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**A summary of the doctoral dissertation entitled:**  
**“Distribution of proceeds in execution against immovable property”**  
**drafted under the supervision of Prof. dr hab. Tadeusz Wiśniewski**

The dissertation aims to examine issues in the procedural aspects of distributing proceeds, arising in the monetary claims law enforcement proceedings against immovable property, under the Polish Code of Civil Procedure.

First, it's worth mentioning that current law enforcement regulations in the Code of Civil Procedure, effective since 17th November 1964, are largely based on the Code of Civil Procedure from 29th November 1930. The problem is that before World War II broke out, the latter had only been effective for six years (it entered into force on 1st January 1933). After the War, as a result of deep political change and the transformation of socio-economic realities, the regulations regarding execution against immovable property were not applied on any significant scale until 1989. Within the People's Republic of Poland, the real estate market had been non-existent, and the significance of mortgages was minimal. Consequently, neither judges nor court bailiffs had the practical knowledge of dealing with execution against immovable property and how to draw up a scheme of distribution. It had all dramatically changed after the transition from a centrally-planned economy to a market economy.

The dissertation begins with three hypotheses. The first considers the impact of the historical events mentioned above. It proposes they have rendered forgotten the meaning of particular legal institutions and specific regulations in the proceedings for the distribution of proceeds. The effect has been on both legal practitioners referred to above and the doctrine of law itself. As a result, in the late 20th century, there was no consistent practice in the distribution of proceedings, accompanied by no scientific studies into the discussed subject.

In the next hypothesis, the dissertation aims to prove that the distribution of proceeds is one of the most important legal institutions of the civil law system. Not only procedural but substantive as well, while also guaranteeing the effectiveness of limited rights *in rem* and rights entered in the real estate register.

The last hypothesis assumes that – contrary to what is claimed by the majority of contemporary procedural civil law doctrine – distribution of proceeds is an integral element of the execution against immovable property, and not only a separate stage of the widely understood law enforcement proceedings (in the sense of enforcement case).

The hermeneutical method is used to verify the aforementioned hypotheses and fully explain the meaning of the distribution of proceeds in the context of execution against immovable property. This method combines features associated with the comparative, historical, and dogmatic methods. However, it goes beyond these by considering the development of the wider socio-economic context and not only focusing on reconstructing the meaning of legal text.

The dissertation is comprised of five parts, divided into more detailed chapters. The first two parts focus on general issues related to the goals and functions of civil procedure and its ground rules. The differences between court proceedings and law enforcement proceedings are analysed. In the third part, the investigation concerns the widely understood execution against immovable property: its subject, goals, stages and participants. The fourth part is the most extensive, where all aspects related to the structure and function of proceedings for the distribution of proceeds are taken into account. This includes not only the subject and participants of these proceedings but also legal form and character of the scheme of distribution, as well as the subdivision of creditors into classes according to their priority level. The final part is devoted to the proceedings for the distribution of proceeds in its dynamic aspect. It focuses on the course of the discussed proceedings, its relation to other types of court and law enforcement proceedings and, finally, the system of legal remedies attributed to the scheme of distribution.

The dissertation ends with an appropriate summary that presents the final conclusions to confirm the initial hypotheses. Those conclusions firmly emphasise that the legal meaning of proceedings for the distribution of proceeds are underestimated not only by civil procedural law doctrine but also by legislative authority. The discussed matter is not treated appropriately to its systematic importance, if not to say, neglected. Consequently, it's treated fairly instrumentally and perceived primarily from the perspective of immediate needs. That leads to the situation where discussed regulations on one side lose their systemic coherency, and on the other, become anachronical and not properly adapted to modern needs. Such a state of affairs may also collide with the general principles of a democratic state governed by the rule of law, as enshrined in the Constitution of the Republic of Poland.

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