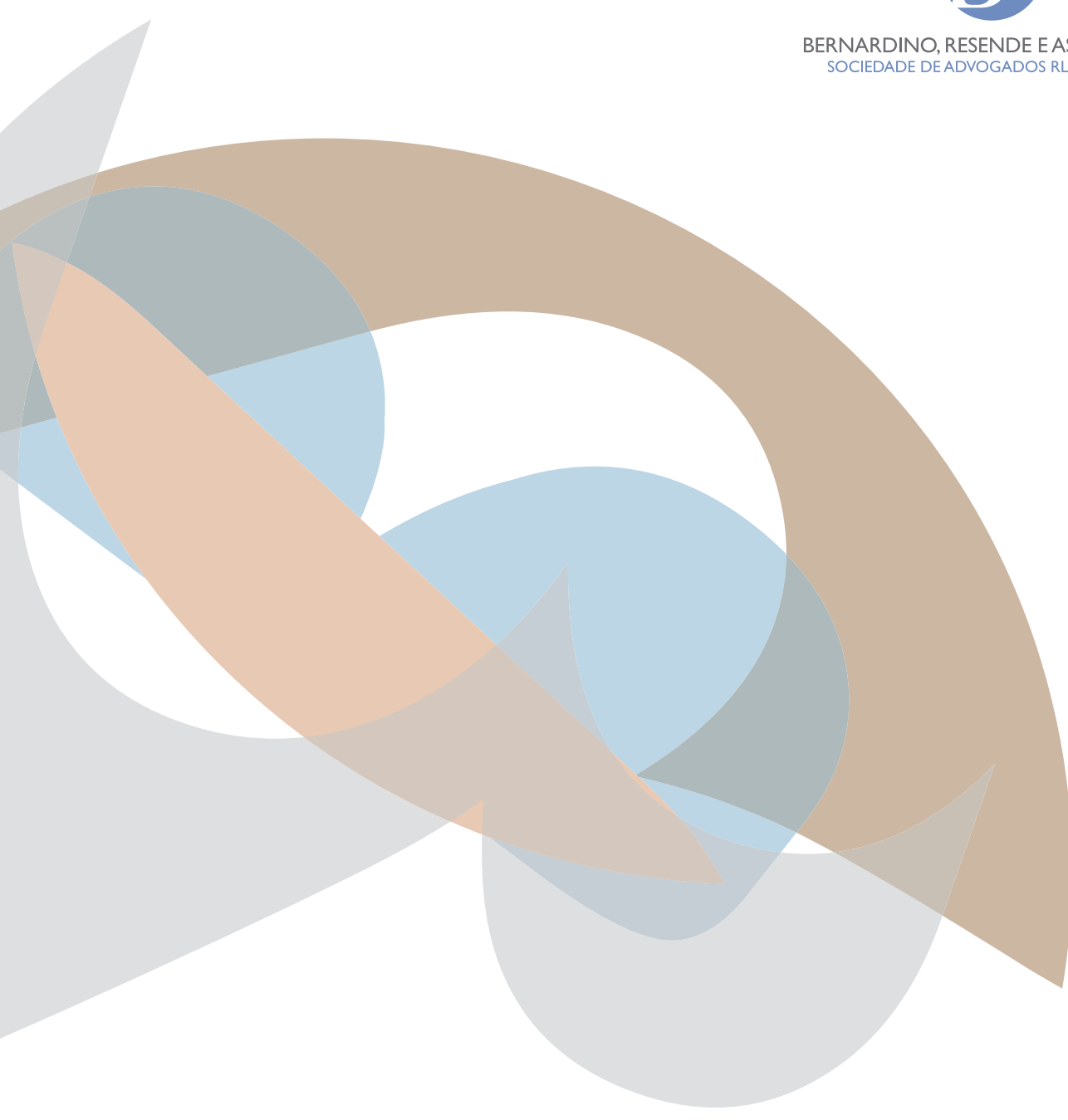




BERNARDINO, RESENDE E ASSOCIADOS
SOCIEDADE DE ADVOGADOS RL | LAW FIRM



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BRief legal news

LITIGATION AND ARBITRATION

ORDERS FOR PAYMENT

1) What is an order for payment?

An order for payment allows a creditor to obtain a writ of execution quickly and easily without the need for a lawsuit.

A writ of execution is necessary for judicial recovery of debt through the courts in an enforcement procedure leading to an attachment.

The following steps are taken when applying for an order for payment:

Step 1 - An application for an order for payment is submitted by the creditor (lawyer, paralegal or, in some cases, the interested party);

Step 2 - The Debtor is instructed to pay or oppose the claim;

Step 3 - If the Debtor opposes the claim, the case goes to court;

Step 4 - If the Debtor remains silent, the court Clerk signs a writ of execution so that the debt can be recovered in an enforcement procedure.

An order for payment therefore results in the validation of a debt with no need for a judicial proceeding or the intervention of a judge and guarantees that a writ of execution will be obtained quickly and simply.

2) What are the advantages of applying for an order for payment?

An order for payment is a simple procedure which does not require a declaratory judgement to collect a debt. It is not only faster and easier, but it is also cheaper than a lawsuit.

3) How much does it cost?

The cost of an order for payment is reduced by half if the application is submitted **electronically**.

The prices are as follows when it is submitted **electronically**:

- a) €12 if the debt is less than €1,875;
- b) €24 if the debt is between €1,875 and €3,750;
- c) €48 if the debt is between €3,750 and €15,000;
- d) €96 if the debt is €15,000 or more;
- e) If the debt is over €30,000, €24 is added to the amount indicated in d) for every €15,000 or part thereof up to a maximum of €50,000.

An application is considered to have been submitted electronically if sent using the CITIUS program.

If the application is not submitted **electronically**, the prices are as follows:

- a) €24 if the debt is less than €1,875;
- b) €48 if the debt is between €1,875 and €3,750;
- c) €96 if the debt is between €3,750 and €15,000;
- d) €192 if the debt is €15,000 or more;
- e) If the debt is over €30,000, €48 is added to the amount indicated in d) for every €15,000 or part thereof up to a maximum of €250,000.

4) What is dematerialisation of orders for payment?

It is the possibility of submitting, paying for and processing orders for payment online.

Dematerialisation makes it possible:

- a) To submit an order for payment on <http://citius.tribunaisnet.mj.pt> electronically or via a computer file
- b) To pay the charges online by debit card or online banking;
- c) For the order for payment to be handled electronically by Balcão Nacional de Injunções
- d) To send the order for payment to the court electronically if the claim is opposed
- e) For notices to be emailed to Claimant so that they are kept up to date with the procedure
- f) To issue an electronic writ of execution based on the order for payment to initiate enforcement procedures based on this claim.



Ministerial Order 220-A/2008 - Sets up an office called Balcão Nacional de Injunções (BNI)

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