

Debt Recovery

We are often instructed by companies and sole traders in relation to bad debt recovery and we have a very good track record of getting the job done. At all times during the debt collection process we keep in touch with clients and up-date them on progress.

We use the following steps:

Step 1: Initial Letter of Demand

Immediately upon receiving your instructions we will send a letter to the debtor outlining the sum owed and giving them 7 days to pay or proceedings will be issued.

Step 2: Issuing Proceedings

If the debtor fails to pay their debt within the specified time period we will issue the appropriate proceedings and serve them immediately on the debtor.

Jurisdiction

- If the amount due and owing is €15,000 or less, the court proceedings must be brought in the District Court.
- If the amount due and owing is between €15,000 and €75,000, the court proceedings must be brought in the Circuit Court.
- If the amount due and owing is above €75,000, the court proceedings must be brought in the High Court.

Step 3: Obtaining Judgement

If the debtor fails to enter an appearance or enter a defence we will seek judgment in default of this. In the event that the matter is set down for a defended hearing and we are successful we will set about enforcing judgement immediately.

Step 4: Enforcement

Enforcement of a judgment debt can be carried out in a number of ways – as follows:

Sheriff

Each county in Ireland has a Sheriff. It is the Sheriff's job to visit the debtor's premises and seize and sell goods (excluding tools of trade or essential household items) or collect monies owed to cover the debt together with legal costs and interest accrued. At times, there can be delays in the process and in some cases the Sheriff can decide that the debtor has no goods worth seizing or selling.

Registration of Judgment in the High Court

Once judgment has been granted, it can be registered with the High Court which means that the judgment will be published to bring it to the public's attention.

Judgment Mortgage

Once Judgment has been granted, one can apply to have a Judgment mortgage registered against any real property which the debtor owns. This effectively prohibits the debtor's ability to deal with the property until the debt has been paid.

Instalment Application

In this instance, a debtor can be brought before the District Court to assess their means and ability to pay the debt with a view to the Court making an instalment order requiring the debtor to pay the debt by way of a lump sum or regular instalments. The repayments will begin once the order has been issued by the Court.

If the debtor fails to meet the conditions outlined in the instalment order then you, as the creditor, the debt recovery process allows you to return to Court to seek to have the debtor sentenced to prison for non-payment of the debt and non-compliance with the instalment order.

Garnishee Application

A garnishee application may be taken out by you, the creditor, where you are aware that the debt owed to you will be paid by a third party. The resulting garnishee order will direct the third party to pay the debt to you directly on behalf of your debtor in order to discharge the debt from the debtor who cannot afford to pay it. It is important to note that before the debt is paid to you by the third party that the garnishee order is issued.

Bankruptcy

Should the debtor fail to pay the debt to you, despite judgment having been passed, you do have the option to petition the High Courts to declare the debtor bankrupt. The process is quite costly and does not give the petitioning creditor any priority over other creditors.

Liquidation

Liquidation occurs where a debtor who is a limited company is unable to pay, the enforcement stage of the debt recovery process allows the creditor the option to seek to wind up the debtor's limited company. Suggesting this option to the debtor may encourage them to pay the debt quickly to avoid having to wind up their company.

Commercial disputes

At Daly Khurshid we have gained an excellent reputation in all areas of commercial law through the provision of high-quality services. We provide a deep wealth of commercial law knowledge combined with the necessary business acumen to offer our clients a full suite of commercial solutions from mediation and negotiation to litigation when it is necessary to protect our clients' interests.

When litigation is necessary to protect a client's interest or advance their commercial requirements, we are pro-active and fully resource a case to achieve the best outcome. We give dedicated attention to a particular case, including on an urgent basis, where injunctive proceedings may be necessary.

- Shareholder, Director and Partnership Disputes
- Banking & Financial Services
- Insurance Disputes
- Property & Building Disputes