) Each party shall be obliged to determine the circumstances, on which it grounds its demands or protests. Only circumstances of common knowledge and those known to the court ex officio, which it is obliged to communicate to the parties, shall not be subject to proving.
(2) Any confession made by the party or its representative, shall be assessed by the court with a view to all circumstances under the case.

Art. 128. (1) It shall not be necessary to prove facts, for which a supposition established by law exist. The confutation of such suppositions shall be allowed in all cases, unless the laws forbids that.
(2) (Amd. SG - No 124 of 1997) In view of the circumstances under the case the court may accept as proven the facts, with regard to which the party has created obstacles for collection of the evidence admitted by the court.

Art. 129. (1) (Par. 1, rep. SG - No 124 of 1997)
(2) Where for the ascertainment of one and the same circumstance the party names more witnesses, the court may admit only some of them. The remaining witnesses shall be admitted, if those summoned do not ascertain the disputable circumstance.

Art. 130. When the claim has been determined in its grounds, but there is not enough information as to its size, the court may determine this size in its judgement or take the conclusion of an expert.

Art. 131. If the collection of any evidence is doubtful or represents considerable difficulty, the court may determine a respective term for its collection, and after its expiry the case shall be heard without it.

Art. 132. (Revoked SG 42/05)

Section II.
WITNESSES

Art. 133. (Amd. - Izv. No 90 of 1961) (1) Witness testimony shall be allowed in all cases, unless it refers to:
a) ascertaining of legal transactions, for whose validity the law requires a written act;
b) confutation of the contents of an official document;
c) (amd. - SG No 28 of 1983, No 55 of 1992, amd. - SG No 124 of 1997, SG, No 64/ 1999) ascertaining circumstances, for the proving of which the law requires a written act, as well as for ascertaining contracts at a value over 1 000 leva, unless they are concluded between spouses or relatives

by a direct line of descent, by lateral branch up to the forth degree and by marriage up to the second degree inclusive.
d) acquittal of money liabilities, ascertained by a written act;
e) ascertaining of written agreements, in which the party that demands the witnesses, has participated, as well as for their amendment or revocation;
f) confutation of the contents of a private document, outgoing from the party;
(2) In the cases of subparagraphs "c", "d", "e" and "f" witness testimony shall be allowed only upon explicit consent of the parties.

Art. 134. (1) In the cases, where the law requires a written document, witness testimony shall be allowed, if it is proved that the document has been lost or destroyed not through the party's fault.
(2) Witness testimony shall be allowed also when the party tries to prove that the consent, expressed in the document, is ostensible and if in the case there is written evidence, produced by the other party or certifying its statements before a state body, that make probable its assertion, that its consent is ostensible. This limitation shall not refer to the third persons, as well as to the heirs, when the transaction is directed against them.

Art. 135. (1) No one shall have the right to decline testifying, except for:
a) the relatives of the parties by a direct line of descent, the spouse, the brothers and sisters and the relatives by marriage of first degree;
b) the persons, that with their answers could cause to themselves or to their relatives, set out in subparagraph "a", immediate damage, defamation or penal prosecution and
c) the persons that with their answers could reveal a state secret.
(2) (New - Izv., No 90 of 1961) The witnesses to the case cannot be fiduciaries of the parties to the same case.

Art. 136. The testimony of the relatives, the guardian or the custodian of the party that has named it, of the adopters and the adopted persons, of those that are involved in a civil or penal dispute with the opposite party or with its relatives, of the attorneys, named by their clients, as well as of anyone else who is interested to the benefit or detriment of one of the parties, shall be assessed by the court in view of all other information under the case, by taking into account their possible interest.

Art. 137. In case of heavy illness, forthcoming travel, as well as in case of peculiar public or official position of the witness, the court may rule that the interrogation of the latter shall be performed by an assigned member of the court also prior to the day determined for the session, as well as out of the court premises. The parties should be summoned for that interrogation.

Art. 138. (Amd. - SG No 124 of 1997) (1) Before the interrogation of the witness the court shall ascertain his identity and remind him of his responsibility before the law in case of perjury.
(2) The witness shall hold out a promise to tell the truth.

Art. 139. The party may renounce the interrogation of the witness, to whom it has referred, but the same shall be interrogated, if the other party demands that or if the court finds that his interrogation is necessary for clarifying the circumstances of the case.

Art. 140. (1) Each witness shall be interrogated separately in the presence of the parties that have appeared. The witnesses that have not given testimony yet, cannot be present during the interrogation of the other witnesses.
(2) The witness may be interrogated for a second time, at the same or another session, at his request or on application of the party or on the initiative of the court.

Art. 141. In case of dissent between the testimony of the witnesses the court may rule on the conduct of a confrontation. Such may be ruled also between a witness and the parties.

Section III.
WRITTEN EVIDENCE

Art. 142. (amend., SG, No 64/1999) The force of the written evidence shall be determined in accordance with the law, that was in force at the time and in the place, where it was formulated. The court shall evaluate the force of proof of the document, in which there are crossings, deletions, additions between the lines and other outer defects, in view of all circumstances of the case.

Art. 143. (1) Any official document, issued by an official within his duties by the established forms and procedure, shall represent an evidence for the statements before him and for the actions performed by him and before him.
(2) The officially certified transcripts or excerpts of official documents shall have the same force of proof as the originals.

Art. 144. Any private document, signed by the persons that issued it, shall represent an evidence, that the statements contained therein, are made by those persons.

Art. 145. (1) Any private document shall have a valid date for the third persons from the day, on which it was certified or from the day of the death, or from the occurred physical inability for signing of the person, that signed the document, or from the day, on which the contents of the document were reproduced in any official document or, at last - from the day, on which some other fact occurs, which ascertains by such a doubtless way the preceding drawing up of the document.
(2) In order to ascertain the date of receipts for a payment made, the court may admit any means of evidence, taking into consideration the circumstances under the case.

Art. 146. The entries in accounting books shall be assessed by the court according to their regularity and in view of the other circumstances under the case. They may serve as an evidence also for the person or organisation that have kept the books.

Art. 147. The documents, that have been presented in a different language, should be accompanied by a correct translation in Bulgarian. If the court cannot ascertain alone the correctness of the translation, it shall appoint an expert for examination.

Art. 148. The official documents and certificates shall be produced by the parties. But the court itself may request them from the respective institution or provide the party with a court certificate, on whose grounds it shall be provided with them. The institution shall be obliged to issue the requested documents or to explain the reasons for the failure to issue them.

Art. 149. The printed materials shall be presented by the parties, but when the court alone may acquire them without any considerable difficulty, it shall be sufficient that the party points out where they have been published.

Art. 150. Any document, executed by an incompetent body or not in the form, prescribed by the law, shall have the validity of a private document, if it is signed by the parties.

Art. 151. (1) Any private document, issued by an illiterate person, should bear, instead of a signature, the print of his right thumb and should be countersigned by two witnesses. If the print of the right thumb cannot be placed, the reason for that should be noted in the document, as well as with which other finger the print was placed.
(2) (New - SG No 28 of 1983) Any private document issued by a blind, but literate person, should be countersigned by two witnesses.

Art. 152. Each party may require from the other party to present a document the latter holds, by explaining its significance for the dispute.

Art. 153. (1) Each party may require, by a written application, from a person that does not take part in the case, to present a document it holds.
(2) A transcript of the application shall be sent to the third person, and it shall be given a term for the presentation of the document.
(3) Any third person that, without any ground, fails to present the required document, besides the responsibility under art. 73, shall be responsible also before the party for the damages incurred to it.

Art. 154. (1) The interested party may contest the veracity of a document at the session at which it was presented at the latest. If the party did not attend that session, the contestation may be made at the following session at the latest.
(2) The court shall rule on the conduct of an examination of the veracity of the document, if the other party declares, that it wishes to use it.
(3) The burden of proof of the non-veracity of the document shall fall upon the party that contests it. Where contested is the veracity of a private document which does not bear the signature of the party that contests it, the burden of proof of its veracity shall fall upon the party that has presented it.

Art. 155. The court shall perform the examination by comparison with other indisputable documents, through an interrogation of witnesses or through experts.

Art. 156. (1) After the examination the court shall acknowledge by a ruling either that the contestation has not been proved, or the document is not authentic. In the last case it shall exclude the document from the evidence, by sending it to the prosecutor along with its ruling.
(2) The court may rule on the contestation of the document also by the decision on the case.

Section IV.
EXPERTS

Art. 157. (1) (Par. 1, suppl. - SG No 28 of 1983) An expert shall be appointed where, for the clarification of some matters that have arisen in the course of the case, special knowledge is needed in the sphere of science, arts, crafts etc., which the court does not have. The conclusion shall be signed by the expert and shall be presented at the case at least five days prior to the court session.
(2) (Amd. - SG No 124 of 1997, SG, No 64/1999) In case of complexity of the subject matter of the examination, the court may appoint three experts, and each of the parties shall point one person and the third one shall be determined by the court.
(3) The court shall not be obliged to adopt the conclusion of the experts, but shall discuss it along with the other evidence under the case.

Art. 157a. (New - SG No 89 of 1976, rep. - SG No 124 of 1997)

Art. 157b. (New - SG No 89 of 1976) Indicated in the ruling, by which the expert is appointed, shall be: the subject matter and the task of the investigation; the materials which are submitted to the expert; the name, education, speciality, place of work and position of the expert.

Art. 158. (1) Appointed as experts cannot be the relatives of the parties by a direct line of descent, the spouses, the relatives by lateral branch up to the fourth degree inclusive and by marriage of first degree, as well as the persons, interested in the outcome of the case.
(2) (New - SG No 89 of 1976) Each of the parties may request discharge of the expert, if any of the grounds under the preceding paragraph is present.

Art. 159. The appointed expert shall be relieved of the assigned task, when he may not fulfil it due to illness or incompetence. He may give up in all cases, where a refusal to give testimony is allowed.

Art. 160. (Amd. - SG No 124 of 1997) (1) After having ascertained the identity of the experts, the court shall remind them of their responsibility before the law for giving false of partial conclusions.
(2) The experts shall hold out a promise that they will give their conclusion without any partiality.

Art. 161. In case of dissent between the experts each group shall set forth its separate opinions. Where the court may not take up an attitude with regard to the dissent, it shall require from the said experts additional examinations or shall appoint other experts.

Section V.
INSPECTION AND CERTIFICATION

Art. 162. The court may, on application of the parties or in its judgement assign inspection of movable or immovable objects or certification of persons with or without the participation of experts.

Art. 163. Inspection and certification shall be allowed not only for the examination of other evidence, but as a separate evidence as well. They shall be conducted by the entire jury of the court, by an assigned member of the court or by another assigned court.

Art. 164. Upon certification of persons the court shall proceed in such a way, that the personal dignity of the certified person shall not be injured. In view of that the judge may not attend the certification personally, by assigning its conduct to suitable experts.

Section VI.
SECURING OF EVIDENCE

Art. 165. Where there is a danger that some evidence shall be lost or its collection will be impeded, the party may demand that this evidence should be collected in advance.

Art. 166. (1) The application for securing the evidence shall be filed at the court that hears the case, and if the case has not been initiated yet - at the regional court at the place of residence of the person who will be interrogated, or at the location of the estate, over which the inspection will be conducted.
(2) A transcript of the application for security shall be served to the other party.
(3) The ruling of the court, by which it does not grant the application, shall be subject to appeal by a private complaint.

Art. 167. The court may collect in the same proceedings the evidence, pointed out by the other party, if it is closely collected with that of the applicant.

Art. 168. Where the applicant is not in a position to point out the name and address of the other party, the court shall appoint him a representative.

Art. 169. The general rules shall apply with regard to the procedure of collecting evidence and its force.

Art. 170. The expenses for the collection of evidence shall not be awarded to the party in the security proceedings. They shall be taken into account afterwards, upon settlement of the dispute.

Chapter fourteen.
JOINDER OF PARTIES IN THE CASE

Art. 171. A claim may be lodged by several claimants or against several defendants, if the subject matter of the dispute are:
a) their common rights or obligation or
b) rights or obligations, that are based on the same grounds.

Art. 172. (1) Each of the joinder parties shall act on his own. His procedural actions and inaction shall neither be to the benefit, not to the detriment of the rest.
(2) Where, in view of the nature of the disputable legal relation or by order of the court, the decision of the court should be identical towards all joinder parties (necessary joinder of parties), the actions conducted by some of them shall have importance also for the joinder parties that have not appeared or have not conducted those actions. However, in this case as well the consent of all joinder parties shall be necessary for entry into an agreement and for withdrawal or waiver of the claim.

Art. 173. If the factual contentions of the partners with regard to the general facts contradict one another, the court shall assess them in connection with all circumstances under the case.

Chapter fiveteen.
THIRD PERSONS

Art. 174. Any third person may enter in the case until the closing of the oral controversy, in order to help one of the parties, if it is interested that the decision be taken to its benefit.

Art. 175. (1) Each party may involve a third person in the case, when this person has the right to enter, in order to help. The involving may be requested at the first session of the case at the latest by a written application, and a transcript thereof shall be served on the third person. It depends on the third person if it shall enter in the case or not.
(2) The party, that has a counter-claim against the third person, may lodge it for joint consideration with the pending case at the first session at the latest.

Art. 176. (1) The court shall pass judgement on the admission of the third person. The judgement, by which the third person is not admitted, shall be subject to appeal by a private complaint.
(2) The involvement shall not be allowed, if the third person is with unknown place of residence or lives abroad.

Art. 177. (1) The third person shall be entitled to perform all legal procedural actions, except for the actions, representing disposal of the subject of the dispute.

(2) In case of contradiction between the actions and explanations of the party and of the third person, the court shall assess them in connection with all circumstances under the case.

Art. 178. With the consent of both parties the person, that entered in or was involved in the case, may substitute and relieve the party, to which it helps.

Art. 179. (1) The decision ruled shall have a determinative force in the relations between the third person and the opposite party.
(2) What the court has determined in the motives of the decision, shall be compulsory for the third person in its relations with the party, which it helps or that has involved it, and it cannot contest it on the ground that the party has conducted the case badly, unless the latter has intentionally or due to gross negligence has missed to put forward any circumstances or evidence, unknown to the third person.

Art. 180. The defendant shall be relieved of participation in the case, if he deposits the demanded sum or object in accordance with the instructions of the court and involves the person, that also claims independent rights over it. In this case the case shall continue only between both creditors. If the involved person does not enter in the case, the proceedings shall be terminated and the deposited sum or object shall be delivered to the claimant.

Art. 181. The third person, having independent rights over the subject of the dispute, may enter in the case by lodging a claim against both parties. The lodging of a claim by a third person shall be allowed until the closure of the oral controversy at the first instance.

Chapter sixteen.
STAYING, RE-OPENING AND TERMINATION OF THE PROCEEDINGS

Art. 182. (1) The court shall stay the proceedings:
a) by mutual consent of the parties;
b) in case of death of any of the parties;
c) where it is necessary to establish guardianship or custody over any of the parties;
d) where at the same or some other court a case is being heard, the decision on which shall have importance for the proper settlement of the lodged claim;
e) where during the hearing of a civil case criminal circumstances are revealed, on the ascertainment of which depends the outcome of the civil dispute, and
f) in the cases explicitly provided for by the law;
g) (New - SG No 124 of 1997; Amend., SG 105/02) when the Constitutional Court has admitted consideration of a request in essence, which contests the constitutionality of a law applicable for the case.
(2) In the cases of subparagraph "a", if the prosecutor takes part in the case together with any of the parties, his consent as well shall be necessary for the staying. In the cases of subparagraphs "b" and "c", if the oral controversy has ended, the proceedings shall be stayed after the ruling of the decision on the case.
(3) (New - Izv. No 90 of 1961) Staying of the case by consent of the parties shall be allowed only once during the course of the proceedings at one instance.

Art. 183. (Amd. - SG No 28 of 1983) (1) The proceedings shall be re-opened ex officio or at the request of any of the parties, after the obstacles for its course have been removed, for which the court, in the case of death of the claimant and of subparagraphs "c" to "f" of the preceding article, alone shall take due measures as well.
(2) (New - SG No 28 of 1983) In the case of death of the defendant the claimant shall be obliged, within six months from the communication, to point out his successors and their addresses or take measures for the appointment of an administrator of the vacant inheritance or for the summoning of the heirs by the procedure of art. 50. In the case of non-fulfilment of this obligation the case shall be terminated.
(3) (Prev. par. 2 - SG No 28 of 1983) Upon re-opening the proceedings shall start from that action, at which it was stayed.

Art. 184. (Amd. - Izv. No 90 of 1961) (1) The proceedings, that have been stayed by mutual consent of the parties, shall be terminated, if within six months from their staying neither of the parties has requested their re-opening.
(2) In this case the decision on the case, if such has been ruled, shall be invalidated.
(3) In this case art. 119, par. 1, second sentence, shall be apply.

Art. 185. The ruling, by which the re-opening of the proceedings is stayed, terminated or refused, shall be subject to appeal by a private complaint.

Chapter seventeen.
Settlement of the cases

Section I.
RULING OF THE DECISION

Art. 186. If the court reckons, that the case has been completely clarified, the court shall close the oral controversy and proceed to ruling a decision.

Art. 187. (1) The decision shall be ruled after secret deliberations by majority of the votes of the judges, participating in the session, in which the hearing of the case was ended.
(2) Neither of the judges may abstain from voting.
(3) Any judge, that disagrees with the opinion of the majority, shall sign the decision, by giving reasons for his dissenting opinion separately.

Art. 188. (1) The court shall assess all evidence of the case and the arguments of the parties at its conviction.
(2) It shall ground its decision on the circumstances of the case, accepted by it as ascertained, and on the law.
(3) The court shall take into consideration also the facts, that have occurred after the lodging of the claim, which are of significance for the disputable right.

Art. 189. (1) The decision should contain:

a) the date and place of its ruling;
b) indication of the court, the names of the judges, the secretary and the prosecutor, where he has taken part in the case, as well as of the parties;
c) the case, on which the decision is being ruled;
d) what the court rules;
e) to whose burden the expenses shall be assigned;
f) if it is subject to appeal, before which court and within what term;
g) (new - SG No 28 of 1983) the three names of the parties, as well as the place of residence, address, place of work and unified civil number of the party, against which the claim has been granted.
(2) To the decision the court shall also set out motives, on whose grounds it has been ruled.
(3) The decision shall be signed by all judges, that have taken part in its ruling. When any of the judges is not able to sign it, the chairman or the senior judge shall note the reasons for that in the decision.

Art. 190. (Amd. - SG No 124 of 1997) The court shall announce the decision with the motives not later than 30 days from the session, at which the hearing of the case has ended.

Art. 191. (1) Upon ruling the decision the court may postpone or defer its implementation in view of the property status of the party or of other circumstances.
(2) In exceptional cases the court may decide on that, after ruling the decision as well. In this case the court shall summon the parties and shall pass judgement which shall not be subject to appeal.
(3) (New par. 3 - SG No 28 of 1983) The court may postpone or defer the implementation of the decision only once. It may not defer the implementation of a decision, for which deferment has been provided for by law.

Art. 192. (1) After announcing the decision on the case, the court may not revoke or amend it on its own.
(2) It, on its initiative or at the request of the parties, may correct only the obvious factual mistakes, been made in the decision, after having summoned the parties.
(3) The decision for the correction may be appealed by the procedure, by which the same decision is subject to appeal.
(4) (New - Izv. No 90 of 1961, amd. - SG No 124 of 1997) Within a term of two months from the entry of the decision into force the court may, on its initiative or at the request of the parties, amend the decision ruled in its part concerning the expenses. This ruling may be appealed by a private application.
(5) (New - Izv. No 90 of 1961) The court may invalidate the decision it has ruled, if prior to its entry into force, the parties declare, that the have reached an agreement and ask for termination of the case.

Art. 193. (Amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997) (1) The party may demand that the decision be supplemented, if the court has not passed judgement on its entire claim. The application to that effect may be filed within one month from the day of the session, at which the decision has been announced with the motives for the party that has attended, and for the party, that has not attended during the announcement of the decision, and in the cases of art. 190 the term shall start from the date of the communication, that the decision with the motives has been prepared.
(2) The court shall consider the application by summoning the parties and shall rule with an additional decision, that shall be subject to appeal by the common procedure.

Art. 194. (1) The disputes for the interpretation of an enforced decision shall be considered by the court that has ruled it.
(2) Interpretation may not be requested, after the decision has been implemented.

(3) The decision on the interpretation shall be subject to appeal by the procedure, by which the decision being interpreted shall be appealed.

Section II.
PASSING OF JUDGEMENTS

Art. 195. (1) The court shall pass judgement, when it rules on matters, by which the dispute is not settled upon its merits.
(2) The judgements, that do not put an end to the case, may be amended or revoked by the same court due to a change of the circumstances, a mistake or an omission.

Dial two.
APPELLATE AND CASSATION APPEAL AND REVOCATION OF ENFORCED DECISIONS (Title amd. - SG No 124 of 1997)

Chapter eighteen.
APPELLATE APPEAL

(Title amd. - SG No 124 of 1997)
Art. 196. (1) (Previous text of art. 196 - SG No 124 of 1997, amd. and suppl. - SG No 124 of 1997) The decisions of the regional courts of law shall be subject to appellate appeal before the district courts of law, and the decisions of the district courts of law shall as a first instance - before the respective court of appeal.
(2) (New - SG No 124 of 1997) A complaint may be lodged against the entire decision or against separate parts thereof.

Art. 197. (Amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, SG, No 64/1999) The complaint shall be lodged through the court that has ruled the decision, within a term of 14 days from the day of the session, at which the decision with the motives has been announced for the party that has attended. For the party that has not attended the session, as well as in the cases of art. 190, the term for appeal shall start from the date of the communication, that the decision with the motives has been prepared.

Art. 198. The complaint should contain:
a) the name and address of the party that lodges it;
b) notification of the appealed decision;
c) (Amd. - SG No 124 of 1997) a note showing what the defectiveness of the decision consists in;
d) what its demand consists in;
e)(New - SG No 124 of 1997) the new evidence, which the complainant demands to be collected during the hearing of the case at the appellate instance;
f) (Previous subparagraph "e" - SG No 124 of 1997) signature of the complainant.

Art. 199. (1) Enclosed to the complaint shall be:
a) transcripts thereof and of its supplements according to the number of the persons, that participate in the case as an opposite party;
b) a power of attorney, when the complaint is lodged by an attorney and
c) the state charge - if such is due.

(2) (New - SG No 124 of 1997) The complainant shall be obliged to present the new written evidence, on which he grounds the complaint.
(3) (Previous par. 2, suppl. - SG No 124 of 1997, amend., SG, No 64/1999) If the complaint does not satisfy the requirements under the preceding paragraphs and the preceding article, and also if it is not signed, the party shall be sent a communication to remove the irregularities within seven days.

Art. 200. (1) The complaint shall be returned:
a) when it has been lodged after the expiry of the term for its appeal and
b) when the irregularities under the preceding article have not been removed within the specified term.
(2) In this case applied shall be art. 100, paragraphs 3-5 respectively.
(3) The order for return may be appealed by a private complaint.

Art. 201. (1) (Previous text of art. 201 - SG No 124 of 1997, amd. - SG No 124 of 1997) After having accepted the complaint, the court shall send a transcript thereof, together with the supplements, to the other party which, within a term of seven days from their receiving, may raise objections in writing and point out evidence for them by producing the written ones.
(2) (New - SG No 124 of 1997) After the expiry of the term under par. 1 the case, along with the complaint and the objections, shall be sent to the superior court.

Art. 202. (Amd. - Izv. No 89 of 1953, amd. - SG No 124 of 1997, suppl., SG, No 64/1999; Amend., SG 105/02) If the parties have not been informed by the first instance of the day of hearing the case before the second instance, they shall be summoned by the: appellate court - by the procedure of art. 41 - 52.

Art. 203. (1) At any stage of the case the party may withdraw in whole or in part the lodged claim.
(2) Any preliminary waiver of the right to appeal shall be invalid.

Art. 204. Any of the joinder parties under the case may, not later than the first session at the second instance, join the complaint lodged by his co-claimant or co-defendant. The joining shall be done by lodging a written application with transcripts thereof for the opposite party.

Art. 205. (1) (Amd. - SG No 124 of 1997) Only new evidence shall be allowed before the appellate instance. The appellate court shall pass judgement at a closed session on the admission of the new evidence, pointed out by the parties. The settlement of this matter may occur yet at the first session of the case, if the court finds that it is necessary to hear also the oral explanations of the parties about the evidence they have pointed out. It may interrogate again the witnesses and experts only if it finds it necessary to hear them directly.
(2) (New, SG, No 64/1999) If the case is heard by the order of the fast proceedings the appellate court shall solve the case within one month.
(3) (New - Izv. No 90 of 1961, amd. SG No 28 of 1983, rep. - SG No 124 of 1997)

Art. 206. (1) (Par. 1 rep. - SG No 124 of 1997)
(2) (New - Izv. No 90 of 1961, amd. - SG No 124 of 1997) The court shall revoke the decision also with regard to the joinder parties of the complainant that have not appealed. Upon revocation of the decision on the main claim, restored shall be the pendency also under the claims eventually consolidated with it, on which the court of first instance has not passed judgement.

Art. 207. (Rep. - SG No 124 of 1997)

Art. 208. (Amd. - Izv. No 90 of 1961 and SG No 28 of 1983, amd. - SG No 124 of 1997) (1) The appellate court in a jury of three judges shall consider the complaint at an open session, collect the evidence, hear the parties and leave in force or revoke in whole or in part the decision ruled. If it revokes the decision, the court shall settle the case upon its merits.
(2) The situation of the complainant of the claim cannot be worsened, when the decision is irregular.

Art. 209. (Amd. - Izv. No 90 of 1961 and SG No 28 of 1983, amd. - SG No 124 of 1997) (1) If the decision is inadmissible, the appellate court shall invalidate it by terminating the case. When the grounds for termination are improper jurisdiction or improper authority of the dispute, the case shall be forwarded to the competent court or to another body. If a claim, that has not been lodged is considered, the decision shall be invalidated and the case shall be returned to the court of first instance for passing judgement on the lodged claim.
(2) When the decision is null and void, the appellate court shall announce the invalidity and, if the decision is not subject to termination, shall return it to the court of first instance for ruling a new decision.
(3) (Amd. - SG No 124 of 1997) The invalidity of the decision may be put forward also by a protest or by the procedure of claims.

Art. 210. (Rep. - SG No 124 of 1997)

Art. 211. (Amd. - Izv. No 89 of 1953 and SG No 28 of 1983, amd. - SG No 124 of 1997) (1) In so far as there are no peculiar rules for the proceedings before the appellate instance, the rules for the proceedings before the first instance shall apply respectively.
(2) (Par. 2 new - Izv. No 89 of 1953, erased SG No 28 of 1983)

Art. 212. (Suppl. - SG No 28 of 1983, rep. - SG No 124 of 1997)

Chapter nineteen.
APPEAL OF THE DEFINITIONS. APPEAL AGAINST SLOWNESS (Amend., SG, No 64/199)

Art. 213. Private complaints may be lodged against the rulings of the court:
a) where the ruling impedes the further course of the case and
b) in the cases explicitly provided for by the law.

Art. 214. (1) The private complaints shall be lodged within a term of seven days from the communication of the ruling. But if a ruling, passed at a court session is being appealed, for the party that has attended this term shall start from the day of the session.
(2) With regard to the private complaints, applied shall be accordingly the provisions of art. 198-200. The court shall, ex officio, enclose to the complaint a transcript of the appealed ruling.

Art. 215. (1) After having accepted the complaint, the court shall send a transcript thereof to the other party, which, within three days from its receiving, may raise objections on the complaint.
(2) After the expiry of this term the complaint, together with the supplements and the protests, if any have been lodged, shall be sent to the superior court.

Art. 216. The private complaint shall neither stay the proceedings under the case, nor the implementation of the appealed ruling, unless the law provides otherwise. But the appellate court may stay the proceedings or the implementation of the appealed ruling until the settlement of the private complaint.

Art. 217. (1) The private complaints shall be considered at a closed session. The court, if it finds it necessary, may consider the case at an open session.
(2) If the appellate court revokes the appealed ruling, it shall on its own settle the subject matter of the complaint. It may also collect evidence, if needed.
(3) The passed ruling on the private complaint shall be obligatory for the lower court.
(4) In so far as in this section there are no peculiar rules, the rules for appeal of the decisions shall apply respectively to the proceedings under private complaints.

Art. 217a. (New, SG, No 64/1999) (1) At each stage of the case, including after the conclusion of the debates, each of the parties can file an appeal against slowness when its hearing, decree of decision or sending an appeal against the decision is delayed unjustifiably.
(2) The appeal against slowness shall be filed directly to the superior court without presenting a copy to the adverse party and without payment of state fees. The filing shall not be restricted by any deadline.
(3) The chairperson of the court to whom the appeal is presented shall require the case and shall hear it in a closed session. His instructions on the activities to be carried out by the court shall be obligatory. The definition shall not be subject to appeal and shall be sent immediately, together with the case, to the court against which the appeal was filed.
(4) For established slowness the chairperson of the superior court can extend proposal to the disciplinary division of the Supreme Judiciary Council for implementing disciplinary responsibility.

Art. 218. (Amend. and suppl., SG, No 64/1999) The preceding provisions shall apply accordingly also to the private complaints against the orders of the chairman of the court or the judge of the first instance.

Chapter nineteen.
CASSATION APPEAL (New - SG No 124 of 1997)

Art. 218a. (Amend., SG 105/02) (1) Subject to appeal before the Supreme Cassation Court shall be:
a) the appellate decisions of the district courts, with exception of the decisions on: claims for support; the decisions on matrimonial claims and on claims for cash receivables with a price of the claim up to 5 000 levs; claims under art. 11, para 2 of the Law of the ownership and tenure of agricultural lands and claims under art. 13, para 2 of the Law of restoration of the ownership of the forests and the lands of the forest fund;

b) the decisions of the courts of appeal, except their appellate rulings on claims for cash receivables under commercial cases with a price of up to 25 thousand levs and under art. 17, para 2 of the Law for the settlement of the collective labour disputes;
c) the definitions of the appellate courts which leave without consideration private claims against definitions obstructing the further development of the proceedings.
(2) Subject to appeal before the Supreme Cassation Court shall not be the rulings of the appellate courts on labour disputes, with exception of:
a) rulings on claims for protection against illegal dismissal under art. 344, para 1, item 1 - 3 of the Labour Code;
b) rulings on claims for labour remuneration and indemnification under the legal terms of employment with a price of the claim under para 1, letter "a".

Art. 218b. (1) (Amend, SG, No 64/1999) The cassation complaint shall be lodged:
a) when the ruling is invalid;
b) when the ruling is inadmissible;
c) (Amend., SG 105/02) when the ruling is incorrect due to violation of the material law, substantial offence of the jurisdiction rules or insufficiency.
(2) (New, SG, No 64/1999) The cassation claim on conviction decisions shall not stop their fulfilment.
(3) (New, SG, No 64/1999) The claimant can request stopping of the fulfilment of the decision. In this case he shall be obliged to present due security. The size of the security shall be determined:
a) on decisions for cash receivables - the adjudged sum;
b) on decisions regarding real rights on chattel - the price of the claim;
c)(amend. SG 36 2000) on decisions regarding real rights on real estates - 1/4 of the value on which the price of the claim has been determined.
(4) (New, SG, No 64/1999) In all other cases the size of the security shall be determined by the court.
(5) (New, SG, No 64/1999) When the security is given in fulfilment of a decision regarding real rights on real estates or chattel it shall be withheld if within 15 days from leaving the cassation claim without consideration the bearer of the taking has laid claim for compensation of the damages caused by the delay of the fulfilment.
(6) (New, SG, No 64/1999) The Supreme Court of Cassation shall judge in a closed session on the request for stopping the fulfilment and on the size of the security.

Art. 218c. (1) The complaint shall be lodged through the court that has ruled the decision within a term of 30 days, under the conditions of art. 197.
(2) The complaint should satisfy the requirements of art. 198, subparagraphs "a", "b", "c", "d" and "f" and of art. 199 and should contain an exact and grounded presentation of the grounds for cassation. If the complaint does not satisfy the requirements, a notice shall be sent for removing the irregularities within a term of 7 days.
(3) The complaint shall be returned:
a) when it has been lodged after the term for appeal;
b) when the irregularities under the preceding paragraph have not been removed within the specified term.
(4) Applied in this case shall be art. 100, par. 3, 4 and 5 respectively.
(5) (New, SG, No 64/1999) The ruling for returning the cassation claim shall be subject to appeal before the three-member division of the Supreme Court of Cassation and when the definition or the ruling is issued by the chairperson or a judge of the Supreme Court of Cassation -before a five-member division.

Art. 218d. After having accepted the complaint, the court shall send a transcript thereof, together with the supplements, to the other party which, within a term of 14 days from receiving it, may present an answer in writing, and further on the case, together with the complaint and the answer, shall be sent to the Supreme Cassation Court.

Art. 218e. Until the first day of every month the Supreme Cassation Court shall promulgate in the "State Gazette" the dates on which it shall be in session during the following month and the cases subject to hearing. Where the circumstances impose diversion from this procedure, the parties shall be notified through a communication.

Art. 218f. The case shall be heard by a jury of three members of the Supreme Cassation Court at an open court session, where the parties may give explanations until the closing of the session under the case.
The participation of the prosecutor shall be compulsory, where it is provided for by the law.

Art. 218g. (1) (Suppl., SG 105/02) The Supreme Cassation Court shall pass judgement only on the grounds put forward in the complaint. It shall leave in force or revoke in part or in whole the appealed decision, and in the case of revocation, due to a substantial violation of the jurisdiction rules, it shall return the case for new hearing by another jury of the appellate court, and in that case art. 206 and art. 208, par. 2 shall apply.
(2) Where the appealed decision is null and void or inadmissible, the rules of art. 209 shall apply.

Art. 218h. (1) (Suppl., SG, No 64/1999; Amend., SG 105/02) The court to which the case has been sent shall hear it by the common procedure, as the proceedings shall begin from the illegal action which has served as grounds for cassation of the ruling. The instructions of the Supreme Court of Cassation on the interpretation and application of the material law shall be obligatory for the court to which the case is assigned.
(2) (Amend., SG, No 64/1999; Revoked, SG 105/02)
(3) (New, SG, No 64/1999) For the new consideration of the case shall be admitted only evidence for newly found and newly occurred circumstances after the initial hearing of the case by the appellate court and for checking up of the gathered evidence during this hearing.
(4) (Prev., para 3, amend., SG, No 64/1999) Upon the second hearing of the case the court shall also rule on the expenses for conducting the case at the Supreme Cassation Court.

Art. 218i. (Amend., SG 105/02) (1) The complaint against the decision ruled for a second time shall be considered by another jury of three members of the Supreme Cassation Court which shall resolve the dispute in essence.
(2) Admitted, in considering the case, shall only be evidence for newly found circumstances after the repeated consideration of the case by the appellate court and for checking up the gathered evidence in this consideration.

Art. 218j. The rules of chapter XIX shall apply to the proceedings for private complaints against the rulings of the appellate court.

Chapter twenty.
ENTRY OF THE COURT DECISIONS INTO FORCE

Art. 219. (Amd. - SG No 124 of 1997) The following decisions shall enter into force:
a) that are not subject to appeal;
b) (Amend., SG, No 64/1999) against which no appellate or cassation complaint has been lodged within the term, specified by the law, or the lodged complaint has been withdrawn. In the latest case the decision shall be enacted on the day of enactment of the determination by which the case is terminated;
c) on which the lodged cassation complaint has not been granted.

Art. 220. (1) The enforced decision shall be compulsory for the parties and their heirs and successors, for the court that has ruled it and for all other courts of law and institutions in the Republic.
(2) The decision, ruled on claims for civil status, including marriage claims, shall be valid with regard to everyone.
(3) The enforced decision may not be contested by the party as ruled in a mock trial.

Art. 221. (1) The decision shall enter in force only between the same parties, for the same demand and on the same grounds.
(2) The decision shall enter in force also with regard to the demands and objections for improvements and set offs, settled by it.

Art. 222. The enforced sentence of the criminal court shall be compulsory for the civil court, that considers the civil consequences of the action, with regard to that if the action has been committed, its unlawfulness and the guilt of the perpetrator.

Art. 223. When the case has been initiated at the request of the prosecutor, the enforced decision shall be compulsory also for the party, in whose interest the prosecutor has lodged the claim.

Art. 224. (1) Any dispute, settled by an enforced decision, cannot be re-settled, except for the cases where the law provides otherwise.
(2) The case subject to retrial shall be terminated by the court ex officio.

Chapter twent and one.
REVOCATION OF ENFORCED DECISIONS(Title amd. - SG No 124 of 1997)

Section I.
RETRIAL BY THE PROCEDURE OF SUPERVISION (Rep. - SG No 124 of 1997)

Art. 225. (Amd. and suppl. - Izv. No 90 of 1961, SG No 28 of 1983, No 55 of 1987, No 31 of 1990, rep. No 124 of 1997)

Art. 226. (Amd. - Izv. No 90 of 1961, SG No 28 of 1983, No 55 of 1987, No 31 of 1990, rep. No 124 of 1997)

Art. 227. (Amd. - SG No 28 of 1983, No 31 of 1990, rep. No 124 of 1997)

Art. 228. (Amd. - SG No 31 of 1990, rep. No 124 of 1997)

Art. 229. (Amd. - Izv. No 90 of 1961, SG No 28 of 1983, No 55 of 1987, rep. No 124 of 1997)

Art. 230. (Amd. - SG No 55 of 1987, rep. No 124 of 1997)
(The title "2. Revocation of an enforced decision" erased - SG No 124 of 1997)

Art. 231. (1) The interested party may request the revocation of an enforced decision:
a) where new circumstances or new written evidence of essential importance to the case have been found, which upon its settlement could not have been known to the party;
b) where ascertained by the due court procedure is falsehood of the testimony of the witnesses, of the conclusion of the experts, on which the decision is grounded, or criminal action of the party, of its representative or of a member of the court jury, in connection with the settlement of the case;
c) where the decision is based on a document, that by the due legal procedure has been acknowledged as forged, or is based on a ruling of a court or another state institution, that has consequently been revoked;
d) where between the same parties, for the same demand and on the same ground another enforced decision has been ruled prior to it, which contradicts it;
e) (New., SG, No 64/1999; revoked, SG 105/02)
f) (Amd. - SG No 124 of 1997) where the party, due to a breach of the respective rules, has been deprived of the opportunity to take part in the case or has not been duly represented, or where it could not appear in person or through a fiduciary by reason of an obstacle, that it could not eliminate;
g) where the party has been summoned by the procedure of art. 16, par. 5, even if it has an established place of residence.

h) (New - SG No 124 of 1997) where by decision of the European Court for the Protection of Human Rights ascertained is a violation of the European Convention for the Protection of Human Rights and Major Freedoms.
(2) (Amd. - SG No 55 of 1987) Revocation of a decision, by which divorce or nullification of the marriage have been ruled or by which the marriage has been acknowledged as non-existent, shall not be admitted.

Art. 232. (1) (Amd. - SG No 124 of 1997, amend., SG, No 64/1999; Amend., SG 105/02) The application for revocation may be lodged within a term of three months from learning the circumstance that serves as grounds for revocation of the decision and in the cases of art. 231, letter "f" and "g" - from the day, on which the party or its representative have learned about the decision, but in all cases the application may not be lodged later than the expiry of one year the occurrence of the grounds for revocation, and if they precede the decision, whose revocation is requested, the initial moment of the term shall be the entry of the decision into force.
(2) (New - SG No 124 of 1997) The application for revocation should satisfy the requirements of art. 198, subparagraphs "a", "b", "c", "d" and "f" and of art. 199 and should contain an exact and motivated presentation of the grounds for revocation. If the application does not satisfy these requirements, a communication for their removal within a term of 7 days shall be sent.
(3) (New, SG, No 64/1999)In case of not rectifying in time the irregularities of the application for revoking shall apply the provisions of Art. 218c, para 3, 4 and 5,
(4) (New - Izv. No 90 of 1961, previous par. 2 - SG No 124 of 1997; prev para 3, SG, No 64/1999) The application shall be filed through the court of first instance. Applied to the application shall be a transcript thereof, that shall be served to the opposite party. It may give an answer within seven days from receiving the transcript.

Art. 233. (1) (Par. 1 amd. - Izv. No 90 of 1961, rep. - SG No 124 of 1997)
(2) Revocation of the decision within the term under art. 232 may be requested also by the person, towards which the decision is in force, even if it was not a party to the case (art. 172, par. 2).

Art. 234. (1) (Amd. - SG No 124 of 1997) The application for revocation shall be considered by the Supreme Cassation Court at an open session.
(2) (New - SG No 124 of 1997) The Supreme Cassation Court shall sit in a jury of three judges, and where a revocation of a decision or of a ruling of the Supreme Cassation Court is requested - in a jury of five judges.
(3) (Amd. - SG No 28 of 1983, previous par. 2 - SG No 124 of 1997) If the Supreme Cassation Court finds the application well-grounded, it shall revoke the decision in whole or in part and shall return the case for retrial at the due court by another jury, by pointing from where the retrial should start.
(4) (Amd. - Izv. No 90 of 1961, previous par. 3 - SG No 124 of 1997) In the case of art. 231, subparagraph "d" the Supreme Cassation Court shall revoke the irregular decisions.
(5) (New, SG, No 64/1999; revoked, SG 105/02)

Art. 235. The general rules shall apply during the further hearing of the case, the decision on which has been revoked.

Art. 236. (1) (Amend., SG, No 64/1999) The filing of an application for revocation shall not stop the implementation of the decision. But the court, at the request of the party, may stop the implementation if danger exists of causing it irreparable damage" are replaced by "under the conditions of Art. 218b, para 2 - 5.

(2) If the decision is revoked, its implementation shall be stopped. In case the new decision is different from the previous one, applied shall be respectively the provisions of art. 241, par. 3, second sentence.

Dial three.
PROCEDURE FOR THE ISSUE OF WRITS OF EXECUTION

Chapter twent and two.
ACTS SUBJECT TO EXECUTION

Art. 237. (Suppl. - SG No 70 of 1998) Subject to compulsory implementation shall be:
a) (amd. - Izv. No 90 of 1961, SG No 60 of 1988, No 93 of 1993, suppl., SG, No 64/1999) the enforced decisions and rulings of the courts of law, conviction decisions of the appellate courts, the court agreement protocols and the decisions, on which preliminary implementation has been allowed, as well as the decisions of the arbitration courts of law and the agreements on arbitrary cases, concluded before them;
b) the decisions of foreign courts of law, on which implementation has been allowed by a Bulgarian court;
c) (amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, suppl. - SG No 70 of 1998; amend., SG 105/05) the documents and the excerpts of the accounts by which receivables of the banks, the Central Administration of the National Health Insurance Fund and the regional health insurance funds, the state institutions and municipalities, Bulgarian citizens who have no income and/or property which provides them personal participation in the health insurance process have been ascertained, if the obligation has not been fulfilled;
d) (new, SG 84/03) the documents and abstracts from the accountancy books establishing the obligations of the employers for receivables of workers and employees ensuing from legal terms of employment;
e) (prev. letter "d" – SG 84/03) the rulings of the administrative bodies, on which the allowance of the fulfilment has been assigned to the civil courts of law;
f) (suppl. - SG No 31 of 1989, amd. - SG No 124 of 1997; prev. letter "e"- SG 84/03) the promissory notes, bills of exchange and other securities issued to order, that are equal to them, as well as the bonds and coupons for interest on them;
g) (prev. letter "f" – SG 84/03) the notarial acts with regard to the obligations, contained therein, for payment of money amounts or other replaceable objects, as well as obligations for the transfer of possession of certain objects;
h) (New - SG No 124 of 1997; prev. letter "g" – SG 84/03) agreements and other contracts with notarial certification of the signatures with regard to the obligations contained therein for the payment of money amounts or other replaceable objects, as well as obligations for delivering certain objects and;
i) (New, SG 105/02; prev. letter "h" – SG 84/03) the abstracts from the register of the registered pledges for registered sale contracts with retaining the ownership until the payment of the price and leasing contracts regarding the return of the sold or leased properties;
j) (Previous item "g" - SG No 124 of 1997; prev item "h"- SG 105/02; prev. item "I" – SG 84/03) other documents, on the grounds of which the law admits the issue of a writ of execution.
k) (New, SG 103/99; prev. item "i"; prev. item "j" – SG 84/03) the enacted acts for establishing private state and municipal takings when the fulfilment is by the order of this code;
l) (new - SG 36/06, in force from 01.07.2006) concession contracts, concerning included obligations for concession payments and obligations for handing over the concession site.

Art. 238. (1) (amend. and suppl., SG 84/03) The court shall rule on the preliminary implementation of the decision, when it adjudges support money, remuneration for work and indemnification.
(2) The court may admit, at the request of the claimant, the preliminary implementation of the decision also:
a) where it adjudges a receivable, based on an official document;

b) where it adjudges a receivable, which has been acknowledged by the defendant, and
c) where the late implementation may cause considerable and irreparable damages to the claimant or the implementation itself would become impossible or would be considerably impeded.
(3) In the cases of the previous paragraph the court may oblige the claimant to present in advance a due security.

Art. 239. (1) The preliminary implementation shall not be allowed, even against a security, if as a result of the implementation the claimant may be caused an irreparable damage or a damage, that is not subject to exact money assessment. This shall not be valid for decisions by which support money or remuneration for work are being adjudged.
(2) (Amend., SG 105/02) Preliminary execution shall not be allowed against state institutions and municipalities, as well as against medical establishments subsidised by the republican and/or municipal budgets.

Art. 240. Any ruling, by which allowed or refused is preliminary implementation of the decision, may be appealed by a private complaint.

Art. 241. (1) Any debtor, against whom preliminary implementation has been allowed, may, except in the cases of art. 238, par. 1, stop the implementation by providing a security for the appellant in accordance with art. 180 and 180 of the Obligations and Contracts Law (OCL).
(2) (Amd. - SG No 124 of 1997) The implementation shall be stopped also where the appealed decision has been revoked.
(3) If afterwards the claim is rejected by an enforced decision, the implementation shall be terminated. In this case the court, that has ruled the decision, shall issue a writ of execution to the debtor against the appellant for the refund of the amounts or objects, received on the grounds of the admitted preliminary implementation of the revoked decision.

Chapter twent and three.
ISSUE OF A WRIT OF EXECUTION

Art. 242. (1) The writ of execution shall be issued under a written application of the applicant on the grounds of some of the acts pointed out in art. 237. A transcript of the application shall not be served to the debtor.
(2) (Amd. - Izv. No 90 of 1961, SG No 60 of 1988, No 93 of 1993; amend., SG 84/03; suppl. - SG 36/06, in force from 01.07.2006) The application shall be filed: in the cases of art. 237, items "a" and "b" - at the court of first instance, that has heard the case, and with regard to the decisions of the arbitration courts and the agreements concluded before them on arbitration cases - at the Sofia City Court; in the cases of items "c", "d" and "e" - at the regional court, in whose region the document or ruling have been issued; in the cases of items "f" to "h" and item "l"- at the regional court at the place of residence of the debtor or the place of implementation.
(3) (New, SG 105/02) When enforcement is required of a conviction ruling of an appellate court is requested the application shall be filed with the court which has ruled the appellate decision.
(4) (Prev. para 3 - Amend., SG 105/02) The application shall be considered at a closed session within 7 days from its receipt. In the cases of items "a" and "b" of art. 237 the writ of execution shall be issued by order of a judge of the respective court.
(5) (New - Izv., No 90 of 1961; Prev. para 4 - SG 105/02) For amounts awarded to the benefit of the state the court shall issue, ex officio, a writ of execution.

Art. 243. (1) On this application the court shall check if the act, on whose grounds the issue of a writ of execution is requested, is regular with regard to its form and if it certifies a receivable, subject to implementation, against the person, against which the issue of the writ is requested. Where, according to the presented act the executability of the receivable depends on the fulfilment of a counter obligation or on the occurrence of another fact, the fulfilment of the obligation or the occurrence of the fact should be ascertained either by an official document or by a document, originating from the debtor.
(2) (new - SG 36/06, in force from 01.07.2006) The writ of execution under Art. 237, letter "l" shall be issued based on:
1. application by the body representing the concedent in the concession contract;
2. certified copy of the concluded contract;
3. written invitation to the concessionaire for voluntary payment of the debt or for handing over the concession object with a certified date of the reception.
(3) (prev. text of para 2 – SG 36/06, in force from 01.07.2006) The court shall make a due notice in the act for the issuance of the writ.

Art. 244. (Amd. - SG No 124 of 1997) (1) (Amend. SG 105/02) The ruling by which the application for the issue of a writ of execution is granted or rejected in whole or in part, can be appealed within a term of seven days. The term shall start for the applicant from the day of serving the announcement for the awarded definition or ruling, and for the debtor - from the day of serving the subpoena for voluntary execution.
(2) The complaint may be grounded only on reasons, deduced from the acts under art. 237.
(3) (Amd. - SG, No 124 of 1997) The appeal of the ruling by which the application is granted, shall not stop the implementation.
(4) The consideration of the complaint shall be conducted by the procedure of art. 217.

Art. 245. (New, SG 105/02) Applied in the proceedings for issuance of a writ of execution shall be art. 192 - 194 respectively.

Art. 246. (Amend., SG 105/02) The writ of execution shall be issued in one copy, signed by a judge from the respective court.

Art. 247. Where several separate estates should be delivered or where the decision is ruled to the benefit of or against several persons, separate writs of execution may be issued, by noting which part of the decision is subject to implementation under each writ.

Art. 248. (1) If the original writ of execution is lost or destroyed, the court that issued it, on written application of the applicant, shall issue a duplicate thereof on the grounds of the act, under which the original was issued.
(2) The application shall be considered at an open session, after a transcript thereof is served to the debtor.
(3) The debtor may oppose, besides the absence of the conditions under par. 1, also objections for the acquittal of the debt. (Amd. SG No 124 of 1997) The passed ruling shall be subject to appeal by the common procedure. After it enters into force, the debtor may not contest the existence of the debt on such grounds, that he could put forward in the procedure for the issue of the duplicate.
(4) If the act itself was lost or destroyed and it is not possible to restore its contents through official documents, the applicant may lodge a claim for the conviction of the debtor.

Chapter twent and four.
CONTESTATION OF THE RECEIVABLE UNDER THE WRIT OF EXECUTION

Art. 249. (Rep. - SG No 124 of 1997)

Art. 250. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02; amend., SG 84/03) Where the writ of execution was issued on the grounds of any of the acts, pointed out in art. 237, item "c", "d", "e", "f", "g", "h" and "i" or on the grounds of some other non-judicial act, provided for by the law, the debtor may, within seven days from receiving the subpoena for voluntary implementation, raise objections, supported by convincing written evidence, that the awarded amount is not due, or within the same term may produce due security for the creditor by the procedure of art. 180 and 181 of the OCL.
(2) In such case the court shall stop the implementation.
(3) The ruling of the court on an application for stopping the implementation may be appealed within a term of seven days from the day of its communication.

Art. 251. (1) In the case of several indebted persons the security under the preceding article shall serve only for the person or persons, for which it was produced.
(2) Where the objection refers only to a part of the awarded amount, as well as where the produced security is not equal to this total amount, the court shall stop the implementation only for the respective part of the amount.

Art. 252. When the court stops the implementation, the creditor should lodge a claim for ascertaining his receivable within a term of one month from the day, on which the ruling for stopping the implementation has entered into force. Otherwise the issued writ of execution shall be invalidated.

Art. 253. If the creditor has lodged a claim under the preceding Art., the pending proceedings for appealing the decision for the issue of a writ of execution shall be terminated ex officio.

Art. 254. If the debtor fails to raise objections within a term of seven days under art. 250 or his request for stopping is not honoured, he may raise his objections by the procedure of claims.

Art. 255. (Amd. - SG No 124 of 1997) The debtor may contest by a claim the implementation also where it is grounded on other acts, besides those pointed out in art. 250. When the act, under which the writ of execution was issued, is any of those provided for in art. 237, subparagraphs "a" and "b", the objections of the debtor may be grounded only on facts that have occurred after the issue of such acts.

Part three.
PECULIAR CLAIM PROCEEDINGS

Chapter twent and five.
PROCEEDINGS ON MARRIAGE CLAIMS

Art. 256. (Erased - Izv. No 90 of 1955)

Art. 257. (Erased - Izv. No 90 of 1955)

Art. 258. (Amd. - Izv. No 90 of 1955 and SG No 41 of 1985) (1) Considered by the procedure of this chapter shall be the divorce claims, the claims for invalidation of the marriage and for ascertainment of the existence or non-existence of a marriage between the parties (marriage claims).
(2) The under-age persons and the spouses under limited judicial disability may alone lodge marriage claims and bear responsibility under them.

Art. 259. (Amd. - Izv. No 90 of 1955 and SG No 41 of 1985) (1) The proceedings for a divorce claim shall start with a conciliation session, in which the spouses should appear in person. In case of failure on the part of the claimant to appear without any valid reasons the proceedings shall be terminated. The failure of the defendant to appear shall not be an obstacle for considering the application, but the court may direct that he/she should appear in person.
(2) The conciliation session shall be held behind closed doors. The court shall obligatorily hear the opinions of the parties, require explanations for the reasons, due to which the request for divorce was made, and shall explain to them the unfavourable consequences from the divorce for them, for the children and for the society, by inviting them to reconcile.
(3) (Amd. - SG No 124 of 1997) A new conciliation session shall be scheduled where:
a) the court has ordered that the defendant should appear in person;
b) the spouses or any of them wish to continue their efforts for reconciliation and strengthening of the marriage;
c) the court finds that reconciliation can be reached.
(4) (Par. 4 amd. - SG No 124 of 1997)
(5) (Par. 5 amd. - SG No 124 of 1997)
(6) Conciliation measures shall not be undertaken where, due to judicial disability, absence or some other reason, difficult to surmount, reconciliation between the parties cannot be expected.
(7) (Par. 7 amd. - SG No 124 of 1997)

Art. 259a. (New - SG No 23 of 1968, amd. SG - No 28 of 1983) (1) In case of request for divorce by mutual consent the chairman of the court shall summon the spouses to a conciliation session, where they should appear in person.
(2) (Amd. - SG No 28 of 1983; SG, No 64/1999) If the spouses support their application, the chairman of the court shall draw up a protocol to that effect and shall enter the application for consideration at a court session.
(3) In case where any of the spouses does not appear without any valid reasons at the conciliation or court session, the case shall be terminated.

Art. 259b. (New - SG, No 23 of 1968, suppl. No 28 of 1983, amd. No 41 of 1985) After the court has convinced itself, that the consent of the spouses to divorce is serious and firm and has found that the reached agreement under art. 101 of the Family Code does not contradict the law and is to the interest of the children, the court shall permit the divorce and endorse the agreement by a decision.

Art. 259c. (New - SG No 23 of 1968) The decision, by which the divorce by mutual consent is permitted, shall not be subject to appeal.

Art. 260. (Amd. SG No 23 of 1968 and No 41 of 1985) (1) Upon of divorce the claimant should put forward all grounds for the profound and irretrievable derangement of the marriage. Any grounds that have not been put forward and which have occurred until the closing of the oral controversy and have become known to the spouse, may not serve as a ground for lodging a new divorce claim.
(2) (Amend., SG, No 64/1999) All marriage claims may be consolidated between themselves. Along with them, obligatorily put forward and considered should be claims for exercising the parents' rights, the personal relations and the support money for the children, the usage of the family home, for the alimony between the spouses and the family name.
(3) The provisions of the preceding paragraphs shall also refer to the defendant with regard to the claims that he/she could put forward.
(4) No claim for invalidation of the marriage due to violation of the conditions for age under art. 12 and due to threat under art. 96, par. 1, point 2 of the Family Code may be lodged, after the divorce claim has been rejected.

Art. 261. (Amd. - SG No 41 of 1985) (1) At the request of the parties the court, before which the claim for divorce or for invalidation of the marriage has been lodged, shall determine temporary measures with regard to the support money and the home of the spouses and the usage of the property acquired during the marriage, as well as with regard to the care of the children and their support money.
(2) (Amend., SG, No 64/1999)This definition is subject to appeal by the general order.
(3) (New - SG No 41 of 1985) The husband may not lodge a claim for divorce without the consent of his wife, if she is pregnant and until the child reaches the age of twelve months.
(4) (Prev. par. 3, new - Izv. No 89 of 1953, amd. SG No 28 of 1983, No 41 of 1985) The proceedings under a marriage claim shall be stayed at the request of the wife, if she is pregnant and until the child reaches the age of twelve months.

Art. 262. (Amd. - Izv. No 89 of 1953, SG No 23 of 1968; Erased - SG No 41 of 1985)

Art. 263. (Rep. - Izv. No 89 of 1953)

Art. 264. (Suppl. - Izv. No 90 of 1961, amd. SG No 23 of 1968, rep. - SG No 28 of 1983)

Art. 265. (Amend., SG, No 64/1999) The decision for divorce shall enter into force, even if it has been appealed only in its part concerning the guilt.

Art. 266. In the decision, by which the divorce has been permitted, the court shall, at the request of the parties, settle also the issue about the name, which the spouses shall be able to bear in the future.

Art. 267. (Amd. - SG No 41 of 1985) In case the spouse-claimant dies and the divorce claim is grounded on the guilt of the surviving spouse, the court shall give a term of two weeks to the heirs to declare whether they wish to continue the case; the same shall refer to a claim for invalidation of the marriage, if the surviving spouse has been unconscientious. If within the given term neither of the heirs declares that they wish to continue the case, it shall be terminated. The same shall be terminated also if the divorce claim is not grounded on the guilt of the surviving spouse or if the latter - in the case of claim for invalidation of the marriage - has been conscientious.

Art. 268. (Amd. - Izv. No 89 of 1953 and SG No 23 of 1968, No 41 of 1985) In the case of death of the defendant the continuation of the case by his heirs shall be possible only if the lodged claim is in connection with art. 13 and 131, par. 2 of the Family Code and the claimant is an unconscientious party upon conclusion of the marriage.

Art. 269. (Rep. - SG No 23 of 1968)

Art. 270. (1) The legal expenses under marriage cases shall be awarded to the guilty or unconscientious spouse. Where there is no guilt or unconscientiousness or where both spouses are guilty or unconscientious, the expenses shall be borne by each of them, as they have incurred them.
(2) (New - SG No 28 of 1983) In case of rejection of the divorce claim the expenses shall be determined under art. 64. The expenses for appeal of the decision shall be determined by this procedure as well.

Chapter twent and six.
PROCEEDINGS ON CASES FOR CIVIL STATUS

Art. 271. (1) Considered by the procedure of this chapter shall be the claims for ascertaining or contesting of origin, as well as the claims for revocation of adoption.
(2) (Amd. - Izv. No 90 of 1955) Applied to these claims shall be art. 258, par. 2 and art. 267 respectively, with regard to the continuation of the claim by the heirs of the adopter for ascertaining justifiability.

Art. 272. The claim for support money for the children may also be consolidated with the claim for ascertaining fatherhood or motherhood, but temporary support money may not be awarded under these cases.

Art. 273. A claim for indemnity of the adopted, who has contributed to the increase of the property status of the adopter, may be consolidated with the claim for revocation of the adoption. This claim may be lodged also as a counter-claim.

Art. 274. (1) (Par. 1, amd. Izv. No 50 of 1961) Under cases for contesting fatherhood, the proceedings shall be terminated upon death of the child.
(2) (Par. 2 erased - Izv. No 90 of 1961)

Chapter twent and seven.
PLACING UNDER JUDICIAL DISABILITY

Art. 275. (1) The placing of a person under total or limited judicial disability may be requested by a statement of claim from the spouse, from the close relatives, from the prosecutor and from anyone who has a legal interest in that.
(2) The participation of the prosecutor in such proceedings shall be obligatory.
(3) (Par. 3 suppl. - SG No 28 of 1983) The person, whose judicial disability is required should be interrogated in person and, if needed, shall be brought by compulsion. In case the person is in a hospital establishment and his health condition does not permit to be brought in person at the court session, the court shall be obliged to get an immediate impression of his condition.
(4) If, after the interrogation the court finds it necessary, it shall appoint him a temporary custodian, who will take care of his personal and property interests.

Art. 276. (Amd. - SG No 28 of 1983) (1) The court shall pass judgement on the application after the interrogation of the person, whose placing under judicial disability is required, and of his relatives. If that proves to be insufficient, the court shall proceed to the collection of other evidence and to hearing of experts.
(2) (Amd. - SG No 28 of 1983) If the person is in a hospital establishment, the court shall request from the administration information on his condition.
(3) (Amd. - SG No 124 of 1997) After the decision by which the person is placed under total judicial disability enters into force, the court shall communicate that to the custodian body in order to establish guardianship or custody.
(4) (New - SG No 28 of 1983) The claimant shall not be entitled to expenses in the proceedings for placing under judicial disability. If the claim is rejected, the claimant shall owe to the defendant the expenses incurred.

Art. 277. (1) The proceedings for the revocation of the judicial disability shall be the same as those for its admission.
(2) (New - SG No 28 of 1983) The revocation of the judicial disability may be requested also by the body of guardianship or by the guardian.

Chapter twent and eight.
LEGAL PARTITION

Art. 278. (1) Any co-heir who requests partition, shall file at the regional court a written application, enclosed to which shall be:
a) a certificate for the death of the legator and for his heirs;
b) a certificate or other written evidence for the patrimony and
c) transcripts of the application and the enclosures for the remaining co-heirs.
(2) (Amd. - Izv. No 90 of 1961) Any of the remaining co-heirs may, at the first session on the case, request by a written application, that other estates as well should be included in the patrimony.

Art. 279. At the first session any of the co-heirs may raise objections against the right of any of them to take part in the partition, against the size of his share, as well as against the inclusion of any estates in the patrimony.

Art. 280. (Rep. - Izv. No 90 of 1961)

Art. 281. (Amd. - Izv. No 90 of 1961) Considered in the partition proceedings shall be the contestations of origin, of adoptions, of wills and of the authenticity of written evidence, as well as requests for reduction of testamentary instructions and of donations.

Art. 282. (Amd. - SG No 28 of 1983) (1) In the decision that admits the partition, the court shall rule on the following matters: between which persons and for which estates it will be made, as well as what the share of each co-heir is. Where partition of movable objects is permitted, the court shall also rule on the issue which of the co-partitioners holds them. In the same decision or later on, if neither of the heirs makes use of the patrimony in accordance with his rights, the court, at the request of any of them, shall pass judgement on which of the heirs of which property will make use until the final execution of the partition or what amounts some of them should pay to the others against that use.
(2) (New - SG No 28 of 1983) The ruling under the preceding paragraph may be altered by the same court. It may be appealed by a private complaint as well.

Art. 283. Where in the inheritance there are estates, which the legator has owned in joint ownership with any third person, this property shall be excluded from the partitioned patrimony, if between the heirs on one part and the third persons on the other part the partition fails to be made before the drawing up of the protocol of partition.

Art. 284 - 285. (Rep. - Izv. No 90 of 1961)

Art. 286. (1) At the first session after the admission of the partition the co-heirs may put forward requests for bills between them, by pointing out their evidence as well.
(2) (Par. 2 amd. - Izv. No 90 of 1961)

Art. 287. (1) The court shall draw up the protocol of partition on the grounds of the conclusion of an expert by observing the rules of the Inheritance Law.
(2) (New - SG No 28 of 1983, rep. - SG No 124 of 1997)

Art. 288. (Amd. - Izv. No 90 of 1961, SG No 28 of 1983 and No 31 of 1990, suppl. - SG No 124 of 1997) (1) Where some estate cannot be partitioned and cannot be put in one of the shares, the court shall rule that it should be offered for public sale. The parties to the partition may take part in the bidding at the public sale.
(2) (Amd. - Izv. No 90 of 1961, suppl. SG No 31 of 1990, amd. SG No 124 of 1997, Amend, SG, No 64/1999) If the inseparable real estate is a flat which has been matrimonial proprietary communion, terminated by the death of one of the spouses or by a divorce and the surviving spouse or former spouse to whom the exercising of parental rights is given regarding the children born by this marriage has no home of his own the court, at his request, can place it in a share equalising the shares of the remaining co-owners with other real estates or cash.
(3) (Par. 3 rep. - SG No 124 of 1997, New, amend., SG, No 64/1999) If the inseparable real estate is a flat which has been matrimonial proprietary communion, terminated by the death of one of the spouses or by a divorce and the surviving spouse or former spouse to whom the exercising of parental rights is given regarding the children born by this marriage has no home of his own the court, at his request, can place it in a share equalising the shares of the remaining co-owners with other real estates or cash.
(4) (Amd. - Izv. No 90 of 1961) The interested persons may enter a lawful mortgage for the receivables under par. 2.
(5) (New - Izv. No 90 of 1961) The request under par. 2 can be made at the first session at the latest, after the entry into force of the decision for admission of the partition under art. 282, par. 1. The estate shall be assessed by its real value.
(6) (New - Izv. No 90 of 1961, amd. - SG No 28 of 1983, amd. - SG No 124 of 1997) When the equalisation is in money, the sum under par. 2, along with the lawful interest, should be paid off within a term of 6 months from the entry of the decision for assignment into force.
(7) (New - SG No 28 of 1983; erased previous par. 8 - No 31 of 1990; amd. - SG No 124 of 1997; SG No 64/1999) The claimant in whose share is allocated the real estate by the order of para 2 and 3 shall become its owner after paying within the term under para 6 the defined cash clearing together with the legal interest. If the clearing is not paid within this period the decision for assignment shall become void by right and the real estate shall be declared for public sale. The real estate may not be declared for public sale and be assigned to another co-owner who meets the requirements under para 3 if he pays immediately the price by which the real estate has been assessed, reduced by the value of his share in it. The obtained sum shall be distributed among the remaining co-owners according to their quotas.
(8) (Par. 8, New - SG No 28 of 1983, previous par. 9 - SG No 31 of 1990, amd. - SG No 44 of 1996, rep. No 124 of 1997)
(9) (Par. 9 New - SG No 28 of 1983; previous par. 10 - SG No 31 of 1990; rep. - SG No 124 of 1997)

Art. 289. After having prepared the draft of the partition protocol, the court shall summon the parties, in order to present it to them and hear their objections with regard to it. After that the court shall draw up and announce the final partition protocol.

Art. 290. The decisions under art. 286, 288 and 289 shall be subject to appeal by a joint complaint within the term for appeal of the latest decision.

Art. 291. After the decision on the partition protocol enters into force, the court shall summon the parties to draw lots.

Art. 292. (Amd. - Izv. No 90 of 1961) The court may execute out the partition by distributing the patrimony between the co-partitioners, without drawing lots, when the constitution of shares and the drawing of lots proves to be impossible or very inconvenient.

Art. 293. (Amend., SG, No 64/1999) (1) When the real estate is declared for public sale as inseparable each of the co-owners in the partition can buy it under the conditions of Art. 389, para 2.
(2) (Amend., SG, No 64/1999) if some of the co-owners wish t buy the real estate under the conditions of the preceding para a new sale shall be made only between them at initial price - the highest offered at the first sale. It shall continue for seven days and shall be carried out by the general rules.
(3) (Amend., SG, No 64/1999) If during this sale none of the co-owners buys the real estate it shall be assigned to the bidder - a third person to the partition who has offered the highest price at the first sale.

Art. 293a. (New - SG No 28 of 1983) The parties shall pay the expenses in accordance with the value of their shares. The expenses for the consolidated claims in the partition proceedings shall be determined under art. 64.

Chapter twent and nine.
PROTECTION AND REINSTATEMENT OF IMPAIRED OWNERSHIP

Art. 294. The claims for protection and reinstatement of impaired ownership (art. 75 and 76 of the Property Law) shall be within the jurisdiction of the regional court.
On these cases the court shall check only the fact of possession and of impaired ownership.

Art. 295. The person, that has lodged a claim for ownership over a real estate, cannot lodge a claim for possession against the same defendant for the same estate, while the case for ownership is pending.

Art. 296. (Amd. - SG No 28 of 1983, amd. - SG No 124 of 1997) Where the possession or holding has been taken away by force or in a concealed way (art. 76 of the Property Law), the court may levy on the person that has committed impair of ownership also a fine of up to 100 leva. The decision with regard to the delivering of the estate shall be subject to preliminary implementation and cannot be stayed.

Chapter thirty.
PROCEEDINGS FOR THE CONCLUSION OF A FINAL CONTRACT

Art. 297. (1) In the case of claim under art. 19, par. 3 of the OCL, if under the preliminary contract the claimant should fulfil his counter-obligation upon the conclusion of the final contract, the court shall rule with a decision, which shall replace the final contract, on condition that the claimant should fulfil his obligation. In this case the claimant should fulfil his obligation within a term of two weeks from the entry of the decision into force, including by set off of the liabilities paid by him to the state for the account of the defendant.
(2) If within this term the claimant fails to fulfil his obligation, at the request of the defendant the court of first instance shall invalidate the decision.

Art. 298. (1) Where it refers to the transfer of the ownership over a real estate, the court shall check also if the preconditions for the transfer of ownership by the notarial procedure, including whether the alienator of the estate is the owner of the estate, are available.
(2) By its decision the court shall convict the claimant to pay to the state the expenses due for the transfer of the estate and shall order on the entry of interdict over the estate for those expenses.
(3) (Suppl., SG 105/02) The court shall not issue a transcript of the decision, until the claimant proves that the expenses for the transfer and the taxes and other public liabilities of his assignor to the state and to the municipalities at the place of residence of the assignor have been paid.

Chapter thirt and one.
PROCEEDINGS UNDER FINANCIAL DEFICITS

Art. 299. (1) (Par. 1 amd. - Izv. No 90 of 1958, SG No 12 of 1996) (Amd. - SG No 124 of 1997; amend., SG 92/00, amend. SG 33/06) The statements on deficits, executed under the Law of State Financial Inspection in the cases, where no crime has been committed, shall be sent by the inspection department, which has carried out the inspection, to the respective court at the place of residence of the persons that have suffered losses and that are subject to state financial inspection.
(1) (Amd. - SG No 124 of 1997) (Rev., SG, No 64/1999)
(3) (New - Izv. No 90 of 1958) The statement on deficits and the letter, by which it shall be sent to the court, shall have the effect of a statement of claim.
(4) (New - Izv. No 90 of 1958) The letter should contain the following:
a) the court to which it is sent;
b) (Amd. - SG No 124 of 1997) the name and address of the claimant - the corporate body that has suffered losses;
c) the name and address of the defendant;
d) the amount of the liability;
e) the evidence.
(5) (New, SG, No 64/1999) Attached to the defalcation act and the letter shall be copies of them for the respective party.
(6) (New, SG, No 64/1999) For failure to fulfil the requirements of para 4 and 5 shall apply Art. 100.

Art. 300. (Amd. - Izv. No 90 of 1958 and SG No 28 of 1983, SG, No 64/1999) (1) The court shall send a copy of the defalcation act and the letter together with the enclosures to the defendant and shall give him two weeks for contesting and for presenting evidence informing him about the consequences under para 6.

(2) The court shall rule in a closed session on admitting the evidence.
(3) (Erased, previous par. 4, amd. - SG No 28 of 1983, SG, No 64/1999) The case shall be scheduled for hearing at an open session with summoning of the parties, the witnesses and the experts.
(4) (Previous par. 5, amd. - SG No 28 of 1983; amd. - SG No 124 of 1997) The corporate body that has suffered losses shall be summoned as a claimant in the case.
(5) (New - SG No 28 of 1983) The Ministry of Finance shall be summoned as well as a party to the case.
(6) (New, SG, No 64/1999) If, within the term under para 1 objections have not been filed the court shall issue an executive list. The defendant can contest the fulfilment by the order of Art. 250 and 254.

Art. 301. (1) (Par. 1 deleted; previous par. 2 - Izv. No 90 of 1958; Amend., SG 105/02) The factual findings in the statement on deficits shall be considered veracious until proved otherwise.
(2) (Previous par. 3 - Izv. No 90 of 1958) The decision ruled under the case shall be subject to appeal by the common procedure.
(3) (New - Izv. No 90 of 1958, rep. - SG No 124 of 1997)

Art. 302. (1) (Amd. - SG No 104 of 1996; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) At the request of the bodies of the internal departmental financial control the judge in charge of entries shall place an interdict and the state or private bailiff shall levy a distraint for securing the amount of the deficit. Such security may be requested also prior to the entry of the defalcation statement in the court.
(2) The proceedings under these cases, as well as the implementation of the decisions thereon shall be free of charge. The parties shall only deposit the expenses for remuneration of the witnesses and experts.
(3) (Amd. - Izv. No 90 of 1958) The court shall adjudge the respective interest on the awarded amount.
(4) The court shall issue, ex officio, a writ of execution under the enforced decisions on deficits.

Chapter thirt and two.
ACKNOWLEDGEMENT AND ADMISSION OF THE IMPLEMENTATION OF DECISIONS OF FOREIGN COURTS OF LAW

Art. 303. (Amd. - SG No 28 of 1983, revoked SG 42/05)

Art. 304. (Amd. - SG No 28 of 1983, revoked SG 42/05)

Art. 305. (Revoked SG 42/05)

Art. 306. (Amd. - SG No 28 of 1983, amd. - SG No 124 of 1997, revoked SG 42/05)

Art. 307. (Revoked SG 42/05)

Chapter thirt and two.
"A" SPECIAL RULES FOR RECOGNITION AND ADMISSION OF FULFILMENT OF DECISIONS OF FOREIGN COURTS AND OF OTHER FOREIGN BODIES (new, SG 84/03)

Art. 307a. (new, SG 84/03) (1) The application for recognition and admission of fulfilment of a decision of a foreign court or of another foreign body for exercising parental rights and for restoration of the exercising of parental rights in cases of illegal transfer of a child, based on the European Convention for exercising parental rights and for restoration of the exercising of parental rights of 1980, called hereinafter "The Luxemburg Convention", shall be considered by the Sofia City Court in an opened sitting, with the participation of:
1. the Ministry of Justice;
2. the parties to the foreign decision;
3. a prosecutor.
(2) Para 1, item 1 shall not apply when the applicant has approached the court directly.
(3) In the proceedings under para 1 Directorate "Social support" at the municipalities at the present address of the child shall give opinion. The court shall hear out the child in accordance with art. 15 of the Law of protection of the child.
(4) The court may, on request or ex-officio, rule a temporary measure for protection of the child for the purpose of preventing further danger for the child or damages to the parties.

Art. 307b. (new, SG 84/03) (1) The court shall stop the proceedings under art. 307a, para 1 when:
1. the decision is subject to appeal;
2. there are, in a Bulgarian court, pending proceedings in essence on the essence of the dispute, which has started before the proceedings in the country where the decision has been ruled, whose recognition and/or admission for fulfillment is requested;
3. other decision regarding the exercising of parental rights is a subject to proceedings for recognition and/or admission of its fulfillment.
(2) In the cases of para 1, item 2 the court shall inform immediately the respective court which shall be obliged to rule within 30 days from the notification.

Art. 307c. (new, SG 84/03) The court shall rule by a decision within 30 days from receipt of the request.
(2) The decision of the court shall be subject to appeal before Sofia Appellate Court within 14 days under the conditions of art. 197.
(3) The Sofia Appellate Court shall rule by a decision within the period under para 1. The decision shall be final.

Art. 307d. (new, SG 84/03) (1) Requested, by the order of this chapter, may be recognition and admission of fulfillment of a decision for exercising parental rights, ruled after the transfer of the child, if this transfer has been declared illegal by this decision.
(2) The recognition and fulfillment of a decision of another country – member to the Luxemburg Convention shall also be refused in the cases of art. 8 and 9, when the circumstances of art. 10, para 1 are present.
(3) The recognition and fulfillment of the decision shall be admitted only and inasmuch as it is feasible in the country where it has been ruled.

Art. 307e. (new, SG 84/03) Inasmuch as there are no special rules for these proceedings the rules of the general claim proceedings shall apply.

Part four.
SECURITY PROCEEDINGS

Chapter thirt and three.
ADMISSION OF THE SECURITY

Art. 308. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02) At any stage of the case, until the entry of the decision into force, the claimant may require from the court before which the case is pending, to admit security of the claim.
(2) Security may be admitted on all types of claims.

Art. 309. Security may be required also prior to lodging the claim by the regional judge at place of the residence of the claimant or at the location of the estate, that will serve as security. In this case the judge shall establish a term for lodging the claim. If the claim fails to be lodged within the prescribed term, the regional judge shall cancel the security.

Art. 310. (1) Security of the claim shall be admitted where without it it will be impossible for the claimant or the realisation of the rights under the decision will be impeded, and also:
a) if the claim is supported by written evidence and
b) if a guarantee at the size determined by the court in accordance with art. 180 and 181 of the OCL is produced.
(2) The court may require from the claimant to produce a guarantee in money or property at a size, determined by it, in the case of subparagraph "a" as well.
(3) (Suppl., SG 105/02) The state institutions and the municipalities, as well as the medical establishments subsidised by the republican and/or the municipal budgets, shall be exempt from producing guarantees.
(4) Security of the claim shall be admitted also when the case is stayed.

Art. 311. On claims for support money security shall be admitted also without observing the requirements of the preceding article. In this case the court also may, ex officio, take measures for securing the claim.

Art. 312. (Amend., SG 105/02) Securing of a claim for money receivables by the procedure of art. 316, items "a" and "b" shall not be admitted against the state institutions and municipalities, as well as the medical establishments subsidised by the republican and/or municipal budgets.

Art. 313. The court may admit securing of the claim for its total amount or only for those parts, which he acknowledges as sufficiently supported by evidence.

Art. 314. (1) Indicated in the application for security should be the security measure and the price of the claim. A transcript of the application shall not be served on the opposite party.
(2) The application shall be settled at a closed session on the day of its filing.

Art. 315. (1) (Amd. - SG No 104 of 1996; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The ruling of the court on the security of the claim may be appealed by a private complaint within a term, which shall start for the applicant from its announcement, and for the defendant - from the day on which the communication from the state or private bailiff, from the judge in charge of the entries or from the court in the cases of art. 316, item "c" has been delivered to him.
(2) The ruling, by which the securing of the claim has been admitted, cannot be stopped because of its appeal by a private complaint.

Chapter thirt and four.
SECURITY MEASURES

Art. 316. (1) The securing shall be realised:
a) by placing interdict on a real estate;
b) by distraint on movable objects and receivables of the debtor and
c) by other appropriate measures, determined by the court, including by stopping of the implementation.
(2) The court may admit several types of security at a total amount of up to the size of the claim.
(3) (Amd. - SG No 124 of 1997) The distraint and interdict for money receivables may not be placed or levied on the possessions, pointed out in art. 339 (except in the cases of art. 340), as well as on the remuneration against work done above the amounts, pointed in art. 341.

Art. 317. (1) (Suppl., SG 105/02) The court may, at the request of one of the parties, after having notified the other party and having taken into consideration its objections made within three days from the announcement, allow the replacement of one type of security by another one.
(2) In the case of securing a claim that can be assessed in money, the defendant may at any time replace, without the consent of the other party, the security admitted by the court, by a pledge in money or securities in accordance with art. 180 and 181 of the OCL. This shall not refer to the securing of claims for ownership.
(3) In these cases the distraint and interdict shall be cancelled.

Art. 318. If the claim is based on a contract, in which the estate that shall serve as security is specified, the security shall be levied only on this estate, unless it is not available or if in the meantime it has been encumbered with other burdens that make the security insufficient.

Art. 319. (1) (Amend., SG, No 64/1999; Suppl., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The levying of distraint shall be executed immediately by the state or private bailiff on application of the claimant on the grounds of the court order, in accordance with art. 343, par. 1, 344, par. 1 and 2, 390 and 398, by presenting to the defendant a notice, instead of a subpoena, for voluntary implementation. In the case of distraint on a movable object, the state or private bailiff shall take an inventory of the object, make a valuation and deliver it for keeping in accordance with art. 360-366.
(2) (amend., SG 36/04, In force from 31.07.2004) The placing of interdict shall be made by entry of the court order by an order of the respective judge in charge of the entries by the procedure of entries. The entries office shall communicate the entry made to the defendant.

Art. 320. The distraint and interdict levied for securing the claim, shall produce the action, provided for in art. 345-347, 354, par. 1, 391, 392 and 395-397. The secured creditor may lodge against the third liable person a claim for the amounts or objects, which it refuses to deliver voluntarily. Art. 332, par. 2 and 336 shall apply for this case.

Art. 321. (1) The cancellation of the security shall be ruled on application of the interested party, and a transcript thereof shall be delivered to the party, whose demand has been secured. This person may raise objections within a term of three days from receiving the transcript.
(2) The court shall, at a closed session, cancel the security, after having convinced itself that the reason, for which he security has been admitted does not exist any more, or that the conditions of art. 317, par. 2 are available. The ruling of the court shall be subject to appeal by a private complaint.
(3) The lifting of the distraint, the striking off of the interdict, as well as the cancellation of the other security measures shall be carried out on the grounds of the enforced ruling of the court.

Art. 322. (1) If the claim, on which the security has been admitted, is rejected or if it fails to be lodged within the term, given to the claimant, or if the case is terminated, the defendant may demand from the claimant to pay him the damages, caused as a result of the security.
(2) In these cases, in order to release the produced guarantee, the interested person should file an application with a transcript for the party of the defendant. The defendant may enter a protest against the release of the guarantee within a term of seven days from delivering the application, and within a term of one month he may lodge a claim for the damages caused to him. If within these terms the defendant fails to enter a protest and to lodge such a claim, the guarantee shall be released.

Part five.
EXECUTION PROCEEDINGS

Dial one.
GENERAL PROVISIONS

Chapter thirt and five.
INITIATION, STAYING AND TERMINATION OF THE EXECUTION

Art. 323. (Suppl. - Izv. No 90 of 1961) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall proceed to the execution on application of the interested party on the grounds of a presented writ of execution or another deed, subject to execution.
(2) (New - SG No 1 of 1963; rep. - SG No 38 of 1989)
(3) (Previous par. 2 - SG No 1 of 1963) In his application the appellant shall be obliged to indicate the manner of execution. He may indicate several manners simultaneously. The latter may, during the course of the proceedings, indicate other estates of the debtor for satisfying his receivable.
(4) (Previous par. 3 - SG No 1 of 1963) The provisions of art. 100 shall apply respectively to that application.

Art. 324. (1) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The applications for execution shall be filed with a state or private bailiff, in whose region located are:
a) the movable or immovable objects, on which the execution is directed;

b) the place of residence of the third liable person, where the execution is directed towards receivables of the debtor to it;
c) the place of execution of the obligations for action or inaction, where it refers to performance of such obligations;
d) (new - Izv. No 90 of 1961, amd. - SG No 1 of 1963) the place of residence of the appellant or debtor, at the choice of the appellant, where it refers to awarded support money.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The appellant may request from the state or private bailiff at his place of residence the levying of distraint of interdict on objects and receivables of the debtor, even though in accordance with the above mentioned rules the execution actions are subject to performance by another state or private bailiff. After the distraint or interdict have been levied, the state or private bailiff shall forward the execution case to the proper state or private bailiff.
(3) (New, SG 105/02) If the execution regards cash receivables of the debtor from a third liable person with a place of residence in another judicial region the executive case shall not be forwarded.

Art. 325. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) When proceeding to execution, the state or private bailiff shall be obliged to send to the debtor a subpoena, by which he grants him a term of seven days for voluntary execution.
(2) The subpoena should contain a notification of the writ of execution, the name and address of the appellant and warning to the debtor that if he fails to fulfil his obligation within the term granted, it will be proceeded to compulsory execution.
(3) (New, SG, No 64/1999; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) If the debtor changes permanently or temporarily the address at which he has received the subpoena for voluntary fulfilment without informing about that the state or private bailiff Art. 51, para 2 and 4 shall apply.
(4) (Amd. - SG No 124 of 1997, prev. para 3, SG, No 64/1999, Amend. SG 43/05, in Force from 1st of September 2005) If the debtor dies, after having received the subpoena for voluntary execution, but prior to the performance of other execution actions, the state or private bailiff should, before continuing his actions, send to the heirs a new subpoena for voluntary execution.
(5) (Amd. - SG No 124 of 1997, Prev. para 4, SG, No 64/1999, Amend. SG 43/05, in Force from 1st of September 2005) When the state or private bailiff proceeds from one manner of execution to another, he shall send to the debtor a communication to that effect.

Art. 325a. (New, SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall rule on the application for execution within 7 days. The executive actions shall be set for a day within one month from receipt of the request. All other actions which are not to be executed immediately or no other deadline is determined for their execution shall be executed within 3 days.

Art. 326. (1) (Par. 1, amd. - Izv. No 90 of 1961) The heirs and the private successors of the appellant, as well as the warrantor and the joint and several co-debtor, that have redeemed the debt, may request execution on the grounds of the writ of execution issued to the benefit of the appellant. The succession, respectively the redemption by the warrantor or co-debtor, shall be ascertained by written evidence.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The writ of execution issued against the legator may be executed also on the property of his heirs, unless they ascertained that they have renounced the inheritance or that they have accepted it by inventory. When the heir has not accepted the inheritance, the state or private bailiff shall determine the term under art. 51 of the Inheritance Law by communicating the declaration of the heir to the respective regional judge so that it could be duly entered.

(3) The writ of execution against the debtor shall have effect also against the third person that has given its object as pledge or mortgage for securing the debt, when the claimant directs the execution on that object.

Art. 327. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the place of residence of the debtor is unknown, the regional court at the place of execution, at the request of the state or private bailiff and after it has been ascertained ex officio as well, shall appoint a representative of the debtor.

Art. 328. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff may order the opening of buildings of the debtor and the searching of his belongings, house and other premises, if that is necessary for the execution.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) In case of need the state or private bailiff may require assistance from the bodies of the national police or from the mayor of the municipality, region or city council.

Art. 329. The execution proceedings shall be stayed:
a) by order of the court;
b) at the request of the appellant;
c) in the cases of art. 182, subparagraphs "b" and "c", except for the sale of a real estate, for which an announcement has already been made, and
d) in other cases, provided for by the law.

Art. 330. (1) The execution proceedings shall be terminated:
a) when the debtor presents a receipt from the appellant, duly certified, that the amount under the writ of execution has been paid off, or a voucher from the post office or a letter from a bank, where it could be seen that the amount under the writ of execution has been deposited for the appellant. If the debtor presents a receipt with uncertified signature of the appellant, in case of dispute the latter shall be obliged to declare in writing that the receipt has not been issued by him, otherwise it shall be considered as authentic;
b) when the appellant has requested that in writing;
c) when the writ of execution has been declared null and void;
d) when the statement, on the grounds of which the writ of execution has been issued, is revoked by an enforced judicial statement, or the said statement has been acknowledged as forged;
e) (amd. - SG No 1 of 1963, amd. - SG No 124 of 1997) when the appellant does not request the performance of execution actions in the course of two years, except for the cases for support money and when he declares in writing that the debtor makes instalments against his liability, and
f) when an enforced decision has been presented, by which the claim under art. 254, 255 and 336 has been granted.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) In all these cases the state or private bailiff shall cancel ex officio the levied interdicts and distraints, after the ruling for termination enters into force.
(3) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The termination of the proceedings shall not injure the rights that any third person has acquired prior to that on the grounds of the execution actions, as well as the regularity of the payment made by the third liable person to the state or private bailiff.

Art. 331. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall be obliged to draw up a protocol for every action undertaken and

performed by him, where he shall point the day and place of its performance, the demands and declarations made by the parties, the collected amount and the expenses made for the execution.

Art. 331a. (New - SG No 1 of 1963, amd. - SG No 124 of 1997; Revoked, SG 105/02)

Chapter thirt and six.
Protection against the execution

Section I.
APPEAL OF THE ACTIONS OF THE STATE OR PRIVATE BAILIFF (Title amd. - SG No 124 of 1997, Title amend. SG 43/05, in Force from 1st of September 2005)

Art. 332. (1) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The parties to the execution may lodge complaints against the irregular actions of the state or private bailiff and against the refusal of the latter to perform any requested execution action.
(2) (Suppl. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) Any third person may appeal the actions of the state or private bailiff only in case he has directed the execution on objects, which are in possession of those persons on the day of distraint, interdict or delivery, if it refers to a movable object. The complaint shall not be granted, if it has been ascertained that the object has been a property of the debtor at the moment of levying the distraint or interdict.
(3) The entry into possession over a real estate may be appealed only by that third person, that was in possession of the estate prior to lodging the claim, the decision on which is being executed. If it exceeds the term for appeal, it may lodge an occupier's claim.

Art. 333. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The complaints shall be lodged through the state or private bailiff to the district court at the place of execution within a term of seven days from performance of the action, if the party has attended its performance or if it has been summoned, and in the remaining cases - from the day of the communication. The term for the third persons shall start from their learning about the action.
(2) A transcript of the complaint shall be served to the other party, and where the complaint has been lodged by a third person, transcripts thereof shall be served to the debtor and appellant, at whose request the execution case has been initiated.
(3) (Amd. - SG No 124 of 1997; Amend. and Suppl., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The party that has received a transcript of the complaint may, within a term of three days, raise objections in writing. After the expiry of that term the state or private bailiff shall send the complaint, along with the objections, if any, and a copy of the executive file to the district court, by giving written explanations as well on the appealed actions.
(4) The provisions of art. 198-200 shall apply respectively with regard to those complaints.

Art. 334. (1) (Par. 1 suppl. - Izv. No 90 of 1961) The complaints lodged by the parties shall be considered at a closed session unless witnesses or experts must be heard.
(2) Complaints lodged by third parties shall be considered in an open session with subpoenaed claimant, debtor and appellant at whose request the executive case was instituted.
(3) The court shall consider the complaint on the grounds of the data of the executive file and the evidence provided by the parties.

(4) (New, SG 105/02) The court shall announce its decision with the motives not later than 30 days from filing the complaint in the court. The decision shall not be subject to appeal.

Art. 335. (1) The lodging of the complaint shall not stop the actions of execution, but the court may rule on the stopping.
(2) (Amd. - SG No 59 of 1998; Revoked, SG 105/02)

Section II.
PROTECTION BY THE PROCEDURE OF CLAIMS

Art. 336. (1) Any third person, whose right has been injured by the execution, may lodge a claim in order to ascertain that the property on which the execution for a money receivable is directed, does not belong to the debtor.
(2) The claim shall be lodged against the appellant and the debtor.
(3) The claimant shall be responsible, subject to the conditions of art. 45 of the OCL, for the damages, caused to any third person, by directing the execution on the property, that belongs to them.

Dial two.
EXECUTION OF MONEY RECEIVABLES (A. Execution against citizens - title erased - SG No 124 of 1997)

Chapter GENERAL RULES

Art. 337. The appellant may direct the execution on any of the estates of the debtor.

Art. 338. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The debtor may propose that the execution should be directed on another estate or be carried out only through any of the manners of execution, required by the appellant. If the state or private bailiff finds that the manner of execution proposed by the debtor is in a position to satisfy the appellant, he shall direct the execution on the estate pointed out by the debtor.

Art. 339. (Amend., SG 105/02) The execution cannot be directed on the following objects of the individual debtor:
a) objects for daily use of the debtor and his family specified in a list adopted by the Council of Ministers;
b) the necessary food for the debtor and his family for one month, and for the farmers - until the new crop or its equivalence in other farm products if there is none;
c) the fuel necessary for heating, cooking and lighting for three months;
d) the machines, instruments, devices and books, personal necessity of the debtor, practising free-lance profession or of a craftsman for the needs of his practice;
e) the lands of the debtor - farmer: gardens and vineyards of up to a total of 5 decares or fields of area up to 30 decares, and in Dobroudzha - up to 50 decares, or meadows up to 50 decares and the machines and tools necessary for the farm work, as well as the fertilisers, the plant protection means and the sowing seeds - for one year;

f) the necessary couple of working animals, one cow, 5 small farm animals, 10 bee-hives and poultry, as well as the necessary food for them until the new crop or taking out to graze;
g) the home of the debtor, if neither he nor any of the members of his family with whom he lives together, have another home, regardless of whether the debtor lives in it. If the home exceeds the housing needs of the debtor and the members of his family, the surplus shall be sold, if the conditions of art. 39, par. 2 of the Law of the ownership are available;
h) the objects and other real rights stipulated by other laws as being no subject to compulsory execution.

Art. 340. (1) (Amd. - Izv. No 90 of 1961; Amend., SG 105/02) (1) The provisions of art. 339 cannot be used by the debtors regarding the property on which a pledge or mortgage has been established when the claimant is the pledge or mortgage creditor.
(2) Benefits of the provisions of letter "e" and "g" of art. 339 cannot be used by:
a) the debtors under liabilities for support money and for damages from unallowed injury and from financial deficits;
b) the debtors in the cases, stipulated by other regulations.

Art. 341. (1) (Amd. - Izv. No 90 of 1961 and SG No 28 of 1983) If the execution is directed on the labour remuneration or any other remuneration for work done, as well as on a pension whose amount is above the minimum monthly remuneration, sums may be deducted only in case:
a) (Amd. - SG No 124 of 1997) the convicted person receives up to 100 leva per month - 1/5 part, if it has no children, and 1/6 - if it has children that supports;
b) (Amd. - SG No 124 of 1997) if the convicted person receives from 100 to 150 leva per month - 1/4 part, if it has no children, and 1/5 - if it has children that supports;
c) (Amd. - SG No 124 of 1997) if the convicted person receives from 150 to 200 leva per month - 1/3 part, if it has no children, and 1/4 - if it has children that supports;
d) Amd. - SG No 124 of 1997) if the convicted person receives from 200 to 250 leva per month - 1/2 part, if it has no children, and 1/3 - if it has children that supports;
e) (New - SG No 124 of 1997) if the convicted person receives over 250 leva per month - in all cases - 1/2 part.
(2) (New par. 2 - SG No 28 of 1983) The monthly labour remuneration under the preceding paragraph shall be determined after deduction of the taxes due on it.
(3) (Previous par. 2 - SG No 28 of 1983) The restrictions pointed hereinabove shall not refer to the liabilities for support money. In these cases the sum awarded for support money shall be deducted entirely, and the deductions under par. 1 for the other liabilities of the convicted person and for liabilities for support money for a past period, shall be made on the remainder of his total income.
(4) (Previous par. 3 - SG No 28 of 1983; rep. - SG No 124 of 1997)
(5) (Previous par. 4 - SG No 28 of 1983) Compulsory execution shall not be allowed on receivables for support money. Compulsory execution shall be allowed on scholarships only for liabilities for support money.

Art. 342. Any waiver of the debtor of his protection under art. 339 and 341 shall be invalid.

Art. 343. (1) (Amd. - SG No 104 of 1996; Suppl., SG 105/02) Where the execution is directed on a movable or immovable object, pointed out in the subpoena for voluntary execution shall be also the day, on which the inventory will be taken. The inventory can be taken within the period of voluntary execution.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) Where the execution is directed on a real estate, the state or private bailiff shall send a letter to the judge in charge

of the entries, simultaneously with sending the subpoena for voluntary execution, for the entry of interdict on that estate.

Art. 344. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) Any distraint on a movable object shall be levied by taking an inventory of the object by the state or private bailiff.
(2) Any distraint on such an object or a receivable of the debtor may be levied also by receiving the subpoena for voluntary execution, if specified in it are the object or receivable, on which the execution is directed.
(3) The distraint on the receivable of the debtor shall be considered levied with regard to any third liable person from the day, on which it was served the distraint notification in accordance with art. 390.

Art. 345. (1) (Par. 1 amd. - Izv. No 90 of 1961) From the moment of levying the distraint the debtor shall be deprived of the right to dispose of the receivable or of the object and may not, under fear of penal responsibility, alter, damage or destroy the object.
(2) The same consequences shall occur for the debtor from the moment of receiving the subpoena for voluntary execution, where the execution is directed on a real estate and this estate is specified in the subpoena.

Art. 346. (1) The disposals carried out by the debtor of the distrained object or receivable after the distraint shall be invalid with regard to the appellant and the joining creditors, unless the third person acquirer may refer to art. 78 of the FA.
(2) Where the execution is directed on real estates, the invalidity shall be in force only for the disposals made after the entry of the interdict.
(3) The appellant and the joining creditors may require payment from the third liable person, despite the payment, that it has made to the debtor, after it has been served the distraint notification.

Art. 347. The following may not be opposed to the appellant and the joining creditors:
a) the transfer and establishment of real rights, that have not been entered before the interdict;
b) the decisions on statements of claim, which are subject to entry, that have not been entered before the interdict;
c) the transfer of a receivable, the notification of which has been made after the third liable person has received the distraint notification and
d) the alienation of movable objects, the possession of which has not been transferred to the acquirer before levying the distraint, unless there is a document for the alienation with a valid date.

Art. 348. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) If by the day preceding the date of the sale the individual debtor deposits 30% of the receivables under the writs of execution put forward against him and undertakes in writing to deposit with the state or private bailiff 10% of them every three months, the state or private bailiff shall stop the execution.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the debtor fails to pay any of these instalments, the state or private bailiff shall, at the request of any of the appellants, proceed with the execution, without the debtor being able to request a new stopping.
(3) (New, SG 105/02) Para 1 shall not apply in cases of selling a pledged or mortgaged property or a property included in the trade company of the sole entrepreneur.

Art. 349. (1) (Amd. - SG No 124 of 1997; Suppl., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) All amounts that have been deposited under the execution case by the debtor, by the third liable person, by bidders and purchasers in the sale, as well as by the stores or commodity

exchanges that have carried out the sale of movable objects, shall be deposited on the account of the state or private bailiff.
(2) (Amd. - SG No 124 of 1997; Suppl., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The payment of the amounts due to the appellant and to the joining creditors shall be made on the grounds of payment orders of the state or private bailiff who will note the acquittal on the writ of execution.
(3) (New, SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) If the claimant has not presented an account for transfer of the received sums they shall remain in the account of the state or private bailiff until claimed.

Chapter thirt and eight.
JOINING OF APPELLANTS AND DISTRIBUTION OF THE COLLECTED AMOUNTS

Art. 350. (1) At any time of the execution, while the distribution has not been prepared, other creditors of the same debtor may join the proceedings.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The joining shall be made by a written application, to which the appellant shall enclose his writ of execution or a certificate from the state or private bailiff that the writ of execution is enclosed to another execution case.
(3) (New, SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The certificate shall contain instructions for the unacquitted remainder of the receivable, including principal, interests and expenses and the day by which the remainder has been determined. In this case the sums of the allocation shall be transferred to the account of the state or private bailiff who has issued the certificate and who will note the acquittal on the writ of execution.

Art. 351. (1) The joining appellant shall have the same rights in the execution proceedings, as the initial appellant has.
(2) The execution actions carried out prior to the joining shall be of benefit to the joining appellant as well.
(3) The communications and summons shall be made only to the initial appellant.

Art. 352. In the case of a claim or a complaint from a third person against the execution actions, summoned as parties shall be the initial appellant and the state and banks, if they are joining appellants The other joining appellants may enter into the case as joinder parties. The issued decision shall have force towards them as well, even if they have not entered into the case.

Art. 353. (Amd. - SG No 26 of 1996, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005; amend. - SG 105/05, in force from 01.01.2006) The state shall always be considered as a joining appellant for the taxes and other receivables due to it by the debtor, the size of which has been communicated to the state or private bailiff until the conduct of the distribution. For that purpose the state or private bailiff shall send a communication to the National Revenue Agency and the State Receivables Agency of any execution and any distribution initiated by him.

Art. 354. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The creditor to whose benefit security through levying of distraint or interdict has been admitted, shall be considered a joining appellant, when the execution is directed on the object of security. The amount

due to the secured creditor shall be kept on the account of the state or private bailiff and shall be delivered to him after he has produced a writ of execution. This amount shall be distributed amongst the remaining appellants or shall be refunded to the debtor, if the security is cancelled.
(2) The same shall refer to the mortgage creditor and to the pledge creditor, as well as to the creditor with a possessory lien.

Art. 355. (Amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the amount collected under the execution case is insufficient for satisfying all appellants, the state or private bailiff shall make a distribution by firstly allocating amounts for the payment of the receivables which enjoy the right of preferential satisfaction. The remainder shall be distributed among the other receivables proportionately.

Art. 356. The appellant, to which the estate has been assigned, may set off from the amount due against the value of the estate such a part of his receivable, which belongs to it by proportion.

Art. 357. (1) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall put forward the distribution to the debtor and to all appellants, that shall be summoned for that purpose on a day determined by the state or private bailiff.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If within a term of three days from the day of putting forward the distribution no complaint has been lodged, it shall be considered as final and the state or private bailiff shall deliver the amounts under it to the rightful claimants.

Art. 358. (1) (Amend., SG 105/02) In case the distribution is appealed the case, along with the complaint shall be sent to the district court, which shall pass judgement at an open session by summoning the debtor and the appellants.
(2) (Amend., SG 105/02) The decision of the district court on the distribution shall be subject to appeal. The consideration of the complaint shall be performed by the procedure of art. 217.

Art. 359. (1) Where any of the appellants contests the existence of the receivable of another appellant, he should lodge a claim against him and the debtor. The lodging of the claim shall stop the delivery of the amount, determined for the appellant with contested receivable. If the claim has not been lodged within a term of one month from the distribution, the amount shall be delivered to the appellant.
(2) In the case of art. 255 the claim may be grounded also on facts, that precede the issuance of the act.

Chapter thirt and nine.
Execution on movable objects

Section I.
INVENTORY, VALUATION AND DELIVERY FOR KEEPING

Art. 360. (1) (Amd. - SG No 124 of 1997; Revoked, SG 105/02)
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall take inventory of the object specified in the subpoena, only if it is in possession of the debtor, unless it is obvious from the circumstances that it belongs to another person.

Art. 360a. (New, SG 105/02) Enforcement can also be directed on fruits and plants which have not been harvested, and which shall be listed by an inventory not earlier than two months before the usual time of their harvest.

Art. 361. (1) The inventory should contain:
a) indication of the writ of execution;
b) the place where it is taken;
c) detailed description of the object;
d) valuation of the object and
e) the objections of the parties and the rights over the described estate, stated by any third persons.
(2) Noted in the inventory should be whether the estates, on which no compulsory execution is allowed, have been left to the debtor.
(3) (Suppl., SG 105/02) Noted in the inventory should also be the place and time for the sale of the object, if the appellant requests that. In this case the debtor shall be considered notified about the sale regardless of whether he has attended the taking of inventory.
(4) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The inventory shall be signed by the state or private bailiff.

Art. 362. (Amd. - SG No 124 of 1997) (1) (Prev. text of art. 362 - Suppl., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The inventoried object shall be evaluated by the state or private bailiff by its market value, who can present his conclusion verbally as well. In case the state or private bailiff shall note the conclusion in the written records.
(2) (New, SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) If the evaluation cannot be made at the time of inventory taking the state or private bailiff shall set the day of its claiming not later than 7 days from the inventory taking. The parties shall be considered informed about this day regardless of whether they have attended the inventory taking.

Art. 363. (Amd. - SG No 124 of 1997) The inventoried movable object shall be delivered for keeping to the debtor. In this case the debtor may make use of it only if this can be done without reducing its value.

Art. 364. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) If the debtor refuses to accept the object for keeping or if the state or private bailiff finds that it should not be left with him, the object shall be delivered to a guard, who shall be determined by mutual consent of the parties. In case of failure to reach an agreement, the guard shall be appointed by the state or private bailiff.
(2) The guard shall be chosen in view of the place, where the object is or where it will be kept, and in view of the person and the nature of the object.
(3) The object shall be delivered for keeping against a signature.

Art. 365. (1) The guard shall be obliged to keep the object with the care of a good proprietor and to render an account for the revenues from it and for the expenses for its keeping.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) In case the guard fails to fulfil those obligations, the state or private bailiff may deliver the object for keeping to someone else.

(3) (Amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) For failure to deliver the object without any valid reasons, the state or private bailiff shall levy a fine on the guard of up to 500 leva, if there is no other responsibility.

Art. 366. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall determine a remuneration for the experts and the guard, where it is a third person, which shall be deposited by the appellant. If any expenses for carrying or keeping of the object are also needed, they shall be deposited by the appellant in advance.

Section II.
SALE OF MOVABLE OBJECTS

Art. 367. (Amend., SG 105/02) (1)(Amd. - SG No 89 of 1976, SG No 124 of 1997) The sale of the distrained object shall be carried out in a shop or commodity exchange. The claimant or the debtor shall choose the shop or the commodity exchange submitting a written consent for acceptance of the object for sale by the shop or the commodity exchange.
(2) The shop, respectively the commodity exchange, shall receive a commission for the sale amounting to 5 percent of the sale price, which shall be deducted at the time of depositing the received sum.
(3) (Amend. SG 43/05, in Force from 1st of September 2005) Objects evaluated at over 3000 levs, the motor vehicles, the ships and the aircraft, as well as the objects for which written consent has not been presented according to para 1 within 7 days from the inventory taking, shall be sold by the state or private bailiff according to the rules for public sale of a real estate under this Code. The sale shall be announced according to art. 368, para 3. The state or private bailiff shall transfer the ownership of the object upon enactment of the provision for its awarding. Applied in these proceedings shall be the rules of art. 372, para 2 - 6 and art. 414.

Art. 367a. (New, SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) Plants and fruits which have not been harvested shall be sold by the state or private bailiff according to the rules for public sale of real estate according to this Code. The sale must be concluded not earlier than one week before the usual harvest time.

Art. 368. (Amend., SG 105/02) (1) The object shall be carried to the shop by the debtor, and if he refuses to do so - by the claimant. In case of resistance of the debtor art. 328, para 2 shall apply.
(2) (Amend. SG 43/05, in Force from 1st of September 2005) Due receipt shall be presented by the debtor or the claimant to the state or private bailiff for the submission of the object to the shop.
(3) (Amend. SG 43/05, in Force from 1st of September 2005) Nevertheless, the state or private bailiff shall announce the sale of the object by a notification put up in the respective places in his office and in the local municipality or mayoralty.

Art. 369. (Amend., SG 105/02) Where the carrying of the object to the shop is related to inconveniences for its sale the state or private bailiff shall put up in a visible place in the shop an announcement and shall provide a possibility to the interested persons to view the object at the place where it is located. Besides, the sale shall also be announced according to art. 368, para 3.

Art. 370. (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The sale shall be conducted at a price equal to the evaluation, as the object shall be submitted to the buyer upon payment of the price. If the object is sold at a lower price or it is submitted to the buyer before the payment of the price the state or private bailiff shall collect the sale price from the seller.

Art. 371. (Amd. - SG No 124 of 1997; Amend., SG 105/02) (1) (Amend. SG 43/05, in Force from 1st of September 2005) If, during a period of 3 months from submission of the object in the shop or from the announcement of the sale according to art. 369, the object is not sold it shall be released from distraint and shall be returned to the debtor unless the claimant, within 7 days from expiration of the 3-month period, declares to the state or private bailiff that he agrees to take the object instead of payment, at a price equal to the evaluation, or requests a new sale.
(2) The new sale shall be carried out according to the rules for the first sale. It shall begin not earlier than 2 weeks from the conclusion of the first sale, at a price equal to 80 percent of the evaluation. If the object is not sold again it shall be released from distraint and shall be returned to the debtor.
(3) (Amend. SG 43/05, in Force from 1st of September 2005) Where the object is assigned to the claimant and the sale price is higher than the sum of the expenses related to the execution and the receivable of the claimant the latter shall pay the difference. The provision of the state or private bailiff for assigning the object shall be issued after the claimant establishes the payment.
(4) (Amend. SG 43/05, in Force from 1st of September 2005) If the claimants, wishing the assignment of the object, are several the state or private bailiff shall announce as buyer the one of them who, within 3 days from the announcement, offers the highest price. The assignment shall be carried out after the claimant pays the due sums according to the allocation for the other claimants, if such are due.
(5) The ownership of the object shall be transferred from the day of the provision for its assignment. On the grounds of the provision the claimant shall obtain the ownership of the object.

Art. 371a. (New - SG No 124 of 1997; Revoked, SG 105/02)

Art. 371b. (New - SG No 124 of 1997; Revoked, SG 105/02)

Art. 371c. (New - SG No 124 of 1997; Revoked, SG 105/02)

Art. 371d. (New - SG No 124 of 1997; Revoked, SG 105/02)

Art. 372. (1) (Par. 1 rep. - SG No 124 of 1997; New, SG 105/02) The completed sale cannot be appealed or disputed by a claim.
(2) The purchaser of the object shall become its owner, irrespective of the fact whether the object has belonged to the debtor.
(3) The previous owner shall have the right to receive the price, if it has not been paid off, and if it has been paid off, he shall have the right to request from the appellants and from the debtor what they have received under the distribution.
(4) (Amd. - Izv. No 90 of 1961) When the object has been assigned to the appellant, the owner may demand it from him, if he knew that the object has not belonged to the debtor. Otherwise he shall be

entitled to receive from the appellant an amount corresponding to the receivable, against which the object has been assigned. If it is smaller than the price by its size, the owner shall be entitled to seek the difference from the persons that have received it.
(5) The appellant shall preserve his receivable.
(6) The appellant, when he has been unconscientious, shall be responsible to the owner for the damages caused to him. In all cases he shall bear the expenses for the execution.

Part fourty.
EXECUTION OVER IMMOVABLE OBJECTS

Art. 373. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) After the expiry of the term for voluntary execution the state or private bailiff shall proceed to an inventory of the distrained estate, pointed out in the subpoena. The inventory shall be taken only if the state or private bailiff convinces himself, that the estate has been property of the debtor as of the day of levying the distraint. The examination of the ownership shall be carried out through an inquiry in the tax or notarial books or otherwise, including through an interrogation of neighbours. When there is no reliable information about the ownership, the possession as of the day of distraint shall be taken into account.

Art. 374. (Amd. - SG No 104 of 1996, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005; amend. - SG 105/05, in force from 01.01.2006) The rules of art. 361 shall be observed upon the inventory, and specified in it shall be the location, the borders of the estate, the mortgages and interdicts levied on it, as well as the taxes due for the estate. The state or private bailiff shall require information about such charges from the office in charge of the entries simultaneously with the request for entry of the interdict and from the respective territorial directorate of the National Revenue Agency. The estate shall be evaluated at its market value by the state or private bailiff with the help of one or more experts.

Art. 375. (1) The estate shall be left in possession of the debtor until the conduct of the sale. The debtor should manage this estate with the care of a good proprietor. The debtor shall receive the estate by inventory and shall be obliged to deliver it in the same condition, in which he accepted it.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the debtor fails to manage the property well or prevents any third person from examining it, the state or private bailiff shall turn over the management to another person.

Art. 376. (1) (Par. 1 amd. - Izv. No 90 of 1961, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall be obliged, after the expiry of seven days from the inventory, if no complaint has been lodged, to prepare an announcement for the sale, where he shall indicate: the owner of the estate, description of the same, if it is mortgaged and for what amount, the price, from which the sale will start and the place and date, on which the sale will start and end.
(2) (Amd. - SG No 36 of 1979, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) This announcement shall be put in the respective places in the office of the state or private bailiff, in the building of the municipality, city-council, respectively the city-council at the location of the estate, as well as on the estate itself, and at least one day before the day for starting the sale, indicated in the announcement.

(3) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) On the same day the state or private bailiff shall draw up a protocol where he should indicate the day the announcement will be made public.
(4) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The state or private bailiff shall determine the period in which the real estate may be examined by the persons wishing to buy it.

Art. 377. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The sale shall be conducted in the office of the state or private bailiff. It shall continue for one month and shall end on the day indicated in the announcement.

Art. 378. (1) The papers for the sale shall be kept in the office at the disposal of anyone, that might be interested in the estate.
(2) A deposit of 10% on the valuation shall be paid for participation in the bidding. The appellant shall not pay this deposit, if his receivable exceeds this rate.
(3) (Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) Every bidder shall indicate the price offered by him in figures and in words and shall file his offer by the counterfoil for paid carnet in a sealed envelope. The offers shall be filed in the office of the state or private bailiff which shall be marked in the incoming register.
(4) (Amend,. SG 105/02) The sale shall end at the end of the office hours of the last day.
(5) (Amend., SG 105/02) Any bidding offer from persons that are not entitled to take part in the public sale, as well as offers for a price under the valuation, shall be invalid.

Art. 379. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The debtor, his legal representative, the officers from the office of the state or private bailiff, as well as the persons, specified in art. 185 of the OCL, shall not be entitled to take part in the bidding.
(2) Where the estate has been bought by a person, which had not been entitled to bid, the sale shall be invalid.
(3) In this case the money deposited by the purchaser shall be retained for satisfying the receivables under the execution case, and the estate, at the request of any of the appellants, may be put up for sale again.

Art. 380. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) At 9 a.m. on the next working day the state or private bailiff shall announce the received bidding offers in the presence of the present bidders for which written records shall be worked out. Entered in the written records shall be the bidders and the bidding offers by the order of opening the envelopes. As buyer of the estate shall be the bidder who has offered the highest price. If the highest price is offered by more than one bidder the buyer shall be determined by the state or private bailiff by lot in the presence of the attending bidders. The announcement of the buyer shall be made by the state or private bailiff in the written records to be signed by him.
(2) The purchaser should, within a term of five days from closing the sale, deposit the price offered by him, by deducting the paid deposit.

Art. 381. (1) In within that term the price has not been deposited:
a) the deposit paid by the bidder shall serve for satisfying the appellants;
b) (Amd. - SG No 124 of 1997; Amend. and Suppl., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) the state or private bailiff shall invite the bidder that has offered the following highest price and has not withdrawn his carnest, to buy the estate. If that bidder agrees, he shall be declared purchaser of the estate. If he does not agree or if he fails to deposit the price within a term of

five days from his declaring purchaser, the state or private bailiff shall offer the estate to the bidder, following by the order of offered prices, and shall do so, if needed, until the exhaustion of all bidders, that have offered a price equal to the valuation.
(2) The bidder that has agreed to buy the estate and fails to deposit in time the offered price, shall be responsible in accordance with the preceding subparagraph.

Art. 382. (1) (Amend., SG, No 64/1999; Amend., SG 105/02) If no bidders have appeared or no valid bidding offers have been made or if the purchaser has not deposited the price and the estate could not have been assigned by the procedure of item "b" of the preceding Art., the appellant shall be entitled, within a term of seven days from the communication, to request that he shall be declared purchaser, as a payment of his receivable at a price equal to the valuation, or to request the conduct of a new sale.
(2) (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) The new sale shall be carried out by the order of the first sale. It shall begin not earlier than six months from the conclusion of the first sale at a price equal to 80 percent of the valuation.
If the property is not sold again it shall be released from execution and the distraint shall be deleted at a request of the state or private bailiff.
(3) (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) When the appellants that want to be assigned with the estate as a payment of their receivables are several people, the state or private bailiff shall declare purchaser that one of them, who offers the highest price within three days from the announcement. The assignment shall be made after the appellant pays the due sums, according to the allocation, to the other appellants, if such are due.
(4) (Par. 4 rep. - SG No 124 of 1997)

Art. 383. Any appellant that has been declared purchaser of the estate under the preceding Art. should, within a term of five days from the distribution, deposit the amount necessary for the payment of the proportionate parts of the receivables of the other appellants or the sum by which the price exceeds his receivable, when there are no other appellants. If he fails to deposit this amount, he shall be responsible for the damages and expenses for the sale, and the estate shall be dealt with in accordance with art. 382, par. 2.

Art. 384. (1) (Amd. - SG No 124 of 1997; Amend., SG 105/02, Amend. SG 43/05, in Force from 1st of September 2005) When the person that has been declared purchaser by the procedure of art. 380-383, deposits in due time the amount due, the state or private bailiff shall assign to him the estate by virtue of a pronouncement.
(2) From the day of the pronouncement for assignment the purchaser shall acquire all rights which the debtor has had over the estate. However, the rights that any third person has acquired over the estate, cannot be opposed to the purchaser, if those rights cannot be opposed to the appellants.
(3) If the assignment is not appealed, the validity of the sale may be contested by the claims procedure only in case of breach of art. 379 and upon failure to deposit the price. In the last case the purchaser may turn down the granting of the claim, if he deposits the sum due, together with the interest thereon from the day he was declared purchaser.

Art. 385. If the pronouncement for assignment is revoked or if the sale is declared invalid in accordance with art. 384, par. 3, the new sale shall be conducted after a new announcement.

Art. 386. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The purchaser shall be put in possession of the estate by the state or private bailiff on the grounds of

the enforced pronouncement for assignment, as well as a certificate for the charges paid for the transfer of the estate and the entry made of the same pronouncement.
(2) The putting in possession shall be carried out against any person that is in possession of the estate. This person may defend itself only through a claim for ownership.

Art. 387. (Amd. - SG No 124 of 1997) (1) If by an enforced decision it is ascertained that the debtor has not been owner of the sold estate, the purchaser may require the price he has deposited, if it is not paid off yet to the appellants, and if it has been paid off, he may require from any one of them, as well as from the debtor, what they have received. In both cases the purchaser shall be entitled to the interest and expenses for his participation in the sale. Besides, he shall be entitled to require from the municipality and the state the refund of the charges for the transfer that he has paid.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The regional judge at the location of the estate shall issue a writ of execution for the refund of these amounts on the grounds of the distribution and of the certificate under art. 386, par. 1, if the persons, against which the writ is issued, have been involved in the case on which the decision was ruled. If the amount deposited by the purchaser has not been paid off, it shall be refunded to him by a payment order of the state or private bailiff.
(3) When the estate has been assigned to any appellant, he shall preserve his receivable against the debtor and shall be entitled to claim, by the procedure of par. 2, the amounts indicated in par. 1, without the expenses for his participation in the sale.

Art. 388. (1) Where the execution is directed on an estate, which is joint property, for a debt of any of the co-owners, the estate shall be inventoried entirely, but only the share of the debtor shall be sold.
(2) The estate could be sold entirely as well, if the remaining co-owners agree to that in writing.

Art. 389. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) In the case of sale of a mortgaged estate, which is conducted not under the receivable of the mortgage creditor, the state or private bailiff shall send him a communication of the schedule of the inventory and the sale.
(2) In the cases of art. 382 and 383 the mortgage creditor, if he wishes so, shall take part on equal terms with the other creditors.

Chapter fourty.
EXECUTION ON OBJECTS WHICH ARE COMMUNITY PROPERTY (New - SG No 89 of 1976)

Art. 389a. (New - SG No 89 of 1976) (1) (Amend., SG 105/02) Any execution of a receivable against one of the spouses may be directed on an object, which is community property. The spouse who is not a debtor can specify a property of the spouse - debtor on which the execution can be directed. If the specified property is available and the receivable can be collected thereof, upon taking the inventory the execution regarding the part of the community property shall be stopped and it can continue if after the sale of the said property the receivable or a part of it remains uncontented.
(2) When the spouses agree that the execution be directed on an object determined by them, which is community property, art. 338 shall apply.

Art. 389b. (New - SG No 89 of 1976, amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) Simultaneously with the distraint or interdict the state or private bailiff shall be obliged to notify the spouse who is not indebted, that execution is directed on the object which is community property.

(2) The spouse who is not indebted may appeal the execution actions due to the non-observance of art. 389a.
(3) The spouse who is not indebted may contest the receivable on the same grounds and by the same procedure as the spouse-debtor, as well as appeal the execution actions on the same grounds as the latter.
(4) The spouse who is not indebted may take part in the bidding during the public sale of the object.

Art. 389c. (New - SG No 89 of 1976, amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) Where the execution is directed on a movable object which is community property, after the sale of the object the state or private bailiff shall pay off half of the received amount to the spouse who is not indebted, and shall deal with the remaining amount in accordance with art. 349, par. 2 and 355-359.
(2) If the execution is directed on a real estate, art. 388 shall apply.

Art. 389d. (New - SG No 89 of 1976, amd. - SG No 124 of 1997, SG, No 64/1999) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The spouse who is not indebted may frustrate the sale of the movable object or of the share of the real estate, if within one month from the valuation he/she deposits on the account of the state or private bailiff the equal value of the share of the spouse-debtor.
(2) (Amend., SG 105/02) Where the spouse who is not indebted takes part in the bidding, he/she shall be declared purchaser if at the time of drawing up the written records under art. 380, para 1 he declares that he wishes to buy the estate at the highest offered price.

Art. 389e. (New - SG No 89 of 1976) In the cases of art. 389c and 389d the spouse who is not indebted cannot oppose to the appellant the fact that, due to his/her contribution in the acquisition of the object, he/she is entitled to a bigger share than the spouse-debtor, and also the appellant cannot claim that, on the same grounds the share of the spouse-debtor is bigger.

Chapter fourt and one.
EXECUTION ON RECEIVABLES OF THE DEBTOR

Art. 390. (1) The distraint communication to the third liable person shall be sent simultaneously with sending the subpoena for voluntary execution to the debtor.
(2) The third liable person shall be forbidden in the distraint communication to deliver the amounts or objects it owes to the debtor. These objects should be specified correctly.
(3) From the day of receiving the distraint communication the third liable person shall have the duties of a guard with regard to the objects or amounts it owes.

Art. 391. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) Within a term of three days, counted from the serving of the distraint communication, the third person should communicate to the state or private bailiff whether:
a) it acknowledges the receivable, on which the distraint is levied, as grounded and if it is ready to pay it off;
b) there are any claims from other persons on the same receivable and
c) any distraint has been levied under other writs of execution as well on that receivable and on what claims.
(2) The invitation for giving such explanations should be made in the same communication for levying the distraint.

(3) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the third person does not contest its liability, it should deposit the sum it owes on the account of the state or private bailiff or deliver to him the objects of the debtor.

Art. 392. (Amd. - SG No 104 of 1996, amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) If the distrained receivable is secured by a pledge, it shall be ordered to the person that holds the pledged object to not give it to the debtor, but to give it to the state or private bailiff, if the third liable person acknowledges the debt.
(2) (Amd. - SG No 104 of 1996) If the distrained receivable is secured by a mortgage, the distraint shall be noted in the respective book at the office in charge of entries.

Art. 393. The distrained receivable shall be granted to the appellant for collection or, at his request, shall be given to him instead of a payment. Where the appellants under the execution case are several persons, the receivable shall be granted for collection to the appellant, at whose request the case was initiated, and if he does not wish so - to another appellant that makes a request to that effect.

Art. 394. The execution on the objects which the third liable person delivers or has been sentenced to deliver shall be directed by the procedure of art. 360-372.

Art. 395. (Amd. - Izv. No 90 of 1961 and SG No 28 of 1983) (1) The distraint on a labour remuneration shall be valid not only for the remuneration, specified in the distraint communication, but for any other remuneration of the debtor as well, received for the same work or some other work done in the same institution or enterprise.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the debtor changes his place of work in some other institution or enterprise, the distraint communication shall be forwarded there by the person that initially received it, and shall be considered as sent by a state or private bailiff. The third liable person shall notify the state or private bailiff of the new place of work of the debtor and of the amount of the sum, deducted until his resignation.
(3) (New - Izv. No 90 of 1961, suppl. - SG No 28 of 1983) Any person that pays labour remuneration to the debtor under the execution, in spite of the levied distraint, and without deducting the amount under the distraint, shall be personally liable to the appellant for that amount jointly with the third liable person.
(4) (New - Izv. No 90 of 1961, suppl. - SG No 28 of 1983, amd. - SG No 41 of 1985, SG No 124 of 1997; Amend,. SG 105/02) The distraint notification for a receivable for support money shall be entered on the record of service of the debtor by the person that pays the labour remuneration. When the debtor changes his place of work in some other institution or for another employer, the deductions from his remuneration shall continue on the grounds of this entry, even if no other distraint notification has been received.
(5) (New - SG No 28 of 1983, amd. - No 41 of 1985, Amend. SG 43/05, in Force from 1st of September 2005) The entry shall be struck off by order of the state or private bailiff that has levied the distraint.
(6) (New - SG No 28 of 1983, amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If, after the levying of the distraint on the labour remuneration the debtor leaves his place of work and fails to notify the state or private bailiff within a term of one month of the place of his new work, the state or private bailiff shall impose a fine of up to 20 leva on him.

Art. 396. Any appellant that delays the collection of the receivable granted to him, shall be responsible against the debtor under the writ of execution for the damages that could result from that.

Art. 397. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The expenses that the appellant makes for the collection of the receivable granted to him, shall remain for his account. He shall be obliged to give the state or private bailiff a correct account for the collected amounts.

Art. 398. (Amd. - SG No 124 of 1997; Amend., SG 105/02) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The levying of distraint on receivables under available securities shall be carried out by the state or private bailiff who shall deposit them in a bank.
(2) (Amend. SG 43/05, in Force from 1st of September 2005) On imposing distraint on available registered stocks or bonds the state or private bailiff shall inform the company about that. The distraint shall have an effect for the company from the moment of receipt of the distraint notice.
(3) Upon imposing the distraint the appellant can request:
a) assigning of the receivable under the security for collection or instead of payment;
b) public sale.
(4) (Amend. SG 43/05, in Force from 1st of September 2005) The available securities shall be sold by the state or private bailiff according to the rules for public sale of a real estate under this Code, individually and/or in package. The state or private bailiff shall transfer every security by the due order and shall submit it to the buyer after the enactment of the provision for assigning. When the security is transferred by endorsement the order of the endorsements shall not be disrupted.

Art. 398a. (New, SG 105/02) (1) Distraint on book-entry securities shall be imposed by sending a distraint notification to the Central Depository, simultaneously informing the company. The Central Depository shall inform immediately the respective regulated market about the imposed distraint.
(2) Distraint on state securities shall be imposed by sending a distraint notification to the person keeping a register of state securities.
(3) The distraint shall have an effect from the moment of serving the distraint notification and shall comprise all material rights on the security.
(4) (Amend. SG 43/05, in Force from 1st of September 2005) The Central Depository and the person keeping register of state securities shall be obliged, within the term under art. 391, to inform the state or private bailiff what securities are possessed by the debtor, whether other distraints have been imposed and on what claims.
(5) (Amend. SG 43/05, in Force from 1st of September 2005) From the moment of receipt of the distraint notification the book-entry securities shall be passed on at the disposal of the state or private bailiff.
(6) (Amend. SG 43/05, in Force from 1st of September 2005) The book-entry securities shall be sold through a bank by the order established for them, whereas the state or private bailiff shall act in his name and for the account of the debtor.

Art. 398b. (New, SG 105/02) (1) (amend. - SG 34/06, in force from 01.10.2006) Distraint on a share of a trade company shall be imposed by sending a distraint notification for entry in the commercial register. The distraint shall be entered by the order of registration of a pledge on a share of a trade company and shall have effect from the moment of its entry in the commercial register. The Registry Agency shall inform the company about the registered distraint.
(2) (Amend. SG 43/05, in Force from 1st of September 2005, amend. and suppl. - SG 34/06, in force from 01.10.2006) When the execution is directed on a share of a general partner the state or private bailiff, upon establishing the fulfilment of the requirements under art. 96, para 1 of the Commercial Law shall present to the company and to the remaining general partners the statement of the appellant for termination of the company. Upon expiration of six months the state or private bailiff shall

empower the appellant to lay a claim before the district court at the main office of the company for its termination. The court shall reject the claim if it establishes that the receivable of the appellant has been remedied. If it finds that the claim is grounded the court shall terminate the company and send the decision to the Registry Agency for registration in the commercial register. After the entry liquidation shall be carried out by a liquidator appointed by the official for registration at the Registry Agency.
(3) (Amend. SG 43/05, in Force from 1st of September 2005, amend. and suppl. - SG 34/06, in force from 01.10.2006) When the execution is directed on a share of a general partner the state or private bailiff shall serve to the company the statement of the appellant for termination of the participation of the debtor in the company. Upon expiration of three months the state or private bailiff shall empower the appellant to lay a claim before the district court at the main office of the company for its termination. The court shall reject the claim if it establishes that the company has paid to the appellant the part of the property belonging to the partner, determined according to art. 125, para 3 of the Commercial Law. If it finds that the claim is grounded the court shall terminate the company and send the decision to the Registry Agency for entering in the commercial register. After the entry liquidation shall be carried out by a liquidator appointed by the official for registration at the Registry Agency.

Art. 398c. (New - SG No 55 of 1987; Prev. Art. 398a - SG 105/02) The execution for a receivable against one of the spouses may be directed also on half of a money deposit in community property, and the other half shall become a personal deposit of the spouse who is not indebted. The provisions of art. 389b and 389e shall apply respectively to such execution as well.

(B. Execution against socialist organisations - title erased - SG No 124 of 1997)

(Title erased - SG No 124 of 1997)
Art. 399. (1) (Par. 1 rep. - SG No 124 of 1997)
(2) (New - Izv. No 90 of 1961) The money receivables against state institutions and municipalities, as well as medical establishments subsidised by the republican and/or by the municipal budgets shall be paid off from the credit of their budget, envisaged for that. For that purpose the writ of execution shall be submitted to the financial body of the respective institution. If there is no credit, the superior institution should do what is necessary in order to provide such in the following budget at the latest.

Art. 400. - 403. (Rep. - SG No 124 of 1997)

Art. 404. (Rep. - Izv. No 90 of 1961)

Chapter fourt and three.

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(Title "XLIII. Reversing of the execution on amounts on accounts in banks" erased - SG No 124 of 1997)
Art. 405.-410. (Rep. - SG No 124 of 1997)

Art. 411. (Rep. - Izv. No 90 of 1961)

Art. 412.-413. (Rep. SG No 124 of 1997)

Dial three.
EXECUTION ON NON-MONETARY RECEIVABLES

Chapter fourt and four.
COMPULSORY DEPRIVATION OF OBJECTS

Art. 414. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The awarded movable object, which after a demand by the state or private bailiff fails to be delivered voluntarily by the debtor, shall be taken away from him by force and shall be delivered to the appellant.
(2) If the object is not with the debtor or if it is damaged, its equivalent shall be collected from him. It shall be proceeded in the same way when only a part of the object is found. If the equivalent of the object is not indicated in the writ of execution, it shall be determined by the court that has issued the writ, after hearing the parties and in case of need after interrogation of witnesses and experts as well.
(3) The ruling of the court shall be subject to appeal. The complaint shall be considered by the procedure of art. 217.

Art. 415. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) The person to which a real estate has been awarded shall be put in possession of the same. The protocol for putting in possession shall be written by the state or private bailiff in the place itself. If the debtor does not leave the estate voluntarily, he shall be removed from it by force.
(2) (New par. 2 - SG No 27 of 1973, amd. No 44 of 1996) The decisions under art. 288, par. 2 shall be executed after the payment to the other co-partitioners of the respective shares of the value of the estate.
(3) (New par. 3 - SG No 27 of 1973, rep. - SG No 44 of 1996)
(4) (New par. 4 - SG No 27 of 1973, amd. - SG No 36 of 1979, rep. - SG No 44 of 1996)
(5) (New par. 5 - SG No 36 of 1979, rep. - SG No 44 of 1996)

Art. 416. (1) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If the state or private bailiff finds that the awarded real estate is in possession of a third person and if he convinces himself that this person has acquired the possession of the estate after the initiation of the case, under which the executed decision has been issued, he shall put the appellant in possession of the

estate, by indicating in the pronouncement the manner, in which he has convinced himself of when the third person has acquired the possession.
(2) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) If this third person claims over the awarded estate any rights, that exclude the rights of the appellant, the state or private bailiff shall postpone the execution and shall grant the third person a term of three days to request from the regional court stopping of the execution.

Art. 417. Along with the application for stopping the third person should present written evidence for the right it claims over the estate. The application shall be considered at an open session by summoning the applicant, the debtor and the third person. If the court finds it well-grounded it shall stop the execution and shall grant the third person a term of one week to lodge a claim at the due court. If within the term granted the third person fails to lodge a claim, the stopping shall be cancelled at the request of the claimant.

Art. 418. (1) (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) When the person which has been put out of possession regains its possession over the estate wilfully, no matter how, the state or private bailiff shall again, at the request of the appellant, put him out of possession over it.
(2) (Amd. - SG No 124 of 1997) The same person shall also bear penal responsibility under art. 323, par. 2 of the Criminal Code.

Chapter fourt and five.
PERFORMANCE OF A DEFINITE ACTION

Art. 419. (Amd. No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) Where the debtor fails to perform an action which he has been sentenced to perform and which action may be performed by another person, the appellant may demand from the state or private bailiff to authorise him to perform the action for the account of the debtor.

Art. 420. The appellant may demand from the court that the debtor be sentenced to deposit in advance the amount, that is necessary for performing the action.

Art. 421. (Amd. - SG No 124 of 1997) (1) (Amend. SG 43/05, in Force from 1st of September 2005) Where the action can not be performed by another person, but it depends exclusively on the will of the debtor, the state or private bailiff, at the request of the appellant, shall compel the debtor to perform the action, by imposing on him a fine of up to 200 leva. If even after that the debtor fails to perform the action, the state or private bailiff shall impose on him consecutively new fines up to the same amount.
(2) This rule shall not apply for the obligations of workers, resulting from a labour contract.

Art. 422. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) Where the debtor does the contrary to what he is obliged to do or endure, the state or private bailiff, at the request of the appellant, shall impose on him for every breach of that obligation a fine of up to 400 leva.

Art. 423. (Amd. - SG No 124 of 1997, Amend. SG 43/05, in Force from 1st of September 2005) The actions of the state or private bailiff under the authorisation and the imposing of fines shall be subject to appeal before the regional judge by the procedure of art. 332 and the following.

Art. 423a. (new, SG 84/03) (1) The rules of this chapter shall apply in compulsory execution of a court decision regarding parental rights and the measures regarding the personal relations between parents and children.
(2) Para 1 shall also apply in fulfillment of the court decisions under chapter thirty two "a" and Part Seven.

Part six.
PROTECTIVE PROCEEDINGS

Chapter fourt and six.
GENERAL RULES

Art. 424. The protective proceedings provided for in the laws shall be settled by the rules of this chapter, in so far as peculiar rules have not been determined for them.

Art. 425. (1) The protective proceedings shall be initiated by an application in writing from the interested person.
(2) The application shall be filed at the regional court in whose region is the place of residence of the applicant. If there are several applicants and they have different place of residence, it shall be filed at the court at the place of residence of one of them.

Art. 426. The application shall be considered at a closed session, unless the court reckons that for the regular settlement of the case it is necessary that it be considered at an open session.

Art. 427. The court shall be obliged to check ex officio if the conditions for the issue of the requested act are available. It may, on its initiative, collect evidence and take into consideration any facts which were not pointed out by the applicant.

Art. 428. The court may rule on the personal appearing of the applicant. It may require that the applicant confirms by a declaration the veracity of the circumstances he has set forth.

Art. 429. (Amd. - SG No 124 of 1997) The court may base its arguments also on witness testimony, given before other bodies, as well as assign to another court or to the bodies of the national police or to the municipal councils the collection of the necessary evidence.

Art. 430. (1) The protective proceedings shall be stayed:
a) when there is a case with regard to a legal relation, which is a condition for the issue of the requested act or which is subject to ascertainment with this act.;
b) where under the application for the issue of the act a civil law dispute arises between the applicant and any other person, that opposes the application. In this case the court shall grant to the applicant a month's term for lodging the claim. The proceedings shall be terminated, if the claim fails to be lodged.
(2) The enforced decision under the dispute shall be obligatory upon the settlement of the protective proceedings on the conditions and within the limits of art. 221.

Art. 431. (1) The decision by which the application for the issue of the requested act is granted, shall not be subject to appeal.
(2) When this act affects the rights of any third person, the dispute resulting from this, if it is for civil law, shall be resolved by the procedure of claims. The claim shall be lodged against the persons, that benefit from the act. In the case of granting the claim, the issued act shall be revoked or amended.
(3) The prosecutor may lodge a claim for the revocation of the issued act, when it has been ruled in breach of the law. The claim shall be directed against the persons under par. 2.

Art. 432. (1) The refusal to issue the act shall be subject to appeal within a term of seven days from the communication to the party that the decision has been prepared.
(2) The complaint shall be lodged through the regional court. It may be grounded on new facts and evidence as well. The consideration of the complaints shall be carried out by the procedure of art. 217.
(3) The decision by which the application is rejected shall not prevent from filing a second application before the same court for the issue of the same act.

Art. 433. The protective proceedings shall be terminated:
a) when the application for the issue of the act is withdrawn and
b) when the applicant is not found at the address he has pointed. The ruling by which the proceedings are terminated shall be subject to appeal by a private complaint.

Art. 434. Applied to the protective proceedings, in addition to the general rules of this code, shall also be, respectively, art. 127, 132-137, 142-151, 157-170, 186-190, 192, par. 2 and 3, 193 and 194.

Art. 435. The expenses for the protective proceedings shall be for the account of the applicant.

Chapter fourt and seven.
ASCERTAINMENT OF FACTS

Art. 436. Where the laws makes provisions that a certain fact of legal significance should be certified by a document executed by a due procedure (such as certificate for finished education, certificate for civil status, etc.) and such a document has not been executed and cannot be executed, or the one that was executed has been destroyed or lost, without the possibility of being restored, the person that benefits from this fact, may request that the regional court ascertains the fact, and where this is necessary, order that the respective document is executed.

Art. 437. Indicated in the application should be the following:
a) with what purpose the applicant demands the ascertainment of the respective fact;
b) the reasons for which the document has not been executed or for which its restoration is impossible. These reasons should be proved by official documents and
c) evidence for the fact which is subject to ascertainment.

Art. 438. (1) The application shall be considered at an open session by summoning the applicant and the persons, organisations and institutions that are interested in ascertaining the fact. Besides, the prosecutor shall be summoned as well.
(2) The following shall be considered as interested:
a) the persons whose relations with the applicant depend on the fact, which is subject to ascertainment;
b) the organisations and institutions, that should have executed the document or that are not in a position to restore it and
c) the organisations and institutions, before which the applicant wants to use the ascertainment, ruled by the court.
(3) If the interested person under subparagraph "a" is not alive, summoned shall be its heirs. The interested organisations or institutions under subparagraph "c" may be represented also by their local units.

Art. 439. (1) When the applicant wishes to ascertain that he has received education at any educational institution, the court may use for ascertaining this fact, besides the other evidence, also the conclusion of experts with regard to the training of the applicant.
(2) In this case the institution, under whose supreme administration is the educational institution under par. 1, shall be summoned as an interested institution under subparagraph "c" of the preceding Art..

Art. 440. (1) Pointed out in the decision of the court should be the fact ascertained by the court and the evidence, on whose ground this fact has been ascertained.
(2) The decision by which the court passes judgement on the application may be appealed by the common procedure.
(3) The decision shall not have force of proof towards those interested persons, organisations or institutions under art. 438, which have not been summoned to take part in the proceedings, if they contest the fact.

Art. 441. Any mistakes made in the documents under art. 436 may be rectified by the same procedure and with the same consequences, when the laws make no provisions for another procedure for rectifying these mistakes.

Art. 442. Where the facts under art. 436 have occurred abroad, their ascertaining may be requested by the procedure of this chapter, only if it is proved, that the applicant cannot obtain the necessary document or its substituting certification from the bodies of the foreign country, in whose territory the fact has occurred. The proving of this obstacle shall be made with documents issued by the due bodies of the foreign country, or with a certificate from the Ministry of Foreign Affairs, that the bodies of the foreign country have refused to consider the application of the interested person or that it is not possible to make such a demand.

Chapter fourt and eight.
ANNOUNCING OF ABSENCE OR DEATH

Art. 443. (1) The application for announcing the absence or the death of a person shall be within the jurisdiction of the regional court at the last residence of the person who has disappeared and in the absence of such - at the place where the person has lived immediately before disappearing.
(2) Pointed out in the application should be the presumable heirs of the absent person and his attorney or legal representative, if any.

Art. 444. (Amd. - SG No 36 of 1979, amd. - SG No 124 of 1997) (1) The court shall, at a closed session, rule on the collection of information about the absent person from his relatives, from the municipality, region or city-council, from the national police and from any other relevant place.
(2) (Amd. - SG No 124 of 1997) The court shall send an abstract of the application to the municipality, region, respectively to the city-council at the last home of the absent person for announcement. This abstract shall be served to the persons under par. 2 of the preceding Art..

Art. 445. The court shall pass judgement on the application for announcing the absence or death, after hearing the prosecutor and the persons pointed out in art. 443, par. 2, as well as the other interested persons.

Art. 446. On the grounds of the decision, by which the death of a person has been announced, a death certificate shall be executed at the last place of residence of the person.

Art. 447. The decision for announcing the absence or death of a person may be revoked or amended at the request of any interested person or at the request of the prosecutor,
if it has been ascertained that the absent person is alive or that the exact date of his death is different from the one announced by the court.

Art. 448. The claim under the preceding Art. shall be lodged against the party, that has requested the announcement of the absence or death, and against the persons that benefits from the respective act.

Chapter fourt and nine.
PROCEEDINGS UNDER AN OPENED INHERITANCE

Art. 449. (1) The property that has remained after the death of a person shall be sealed by the regional judge in the cases provided for by the law.
(2) (Amd. - SG No 36 of 1979, amd. - SG No 124 of 1997 Amend. SG 43/05, in Force from 1st of September 2005) The regional judge may assign the carrying out of the sealing to the state or private bailiff.

Art. 450. (Amd. - SG No 124 of 1997) The sealing may be requested by:
a) anyone who claims to be entitled to inheritance;

b) any creditor that has a writ of execution against the dead person;
c) (Amd. - SG No 36 of 1979) the prosecutor and the mayor of the municipality, region or city-council, when there are absent heirs.

Art. 451. A protocol shall be drawn up for the sealing, pointed out in which should be the date, by whose order the sealing has been carried out, noting of the sealed premises, safes, boxes etc. and a short description of the unsealed objects. This protocol shall be signed by the officer and the attending parties.

Art. 452. (1) Anyone who is entitled to request sealing, may request unsealing and taking of inventory of the property.
(2) The unsealing and the taking of the inventory shall be carried out by the regional judge. Applied in this case shall be par. 2 of art. 449.

Art. 453. (1) Described separately in the protocol for inventory shall be all objects in the order of unsealing. An expert may be appointed for valuation of the objects.
(2) The taking of the inventory may be attended by the heirs of the dead person and the creditors.
(3) Inventory may be taken without any sealing being carried out.

Art. 454. The inventoried objects shall be delivered against a signature of the heirs or any of them, and if there are not any or if they do not wish to accept them, they shall be delivered for keeping to a third person.

Art. 455. (Amd. - SG No 36 of 1979, amd. - SG No 124 of 1997) When the sealing, unsealing and taking of inventory are carried out by the municipality, region or city-council, the protocol shall be sent to the regional judge.

Chapter fifty.
INVALIDATION OF SECURITIES

Art. 456. (1) Any person that has a right over a security to order (promissory note, bill of exchange and others) or over a security to bearer, may request its invalidation, if it has been deprived of the possession of it in spite of its will or if the security has been destroyed.
(2) No invalidation shall be permitted of bonds and other securities, issued under the state loans.

Art. 457. In his application the applicant should:
a) reproduce the security or point out everything that is necessary for determining its identity;
b) set forth the circumstances under which the security has been lost or destroyed, as well as the circumstances from which ensues his right over it, and
c) confirm the veracity of his assertions by an explicit declaration in the application.

Art. 458. (1) If the application meets the above mentioned requirements, the court shall, at a closed session, issue an order which should contain the following:

a) noting of the applicant;
b) invitation to the holder of the security to claim his rights until the day of the court session for the ruling on the invalidation pointed in the order, at the latest, with a warning that if he fails to do so, the security shall be invalidated, and
c) an order to the payer to make no payments to the bearer of the security.
(2) (Amd. - SG No 124 of 1997) The order shall be stuck in the place designated for that purpose in the court and shall be promulgated in the unofficial section of the "State Gazette".
(3) A transcript of the order shall be sent to the payer.

Art. 459. The day of the session shall be determined, as follows:
a) if it refers to securities to order, 45 days from the promulgation of the order under the preceding Art. or from the maturity date of the security - if this promulgation has occurred prior to the maturity date, should have expired by the day of the session;
b) if it refers to securities to bearer, under which interest coupons have been issued, one year from the maturity date of the first coupon after the promulgation of the order should have expired by the day of the session, and
c) if it refers to securities to bearer, under which no interest coupons have been issued, one year from the maturity date of the same security should have expired by the day of the session.

Art. 460. (1) The person that contests the application for invalidation shall be obliged to declare that before the court at the session at the latest and to deposit the security at the court or with a bank until the settlement of the dispute.
(2) In such case the court shall stay the proceedings for invalidation and shall grant a month's term to the applicant to produce evidence, that he has lodged a claim for ascertaining his right over the security. If that evidence fails to be produced, the court shall terminate the invalidation proceedings.

Art. 461. The decision for invalidation shall be ruled at an open session by summoning the applicant. The decision by which the application for invalidation is rejected, may be appealed by the common procedure.

Art. 462. After the invalidation of the security the applicant shall realise his rights over it on the grounds of the decision for invalidation. He may demand the issue of a duplicate on the grounds of that decision.

Art. 463. The person that owns the invalidated security, even if it has not claimed its rights over it in due time, may request the amount under the security from the person, at whose request the invalidation has been ruled, if it has not been entitled to request that.

Art. 464. If the invalidation proceedings come to an end without the issue of a decision for invalidation, the order for non-payment shall be revoked ex officio by the court and shall be communicated to the payer.

Chapter fift and one.
NOTARIAL PROCEEDINGS

Section I.
GENERAL RULES

Art. 465. Notarial are the proceedings by the procedure of which the following are carried out:
a) legal transactions with notarial acts;
b) certification of a title to real estates, certification of the date, contents and signatures of private documents, as well as of the veracity of transcripts and excerpts of documents and papers;
c) the entries, notes and their striking off in the cases provided for by the law;
d) (Amd. - SG No 104 of 1996) notarial invitations, protests, certificates, for appearance or non-appearance of persons before the notary public for the performance of actions before him;
e) (New - SG No 194 of 1996) acceptance and return of documents and papers delivered for keeping and;
f) (Previous subparagraph "e" - SG No 104 of 1996) giving references under the notarial books and performance of other notarial actions, provided for in other laws.

Art. 466. (Amd. - SG No 104 of 1996) (1) (amend., SG 36/04, In force from 31.07.2004) The notarial acts for transfer of ownership or for the establishment of real rights over real estates and certification of ownership over such estates shall be executed by the notary public in whose region the estate is located. The entries, notes and erasures with regard to real estates shall be made by an order of the judge for the entries by the entries office, in whose region the estate is located.
(2) The other notarial actions, as well as the wills, may be executed by any notary public irrespective of the relation between the region of his action and the notarial certification.

Art. 467. (1) (Amd. - SG No 104 of 1996) The notarial proceedings shall be initiated by an oral application.
(2) The application should be in writing only in case where requested is the execution of a notarial act for the transfer or establishment of a real right over a real estate, the certification of ownership over such an estate and entry, noting and erasure of an entry.

Art. 468. Parties to the notarial proceedings shall be the persons, on whose behalf the execution of the notarial action is requested. Participating in the notarial proceedings shall be the persons, whose personal statement is certified by the notary public.

Art. 469. (Amd. - SG No 104 of 1996) (1) The notary public may not execute notarial actions outside his region.
(2) The execution of notarial acts which are subject to entry, shall be carried out only in the office of the notary public and during the working hours.
(3) The other notarial actions may be executed also out of the office and during the non-working hours, when valid reasons prevent from the appearance of the persons participating in the certification in the notary's office or necessitate the prompt execution of the notarial action.

Art. 470. (Amd. - SG No 104 of 1996) Any notarial action with regard to transactions, documents or other actions contradicting the law or the practice of good relations, may not be executed.

Art. 471. (1) The notary public may not execute notarial actions where a party to the notarial proceedings or a person participating in them are the following: the notary public himself, his/her spouse, his/her relatives by a direct ascending and descending line, those by lateral branch up to the forth degree, by marriage up to the first degree, as well as the persons, to which the notary public is a guardian, adopted or adopter.
(2) The same shall be valid where in the transaction or document there is a provision to the benefit of any of the persons under par. 1.

Art. 472. The notarial action shall be null and void, when the notary public has not been entitled to execute it (art. 465, 466, par. 1, 469, par. 1, 470, 471), and also when upon its execution art. 474, par. 4 (with regard to the personal appearance of the participating persons), 475, 476, subparagraphs "a", "c", "d" and "f", 478, 479 and 485, par. 2 have been violated.

Art. 473. (Amd. - SG No 104 of 1996) The refusals of the notaries public and of the judges in charge of the entries to execute a notarial action may be appealed before the district court within a term of 7 days from the refusal. The district court shall consider the complaint by the procedure of art. 217.

Art. 473a. (New - Izv. No 92 of 1952, rep. - SG No 104 of 1996)

Section II.
PECULIAR RULES

Art. 474. (1) (Amd. and suppl. - SG No 194 of 1996) A draft of the act in two or more uniform copies shall be drawn up for the execution of a notarial act. The form, appearance and size of the paper, on which the draft shall be written or typed, shall be determined by a pattern established by the Minister of Justice.
(2) (Amd. - SG No 104 of 1996) All copies of the draft should be executed clearly and legibly, be written by hand with black or blue ink or be typed.
(3) The figures, contained in the draft, should be written in words as well, when they refer to the contents of the transaction. The empty spaces should be crossed out.
(4) The persons or their attorneys, whose statements are contained in the draft, should appear in person before the notary public who, before executing the act, shall check the identity, capacity and representative powers of the persons that have appeared before him.
(5) (Amd. - SG No 104 of 1996) The identity of the persons who are not known to the notary public, shall be ascertained by identification papers issued by the relevant state body. In the same manner the notary public shall certify whether the persons that have appeared before him have attained their majority. In the case of absence of identification papers the person shall ascertain its identity by two witnesses with ascertained identity.

Art. 475. (1) The notary public shall read to the participating persons the contents of the act. If they approve it, the act shall be signed by them before the notary public, and if it has already been signed, they should confirm their signatures before him.
(2) (Amd. - SG No 28 of 1983) In case any of the participating persons cannot sign because of illiteracy or infirmity, art. 151 shall apply, and the act shall not be countersigned by witnesses.
(3) When it is necessary to make any amendments, supplements or abbreviations, an explicit note to that effect shall be made in the act, that shall be signed as the act itself.

Art. 476. The notarial act should contain the following:
a) the year, month, day and where it is necessary - also the hour and the place of its execution;
b) the name of the notary public, executing it;
c) the name, surname and family name of the persons participating in the proceedings, as well as their place of residence;
d) the contents of the act;
e) short denotation of the documents, certifying the presence of the requirements under art. 482, par. 1, and
f) signatures of the parties and of the notary public.

Art. 477. After the execution of the act one of the copies thereof shall be placed in a special book for that purpose, and the other copies shall be given to the participating persons, charged as transcripts.

Art. 478. When any of the participating persons does not know Bulgarian language and the language, which it uses is unknown to the notary public, he shall appoint a translator.

Art. 479. (1) When the participating person is literate, but dumb, deaf or deaf-and-dumb, the deaf person should alone read the document aloud and declare whether it agrees with its contents, and the dumb or deaf-and-dumb person should, after reading the document, write by its own hand in it, that it has read it and that it agrees with its contents.
(2) Where those persons are illiterate, the notary public shall appoint an interpreter, through which the contents of the document shall be communicated to the deaf or deaf-and-dumb person and the approval of what is read by the dumb or deaf-and-dumb person shall be communicated as well.
(3) The notary public should convince himself in some way whether the interpreter and those persons understand each other.
(4) In the cases of the preceding two Art.s the notary public shall make a respective note in the act.

Art. 480. The following may not be witnesses, interpreters and translators:
a) the incapable persons;
b) those illiterate in Bulgarian language;
c) those, who are in any of the relations specified in art. 471 with the persons under art. 468 or with the notary public. The interpreter may be a relative of the person participating in the proceedings;
d) the persons, to whose benefit there is a provision in the act;
e) the blind, deaf and dumb persons and
f) (Amd. - SG No 104 of 1996) the persons working in the notary's office and the employees in the office in charge of entries.

Art. 481. (1) The witnesses, interpreters and translators shall hold out a promise for the truth of what they confirm before the notary public in accordance with art. 138.

(2) They should sign the act.

Art. 482. (1) Upon the execution of a notarial act, by which ownership is being transferred or another real right over a real estate is being established, transferred, altered or terminated, the notary public should check if the assignor is owner of the estate. Besides, he should check whether the special requirements which the laws envisage for the conclusion of such transactions are present.
(2) The ownership shall be certified by the relevant documents, and where the assignor does not have such documents at his disposal, the ownership shall be checked in the same proceedings by the procedure of art. 483, par. 2.
(3) The notary public shall certify in the act also the execution of the check-up under par. 1 by indicating the documents certifying the ownership and the other requirements.
(4) When the document for ownership of the assignor has not been entered, the notarial act shall not be executed, until that document is being entered.

Art. 483. (1) When the owner of a real estate has no document for his right, he may obtain such, after having ascertained his right before the notary public with relevant written evidence.
(2) (Amd. - SG No 36 of 1979, amd. - SG No 124 of 1997) If the owner does not have such evidence at his disposal or if it is insufficient, the notary public shall make a circumstantial check up for the acquisition of the ownership by prescription through interrogation of three witnesses, determined by the mayor of the municipality, region or city-council or an official determined by him, in whose region the real estate is located. The witnesses shall be determined on instruction of the owner and should, if possible, be neighbours of the estate.
(3) On the grounds of the evidence under par. 1 and 2 the notary public shall pass judgement with a motivated pronouncement. If by virtue of it the ownership is acknowledged, the notary public shall issue a notarial act to the applicant for ownership over the real estate.

Art. 484. (1) The notarial act under the preceding Art. should contain the following:
a) the instructions under subparagraphs "a", "b", "e" and "f" of art 476;
b) the name, surname and family name of the owner, as well as his occupation and place of residence, and
c) exact description of the real estate by specifying its boundaries and location.
(2) Upon the issue of this notarial act the provisions of art. 474, par. 4 and 5, 475, 478 and 479 shall not be observed.

Art. 485. (Suppl. - SG No 104 of 1996) (1) Any person may present to the notary public a private document for verification of the date of its presentation before the notary public or of its contents.
(2) Upon verification of the signature in a private document the persons, whose signatures are subject to verification should appear in person before the notary public and sign the document or confirm the already affixed signatures before him. In this case art. 474, par. 4 and 5, 475, par. 2, 478-481 shall apply.
(3) (New - SG No 104 of 1996) If the private document is in a foreign language and is not subject to entry, art. 478 shall apply respectively.

Art. 486. (1) The verification of the date, contents and signatures of private documents shall be carried out with an inscription on the document. In this case, insofar as there are no special rules, the notary public shall be guided by the provisions of art. 476.
(2) A note in a special register for such verifications shall be made for the verification of the date or signatures of private documents. Upon verification of the contents of a document the applicant should produce a transcript of the document. After the verification the transcript, duly certified, shall be placed in a special book.
(3) After the verification the private documents shall be returned to the persons that have presented them.

Art. 487. (1) Upon verification of the veracity of transcripts of documents presented to the notary public, he shall be obliged to compare the transcript with the original and mention in the verification by whom the document, of which the transcript was made, has been presented, and also if the transcript was made of the original document or of another transcript and whether there have been any crossings, additions, corrections and other peculiarities in them.
(2) In this case art. 485, par. 1 and art. 486 respectively shall apply.

Art. 488. (Amd. - SG No 104 of 1996) (1) For serving a notarial invitation the applicant should present the invitation in three uniform copies. The notary public shall note in each of them, that the invitation has been communicated to the person it refers to, and after that one copy of the invitation shall be given to the person, from which the invitation originates and the other copy shall be placed in a special book with the notary public.
(2) Any other communications, warnings and answers in connection with civil law relations shall be executed through the notary public in the same manner.

Art. 488a. (New - SG No 104 of 1996) An ascertainment protocol shall be drawn up upon verification of the appearance or non-appearance of persons before the notary public for performance of actions before him. Certified in the same manner shall be the assent or dissent of the persons that have appeared for the performance of the respective actions. The notary public shall be guided by the provisions of art. 476 for drawing up the acsertainment protocol, insofar as there are no peculiar rules. The ascertainment protocol shall be drawn up in two uniform copies that shall be signed by the applicant and the notary public, and after that one of them shall be arranged in a special book and the other one shall be given to the applicant, certified as a transcript.

Art. 488b. (New - SG No 104 of 1996) (1) Upon acceptance of documents and papers for keeping a protocol of acceptance shall be drawn up in two uniform copies, which shall be signed by the applicant and the notary public, and after that one of them shall be entered on a special register and the other one shall be given to the applicant, certified as a transcript.
(2) A preliminary protocol shall be drawn up for the return of the documents and papers delivered for keeping, which shall be signed by the applicant, by his heirs or by a special attorney respectively, and after that it shall be entered on the register.

Chapter fift and two.
ENTRY OF CORPORATE BODIES (NEW CHAPTER - SG No 55 OF 1987, TITLE CHANGED No 31 OF 1989, No 124 OF 1997, TITLE AMEND. - SG 34/06, in force from 01.10.2006)

Art. 489. (New - SG No 55 of 1987, amd. No 124 of 1997) (1) (Suppl., SG, No 64/1999, amend. - SG 34/06, in force from 01.10.2006) Entered by the procedure of this chapter shall be the formation, transformation, declaring of liquidation and dissolution of corporate bodies, which are not traders and the circumstances, referring to the them, where a law provides for the entry on a court register.
(2) The registers shall be kept by the district courts of law.

Art. 490. (New - SG No 55 of 1987) (1) Entered on the registers shall be the following:
a) (Amd. and suppl. - SG No 124 of 1997, amend. - SG 34/06, in force from 01.10.2006) the type, name, seat and address of the corporate body;

b) the subject of activity;
c) (Amd. and suppl. - SG No 124 of 1997, amend. - SG 34/06, in force from 01.10.2006) the bodies and persons, representing the corporate body, the manner of representation, as well as the liquidators and trustees in bankruptcy;
d) other circumstances provided for by law.
(2) (Amd. - SG No 124 of 1997) The changes in the circumstances pointed in par. 1, shall be entered as well.
(3) (Amd. - SG No 124 of 1997) The entry shall be promulgated in the State Gazette, if a law makes provisions for that.

Art. 491. (New - SG No 55 of 1987, amd. - SG No 124 of 1997, amend. - SG 34/06, in force from 01.10.2006) The entry shall be made on the grounds of a decision of the court, in whose region is the seat of the corporate body. The decision shall contain the circumstances which are subject to entry. The entry shall have effect only for the circumstances which are subject to entry.

Art. 491a. (New - SG 85/00) (1) (amend. - SG 34/06, in force from 01.10.2006) When a law stipulates that a document shall be presented to the respective register the court at the headquarters of the corporate body shall admit by a definition the enclosure of the document to the respective corporate case and this circumstance shall be entered in the respective register.
(2) (amend. - SG 34/06, in force from 01.10.2006) When a law stipulates that the presentation of a document is presented to the respective register shall be promulgated this shall be done through an announcement of the court stating the document, the corporate body which it regards and the corporate case to which it has been presented.

Art. 492. (New - SG No 55 of 1987) The registers and the files are generally accessible and anyone may make inquiries or request the issue of a document for a circumstance which has been entered on the registers.

Art. 493. (1) The entered circumstance shall be considered known to any third conscientious person from the day of the entry, and what is subject to promulgation - from the date of promulgation.
(2) Any conscientious person may refer to the entry, even if the entered circumstance does not exist.
(3) The non-entered circumstances shall be considered non-existent for the third conscientious persons.
(4) (New, SG 85/00) In case of difference between entered and promulgated circumstance the third persons can refer to the promulgated circumstance, unless it is established that the entered circumstances has been known to them.

Art. 494. (New - SG No 55 of 1987) The proceedings for entry shall start with a request in writing by:
a) an authorised person;
b) (Amd. - SG No 124 of 1997) a body, empowered to set up, transform or dissolve the corporate body;
c) (New - SG No 124 of 1997, revoked - SG 34/06, in force from 01.10.2006);
d) a liquidator;
e) (rev., SG, No 64/1999)

Art. 495. (New - SG No 55 of 1987) (1) The request should contain the following:
a) the name and address of the person that has made the request;

b) (Amd. - SG No 124 of 1997, amend. - SG 34/06, in force from 01.10.2006) the type, name and seat of the corporate body;
c) the circumstance whose entry is requested.
(2) (Amd. - SG No 124 of 1997, amend. - SG 34/06, in force from 01.10.2006) Enclosed to the request shall be the necessary documents for the circumstances subject to entry, as well as specimens of the signatures of the persons, representing the corporate body.
(3) (new SG 38/05, in force from 01.01.2006, amend. - SG 34/06, in force from 01.10.2006) If a termination of a legal person, who does not have a successor, shall be entered, the certificate of handling the payments records, issued by the territorial subunit of the National Insurance Institute as per Art. 5, Para 19 of the Code of the Social Insurance shall be attached to the request.

Art. 496. (New - SG No 55 of 1987) (1) (Suppl., SG, No 64/1999) The request for entry shall be considered by the court, by the order of Art. 105, para 2, at a closed session, unless the court finds it necessary to consider it at an open session.
(2) (Amend., SG, No 64/1999) The court shall check the presence of the circumstance which is subject to entry, and the admissibility of its entry and shall rule with a decision which it shall communicate to the applicant.

Art. 497. (New - SG No 55 of 1987) The decision for entry shall be subject to immediate implementation.

Art. 498. (New - SG No 55 of 1987) Where inadmissibility or invalidity of the entry, as well as non-existence of an entered circumstance, have been ascertained by the procedure of claims, the court shall strike off the entry or the respective circumstance ex officio, at the request of the prosecutor or of the interested person.

Art. 499. (New - SG No 55 of 1987) Corrections in the registers shall be made at the request of the bodies and the persons under art. 494 or ex officio by the court by the procedure of art. 496.

Art. 500. (New - SG No 55 of 1987, amd. - SG No 124 of 1997) The decision by which an entry is denied shall be appealed before the court of appeal.

Art. 501. (New - SG No 55 of 1987) The minister of justice shall issue an ordinance for maintaining and keeping the registers for entries.

Part seven.
PROCEEDINGS FOR RETURNING A CHILD OR EXERCISING THE RIGHT OF PERSONAL RELATIONS (New, SG 84/03)

Art. 502. (new, SG 84/03) (1) The request for returning a child or for exercising the right of personal relations under the Hague Convention for the civil aspects of the international abduction of children,

called hereinafter "the Hague Convention", shall be considered by the Sofia City Court in an open sitting with the participation of:
1. the Ministry of Justice or the person having extended the request;
2. the interested persons;
3. a prosecutor.
(2) Directorate "Social support" of the municipality at the present address of the child shall give opinion in the proceedings under para 1. The curt shall hear out the child according to art. 15 of the Law of protection of the child.
(3) The Ministry of Justice shall represent the claimant where the application has been filed through it. It may appoint a representative who will act on its behalf.

Art. 503. (new, SG 84/03) The court may, at a request or ex-officio, determine an appropriate temporary measure for protection of the child for the purpose of prevention of further danger for the child or harm of the parties.

Art. 504. (new, SG 84/03) (1) The court shall rule by a decision within 30 days from receipt of the claim.
(2) During the proceedings under para 1 the court shall not consider in essence the issue of exercising parental rights.

Art. 505. (new, SG 84/03) (1) The decision of Sofia City Court shall be subject to appeal before Sofia Appellate Court by the persons under art. 502, para 1.
(2) The claim shall be filed through the Sofia City Court within 14 days under the conditions of art. 197.
(3) Within 30 days from receipt of the complaint the court shall rule by a decision which shall be final.

Art. 506. (new, SG 84/03) In these proceedings the court may, at its initiative, gather evidence, as well as assist the parties for exercising their procedural rights.

Art. 507. (new, SG 84/03) If the foreign court applies art. 15 of the Hague Convention the competent Bulgarian body for establishing the illegality of the transfer or detention of a child shall be the court which has considered or considers the issues regarding the parental rights, or the Ministry of Justice, when these issues have not been subject to court proceedings.

Temporary provisions

§ 1. The cases of first instance found at the county or district courts of law upon entry of this code into force, shall be finished at the same courts of law, even if their jurisdiction may change in accordance with the provisions of this code.

§ 2. (1) The cases of second instance found at the district courts of law, shall be heard by the same courts of law upon their merits

(2) (Amd. - SG No 124 of 1997) The cases found at the Supreme Cassation Court shall be heard by the rules of this code.
(3) The pending cases for rendering accounts shall be finished by the procedure, prevailing hitherto.

§ 3. (1) The applications for ruling of temporary decisions (art. 162-a to 162-u of the Civil Court Procedure) pending before the county courts, shall be considered by the procedure of this code. On these applications, within a term of one week from the communication, the claimant should further deposit the due charge in accordance with the rules of this code, otherwise the application shall be left without consideration.
(2) The cases, under which temporary decisions have already been ruled by the county judge, shall be finished by the procedure, prevailing hitherto.

§ 4. (1) The pending cases for divorce by mutual consent shall be terminated. The court fees deposited under them shall be set off as a charge under the divorce claim, if such is lodged within a term of 3 months from the entry of the code into force.
(2) Under the divorce claims, lodged until the entry of this code into force, the rules under art. 256-258 shall not apply.

§ 5. (1) The rules with regard to the evidence and the conditions for its admission provided for in this code, shall apply also with regard to facts which have arisen before its entry into force.
(2) For all collected evidence until the entry of the code into force under the pending cases, the rules prevailing hitherto shall have effect.

§ 6. Until the determination of the new tax valuations of the covered real estates, in the case of dispute for the price of the claim under art. 55, subparagraph "b", the average market price of the estate, indicated in a certificate issued by the municipal people's council at the location of the estate, shall be taken.

§ 7. With regard to the terms which have started under the cases prior to the entry of this code into force, the provisions which were in force before that shall apply.

§ 8. The references in different laws to the texts of the revoked civil court procedural laws shall have effect as references to the respective texts of the present code.

§ 9. (amend., SG 84/03) The entrepreneurs-builders, with regard to their obligations resulting from the buildings constructed by them, until the entry of this code into force, as well as the traders for the obligations, undertaken by them in that capacity, shall not benefit from the provisions of art. 339, subparagraph "g".

§ 10. This code shall revoke:
a) the Notary Law, except for art. 1, 4 and 7;
b) art. 11 of the Bailiffs Law;

c) the provisions in other laws, referring to the ascertainment by the procedure of claims of facts of legal importance, and
d) all other provisions that contradict it.

§ 11. Par. 2 of art. 1 of the Decree on the Rights of the BNB upon liquidation of its receivables etc. (Izv. No 51 of 1951) and par. 2 of art. 49 of the Co-operations Law shall be amended as follows: "With regard to the appeal of the decision by which the application for the issue of a writ of execution is granted or rejected, and also with regard to the procedure for contesting the receivable under the issued writ of execution, the rules of the Civil Procedure Code shall apply."

§ 12. (1) Art. 44 of the Persons and Family Law shall be revoked.
(2) Added at the end of art. 48 of the PFL shall be the words:" if the claim is grounded on the guilt of the surviving spouse".

§ 13. With regard to the contesting of writs of execution (chapter XXIV) issued on the grounds of non-legal acts before the entry of this code into force, the provisions that were operative before the code shall apply.

§ 14. (1) The public sales of movable property and real estates, for which announcements for the sale have been made upon the entry of this code into force, shall be finished by the procedure prevailing hitherto.
(2) Everywhere in the laws the word "court executor" shall be replaced by the word "bailiff".
(3) (Amd. - SG No 28 of 1983, amd. - SG No 124 of 1997) The implementation of the present code shall be assigned to the Minister of Justice and to the Chairman of the Supreme Cassation Court of the People's Republic of Bulgaria.

Additional provisions
TO THE AMENDMENT AND SUPPLEMENT OF THE CIVIL PROCEDURE CODE LAW (PROMULGATED - SG No 124 OF 1997, AMD. - SG No 21 OF 1998)

§ 148. Everywhere in the law the words "Supreme Court", "the Supreme Court" shall be replaced respectively by "Supreme Cassation Court", "the Supreme Cassation Court", and the words "second instance", "the second instance" - respectively by "appellate", "the appellate".

§ 149. Everywhere in the law the words "court executor", "the court executor" shall be replaced by "bailiff" and "the bailiff".

Temporary and concluding provisions
TO THE AMENDMENT AND SUPPLEMENT OF THE CIVIL PROCEDURE CODE LAW (PROMULGATED - SG No 124 OF 1997, AMD. - SG No 21 OF 1998)

§ 150. (1) The lodged complaints and the found pending cases of second instance before the Supreme Cassation Court, which have been nonsuit upon their merits, shall be terminated and forwarded to the respective court of appeal for consideration by the procedure of appellate appeal.
(2) The lodged complaints and found pending cases of second instance before the district courts of law, which have been nonsuit upon their merits, shall be considered by the procedure of appellate appeal.
(3) The complaints under these cases shall be set in accordance with the requirements or art 198 and 199, and a term of 14 days from the communication of the court shall be granted for that.

§ 151. (1) The decisions of the courts of first instance under art. 228, par. 2, which have not come into effect, shall be invalidated, unless the estate has been assigned to the surviving spouse.
(2) The enforced decisions under art. 228, par. 2 shall be subject to implementation by the procedure prevailing hitherto.

§ 152. (1) The enforced decisions, whose terms for retrial and revocation have not expired until the entry of the law into effect, shall be subject to retrial by the procedure of supervision and to revocation by the procedure prevailing hitherto.
(2) Subject to retrial by the procedure of supervision by the procedure prevailing hitherto shall also be the decisions, ruled under cases whose hearing has not finished until the entry of the law into effect, but the court has not passed judgement on them, as well as those ones, under which the decision has been revoked and it has been proceeded with ruling of a new decision under art. 208, par. 2 of the Civil Procedure Code, revoked after the entry of the law into effect.

§ 153. The supervision proceedings found by the law, shall be considered by the procedure prevailing hitherto.

§ 154. The found pending execution proceedings for the sale of movable objects shall be finished by the procedure of this law.

§ 155. For the terms that have started before the entry of the law into effect, the provisions prevailing hitherto shall apply, unless the time period until their expiry is longer than the terms under this law.

§ 155a. (New - SG No 73 of 1998) The proceedings initiated by a prosecutor before 1 April 1998 by the procedure of art. 27 of the Civil Procedure Code, shall continue until their conclusion at all instances, and the terminated proceedings shall be resumed ex officio by the court.

§ 156. Second and third sentence shall be created in § 29, par. 8 of the transitional and final provisions of the Ownership and Usage of Agricultural Lands Law(prom. - SG No 17 of 1991; amd. No 20 of 1991; amd. and suppl. No 74 of 1991, No 18, 28, 46 and 105 of 1992; No 48 of 1993, No 64 of 1993 - Decision No 12 of the Constitutional Court of 1993; amd. No 83 of 1993, No 80 of 1994, No 45 and 57 of 1995, No 59 of 1995 - Decisions No 7 and No 8 of the Constitutional Court of 1995; amd. No 79 of 1996, No 103 of 1996 - Decision No 20 of the Constitutional Court of 1996; amd. and suppl. No 104 of 1996, No 62, 87, 98 and 123 of 1997):
" This term shall not refer to the properties, in relation to which there are pending cases at the court. The attorneys shall represent the General Meeting before the court until the final conclusion of the cases, and after that the possessions shall be distributed within a term of two months."

§ 157. The following amendments and supplements shall be made in the Trade Law (prom. - SG No 48 of 1991; amd. and suppl. No 25 of 1992, No 61 and 103 of 1993, No 63 of 1994, No 63 of 1995, No 42, 59, 83, 86 and 104 of 1996, No 58 and 100 of 1997):
1. In art. 58:
a) a new par. 3 is created:
"Entered on the register shall be the information under par. 1";
b) the previous par. 3 shall become par. 4.
2. In art. 78, subparagraph 2 after the word "the seat" a comma is put and "and the address of management" is added.
3. In art. 115, subparagraph 1 the conjunction "and" is struck off and after the word "the seat" a comma is put and "and the address of management" is added.
4. In art. 172, subparagraph 1 the conjunction "and" is struck off and after the word "the seat" a comma is put and "and the address of management of the company" is added.

§ 158. In the Court Power Law (prom. - SG No 59 of 1994, No 78 of 1994 - Decision No 8 of the Constitutional Court of 1994, No 87 of 1994 - Decision No 9 of the Constitutional Court of 1994, No 93 of 1995 - Decision No 17 of the Constitutional Court of 1995; amd. No 64 of 1996; No 96 of 1996 - Decision No 19 of the Constitutional Court of 1996; amd. No 104 and 110 of 1996 and no 58 of 1997) the following amendments are made:
1. In art. 15, par. 1 the word "appeal" shall be replaced by "appellate".
2. In art. 57, par. 2 the word "appeal" is replaced by "appellate"

§ 159. All texts under this law shall be numbered in accordance with the provisions of the Normative Regulations Law.

§ 160. (Amd. - SG No 21 of 1998) The law shall enter into effect from 1 April 1998.

Temporary and concluding provisions (SG, No 64/1999)

§ 59. All pending proceedings constituted until the enactment of this law shall be heard by the previous order with exception of the proceedings under Art. 288, para 2, 3 and 7.

§ 60. Applied for the terms of appellate and cassation appeal which have not expired until the enactment of this law shall be the terms stipulated by it.

§ 61. The pending cases with subject of the claim according to Art. 126a, at the request of the claimant, made until the conclusion of the verbal competition in the first instance, shall be heard by the order of the fast proceedings.

§ 62. In the Commercial Law Art. 613a is amended as follows: "Art. 613a. (1) The definitions and decisions of the district courts related to the proceedings for bankruptcy shall be subject to appeal before the respective appellate court under the conditions and by the order of Art. 196 - 211 and Art. 213 - 218 of the Civil Procedures Code.
(2) The appellate court shall constitute the case on the day of filing the complaint or not later than the next work day and shall decree its decision within 14 days from the date of the session in which the hearing of the case was concluded.
(3) The decision shall not be subject to cassation claim."

§ 63. The proceedings on the appeal of decisions and definitions on the cases for bankruptcy under Art. 613a of the Commercial law, found at the time of enactment of this law in the Supreme Court of Cassation shall be heard by the previous order.
The law was passed by the 38th National Assembly on July 1, 1999 and was affixed with the official seal of the National Assembly.

Temporary and concluding provisions (SG 105/02)

§ 79 The found pending cases on labour disputes shall be subject to consideration by the previous order.

§ 80. The public sales for which announcements have been made shall be concluded by the previous order.

§ 82. The Council of Ministers shall adopt the list under art. 339, letter "a" within 6 months from the enactment of the Law.

Temporary and concluding provisions TO THE LAW OF THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR THE YEAR 2006

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)
§ 95. The law shall enter in force from the 1st of January 2006.

Temporary and concluding provisions TO THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)
§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

Temporary and concluding provisions TO THE LAW OF THE COMMERCIAL REGISTER

(PROM. – SG 34/06, IN FORCE FROM 01.10.2006)
§ 56. This law shall enter into force from the 1st of October, with the exception of § 2 and § 3, which shall enter into force from the day of the promulgation of the law in State Gazette.

Temporary and concluding provisions TO THE LAW FOR THE CONCESSIONS

(PROM. – SG 36/06, in force from 01.07.2006)
§ 23. The law shall enter into force from 1 July 2006 except Art. 42, para 3 and Art. 58, para 4 which shall enter into force from the date of accession of the Republic of Bulgaria to the European Union.

Temporary and concluding provisions TO THE ON AMENDMENT AND SUPPLEMENTING OF THE LAW FOR THE PUBLIC PROCUREMENT

(PROM. – SG 37/06, IN FORCE FROM 01.07.2006)
§ 160. The law shall enter into force from 1 July 2006 except § 12, item 1, letter "a" (concerning item 2) and letter "g" (concerning the second sentence), § 13, item 1, letter "c", § 20, item 2, letter "c" (in the part concerning the notification of the European Commission of changes in the lists) and letter "i" (concerning items 17 – 22), § 46, item 4 (concerning para 7), § 47, § 78, item 3 (concerning the second sentence) and § 125 which shall enter into force from 1 January 2007.

Temporary and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LABOUR CODE

(PROM. – SG 48/06, IN FORCE FROM 01.07.2006)
§ 48. The law shall enter into force from 1 July 2006 except § 47, item 6 which shall enter into force from the date of entering into force of the Treaty of Accession of the Republic oof Bulgaria to the European Union.

Concluding provisions
TO THE LAW ON THE ELECTRONIC TRADE

(PROM. – SG 51/06, IN FORCE FROM 24.12.2006)
§ 6. This law shall enter into force 6 months after its promulgation in the State Gazette except art. 19 which shall enter into force from the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union.

Temporary and concluding provisions
TO THE LAW OF AMENDMENT AND SUPPLEMENTATION OF THE LAW OF THE PATENTS

(PROM. – SG 64/06, IN FORCE FROM 09.11.2006)
§. 83 This law shall enter into force three months after its promulgation in the State Gazette, except:
1. paragraph 15 – regarding Art. 20a, para 1; § 5 – regarding Chapter Six "B"; § 70 – regarding Art. 83a, para 3; and § 77 which shall enter into force from the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union
2. paragraph 66, item 2 – regarding Art. 70, para 3, which shall enter into force from 1st of January 2007.