

Expropriation Procedure by Courts

Ref: *Sefer Mishpatim, Hilchot Malveh Veloveh, Chapter 22*

- Creditor brings promissory note to court and authenticity of witnesses are verified.
- If debtor does not contest, he is ordered to pay and given 30 days. (If he had movable property court would expropriate this immediately.)
- If debtor does not respond in this period, an *adrachta* is composed. (Power of attorney to seize property.)
- If borrower contests and does not bring proof to court, within 3 court sessions, we compose a document called a *peticha* (opening) and give him a further 90 days. Thereafter an *adrachta* would be composed.
- If debtor does not have property, creditor now goes out to seek property that he may have sold. If he finds that debtors property has been sold *adrachta* torn and *tirpa* composed to allow expropriation from purchaser.
- Document called *shuma* composed which assesses the value of field for expropriation.
- Then bring creditor to field and allow him to manifest ownership. Document called *horadah* composed.

After expropriation, if the debtor acquires finances, he may pay and retrieve his property.