



## LEGAL FOUNDATION

E-Leilões is an electronic platform developed by the Solicitadores and Enforcement Agents National Association (OSAE) to carry out judicial auctions for the sale of seized assets.

The operating rules for the [www.e-leiloes.pt](http://www.e-leiloes.pt) platform were approved by the Minister of Justice Order No. 12624/2015, published in Diário da República (Official State Gazette) – 2nd Series – No. 219 – November 9, 2015.



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DE EXECUÇÃO

Enforcement Proceedings



Insolvency Proceedings



The Portuguese Civil Procedure Code (CPC), determines that **both are carried out by electronic auction**

**Since the launching of the platform we have sold more than 2076 million euros, most of them immovables.**

# REGISTRATION

To submit the bid, **prior registration on the auction platform is required.**

Registration options:

Digital certificate issued by the Portuguese Bar Association (for lawyers)

Digital certificate issued by the Solicitadores and Enforcement Agents National Association (for solicitadores)

Digital Mobile Key (CMD)

Citizen's Card

Alternative method (requires prior registration on the platform and the applicant signature duly certified (by a notary, lawyer or solicitador)



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# LEGAL OBLIGATIONS

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The user of the platform is solely responsible for the declarations provided.

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Bids registered on the platform cannot be withdraw or modified.

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If the bidder does not deposit the price, after notification for that effect, he can be held responsible for that fault, including seizure of assets sufficient to guarantee the unpaid amount, costs and expenses and criminal proceeding.



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# JUDICIAL OFFICERS

The judicial officers of the proceedings in which the sale by electronic auction takes place can be:

Enforcement Agents

Trustee in bankruptcy

Criminal courts

# ASSETS TYPES



**Immovable:** apartment; warehouse; office; garage/storage; store; building; detached house; country estate; building plot;



**Vehicle:** aircraft; boat; light commercial car; passenger car; motorcycle; agricultural tractor; another (with registration);



**Equipment:** civil construction; office; industrial, other;



**Furniture:** jewel; watch; merchandise; office furniture; home furniture; other;



**Machinery:** agricultural; construction; tools; industrial; other (with engine);



**Rights:** unquoted shares; inheritance; trademarks; patents; internet domain; company shares; rental rights.



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# AUCTION REQUIREMENTS

Sales on the [www.e-leiloes.pt](http://www.e-leiloes.pt) portal must indicate at least:

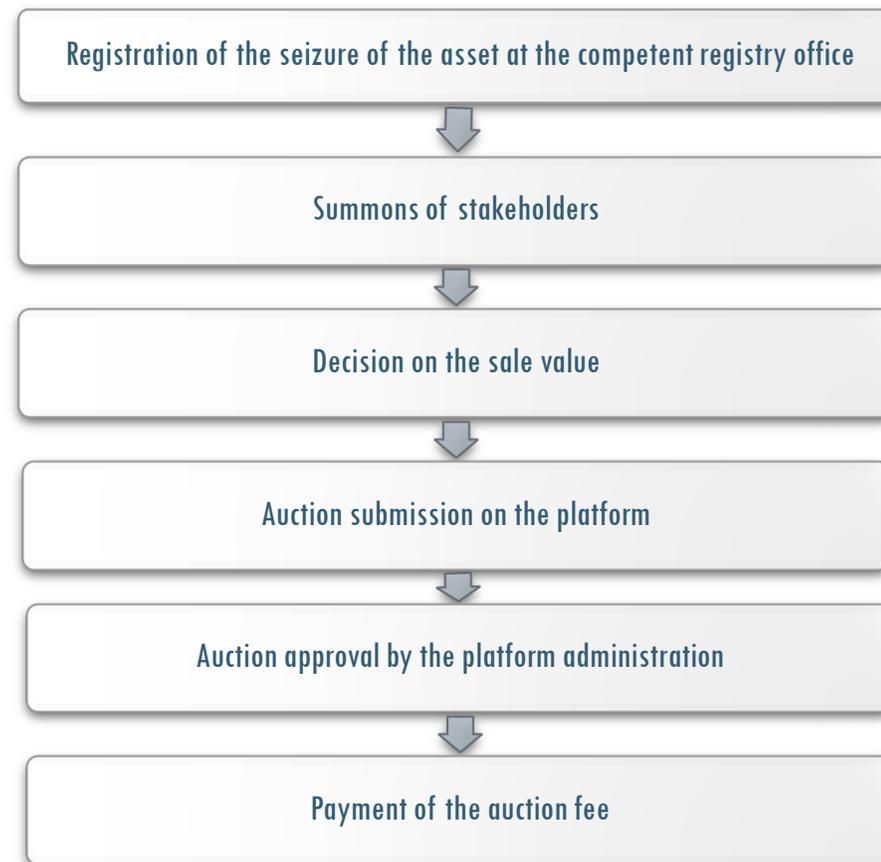
- Number of court proceedings and court unit
- Auction start date
- The basic value of the asset (or set of assets) to be sold
- The value of the last bid
- In the case of a movable asset, photograph of the asset
- The summary description of the asset
- Nature of the asset

# AUCTION REQUIREMENTS

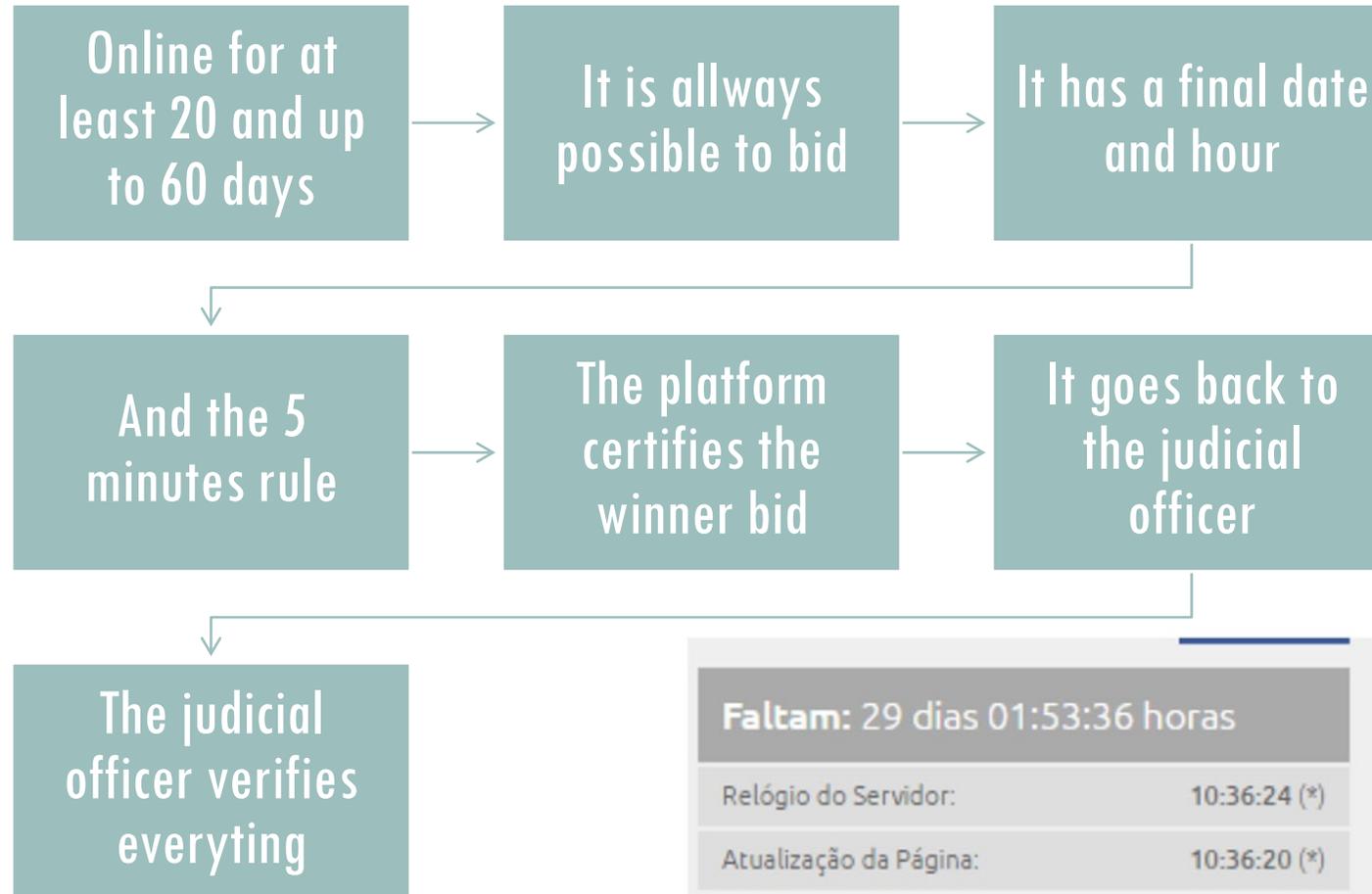
- In the case of real estate, its location and composition, fiscal article, property registry office number, district, municipality, parish and geographical coordinates of the approximate location, photograph of the exterior of the building and, whenever possible, in the case of urban real estate, from the inside
- Identification of the depositary or place of deposit
- Place and time when the asset can be seen and contact details of the depositary
- Identification of the Enforcement Agent
- Any circumstances that, under the law, should be informed to any interested parties, namely the pending opposition to the enforcement proceeding or the attachment, the pending appeal, the existence of onus that do not lapse with the sale and preemptive right holders
- Name of the debtor or debtors to whom the assets to be sold belong

# PROCEDURES PRIOR TO THE AUCTION

Before the publication of the sale on the auction platform, the Enforcement Agent has to comply with the procedural rules, namely:



# THE AUCTION ON THE PLATFORM



<b>Faltam:</b> 29 dias 01:53:36 horas	
Relógio do Servidor:	10:36:24 (*)
Atualização da Página:	10:36:20 (*)
Início do Leilão:	08-04-2016 13:09:54 (*)
Fim do Leilão:	09-05-2016 12:30:00 (*)
(*) sinc. com o observatório astronómico de lisboa	

# PROCEDURE AFTER THE AUCTION

After the auction is closed, the result is sent to the Enforcement Agent.

The Enforcement Agent must comply with all the necessary procedures for the proposal to be considered accepted and the asset to be awarded to the bidder.

It is also up to the Enforcement Agent to notify the submitter of the best proposal for depositing the price and demonstrating compliance with the tax obligations associated with the purchase.

If there are preemptive rights holders known in the process (e.g. tenant or co-owner of the property), they are notified of the result of the auction, in order to exercise such rights.

The relatives of the debtor (spouse, ancestors and descendants) are also holders of preemptive rights which can be exercised until the asset is awarded.



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# PAYMENT

The deadline for depositing the price is **15** (fifteen) **days**. The payment of the price can be made through the **ATM network or by deposit (in cash or certified check/bank draft)** at the enforcement agente bank counter.

If the bidder has not deposited the price within the specified deadline, the Enforcement Agent, after hearing interested parties, may:

Determine that the sale is **ineffective** and **accept the immediately lower value proposal**

Determine that the sale is ineffective and sell the assets through the most appropriate method, in which **the fault bidder cannot be admitted again**

Determine the **liability of the bidder**, including seizure of assets sufficient to guarantee the unpaid amount, costs and expenses, including criminal proceeding



# DEED, REGISTRATION AND DELIVERY

When the price and the tax obligations are paid, the asset is awarded to the bidder.

The Enforcement Agent issues all the legal documentation in which is identified the asset and mentioned that the price and tax obligations were paid.

The judicial sale of property rights (in real estate) is exempt from administrative licenses.

In case of a property subject to registration, the Enforcement Agent communicates the sale to Registry Office, by attaching the deed, and the latter proceeds with the registration.

The asset is awarded free of warranty rights (e.g. attachment and mortgages).

After the registration, the depositary is notified to voluntarily deliver the asset, if the latter does not comply, the acquirer can demand a coercive delivery that can be performed by the Enforcement Agent and has a cost of 102 €.



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# E-LEILÕES FUTURE

## 3 KEY POINTS

1. Possibility of selling not only seized goods, but also a possibility for "private" people that want to use this service because it can be more transparent, fast and has less costs(for example, when someone wants to put the house up for sale through an electronic auction)

2. We must insist on the quality of the description of the goods, so that the people looking at the platform will have all the confidence that the good they are seeing there, is what they will get. Our virtual visits are already there to help with it.

3. Automatism for: price deposit, documents relative to the transfer of the goods, registration. Everything that can simplify the procediment.



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**THANK YOU FOR YOUR ATTENTION!**



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