

A JUDGEMENT HAS BEEN SERVED UPON YOU

The Court Bailiff has just handed a judgement to you. This means that the Court Bailiff has 'served' a judgement upon you. In the judgement you have been ordered to pay. The judge might have imposed other obligations or restrictions on you. This handing over of the judgement by the Court Bailiff is intended to inform you of the judgement and the verdict. The Court Bailiff is also summoning you (a 'warrant' has been drawn up) to abide by this verdict. If you do not voluntarily co-operate with the ruling of the court and you do not meet the terms of the Court Bailiff's warrant, the law contains a legal provision for your creditor to enforce the verdict. If the verdict concerns a monetary debt, your income can, for example, be garnished or your household good seized. You might not agree with the verdict. This depends on whether or not you have already appeared in court and whether or not you can still oppose or appeal the judgement.

1. Objection: If you have not appeared in court, the verdict is called a judgment in absentia and there are circumstances that allow you to object. But now the plaintiff will have to be summoned by you. Drawing up a summons is not easy, so it is sensible to get legal advice if necessary. Please note that the time frame for lodging an objection is, in principle, four weeks after you have received the judgement in person, or you have indicated that you have been told about the judgement and the measures ensuing from it. So do not wait too long.

PLEASE NOTE: if other defendants were involved with you and one of them has appeared before the court, then the judgement made against you is not a judgment in absentia but a judgment after trial (see below).

2. Appeal: If you have appeared in court, the verdict is called a judgment after trial. There are circumstances in which you can appeal if the claim made by the plaintiff, (so not necessarily what the court has awarded) amounts to more than € 1.750. You must consult a solicitor to make an appeal. The time frame for lodging an appeal is, in principle, three months after the day that the verdict was given by the judge.

Please note: most verdicts will be declared 'enforceable' by the judge. This means that, even though you may have lodged an objection or an appeal, the verdict for the plaintiff can still be executed by, for example, a garnishment. The plaintiff does not need to first wait for the outcome of your objection or appeal. Of course, if you are subsequently vindicated and the verdict is annulled by the judge, then you may appeal to the plaintiff for reimbursement.

It is recommended that you obtain legal advice from the legal desk [het Juridisch Loket] (www.juridischloket.nl), or from a solicitor or other legal advisor. Please contact the Court Bailiff if you require any information about your rights and obligations.

The Court Bailiff