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# Preservation Entry

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Preservation is a temporary seizure of a debtor's movable property. It prevents the debtor from organizing his insolvency when the judgment against him has not yet been passed. It can no longer give, sell or damage the movable property subject to the seizure. Once the debtor has been ordered to pay the debt, if the debtor does not repay the creditor, the seized property may be sold (seizure and sale).

## Terms

For the purpose of conservatory seizure, creditor must justify circumstances which could threaten the recovery of a claim. Preservation may be justified, for example, if the creditor fears that the debtor seeks to sell his goods to avoid paying him back.

## Well concerned

Preservation may relate to all movable property belonging to the debtor (owned by the debtor or a third party), except elusive property (<https://www.service-public.fr/particuliers/vosdroits/F2163?lang=en>)

### Warning

A property may be subject to successive seizures.

## Creditor's approach

Preservation must be made by a bailiff.

### FYI

The costs of a conservatory seizure shall be borne by the debtor (unless the judge decides otherwise).

The creditor may apply directly to the judicial officer, if he possesses any of the following titles:

- Executive Title
- Court decision not yet enforceable
- Accepted bill of exchange
- Promissory note
- Unpaid check
- Written residential lease (unpaid rent)

If the creditor does not possess any of these securities, he must first refer the execution of a request for a precautionary measure to the judge.

## Direct recourse to the bailiff

To contact a bailiff:

## Prior appeal to the judge

The creditor must query the judge of the court of the debtor's domicile. The request must state the reasons for the request and specify both the amount of the debt and the nature of the assets to be seized.

If the judge grants his request, the creditor has a period of 3 months to have the seizure carried out by a bailiff.

After the seizure has been completed, the creditor has 1 month to complete the steps to obtain an enforceable title. For this, it must assign the debtor in court to have the debt recognized.

## Debtor challenge

The debtor may ask the judge release seizure if he considers that it is not justified, even where prior authorization is not required. It's at creditor to prove that the conditions required for the seizure are met.

If the judge orders release, the creditor may be ordered to make good the damage caused by the protective measure.

## In-Sales Conversion

If debtor does not pay its debt creditor holder of an enforceable title may initiate the conversion of the seizure into foreclosure (<https://www.service-public.fr/particuliers/vosdroits/F1751?lang=en>) ..

### Please note

There is no time limit for converting a conservatory attachment to a garnishment.

For this, the creditor must address to the bailiff to draw up a deed of conversion. This act shall include:

- the reference to the report of the seizure,
- an indication of the enforceable title which established the claim,
- the statement of amounts payable (principal, charges and interest due) and the indication of the interest rate,
- a command to pay this amount within 8 days, otherwise the seized property will be sold.

Without payment within the 8-day period, the debtor has 1 month to sell the seized property himself and repay the creditor. In the absence of such an amicable sale, the seized property (sale by public auction) is forced to be sold in order for the creditor to repay.

### Statute and miscellaneous references

- Code of Civil Enforcement Procedures: Articles L511-1 to L511-4 (<http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000025026104&idSectionTA=LEGISCTA000025026414&cidTexte=LEGITEXT000025024948>)  
Conditions and procedures
- Code of Civil Enforcement Procedures: Articles R511-1 to R511-8 (<http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000025939391&idSectionTA=LEGISCTA000025939389&cidTexte=LEGITEXT000025024948>)  
Conditions and procedures
- Code of Civil Enforcement Procedures: Articles L512-1 and L512-2 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025026407&cidTexte=LEGITEXT000025024948>)  
Disputes
- Code of Civil Enforcement Procedures: Articles R512-1 to R512-3 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025939407&cidTexte=LEGITEXT000025024948>)  
Disputes
- Code of Civil Enforcement Procedures: Article L521-1 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025026401&cidTexte=LEGITEXT000025024948>)  
Goods concerned
- Code of Civil Enforcement Procedures: R521-1 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025939418&cidTexte=LEGITEXT000025024948>)  
Goods concerned
- Code of Civil Enforcement Procedures: Articles R522-1 to R522-6 (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025939424&cidTexte=LEGITEXT000025024948>)  
Seizure transactions (tangible personal property)
- Code of Civil Enforcement Procedures: Articles R523-1 to R523-6 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025939460&cidTexte=LEGITEXT000025024948>)  
Seizure transactions (receivables)
- Code of Civil Enforcement Procedures: Articles R524-1 to R524-3 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025939486&cidTexte=LEGITEXT000025024948>)  
Seizure transactions (partner rights and securities)
- Code of Civil Enforcement Procedures: Articles R525-1 to R525-5 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025939502&cidTexte=LEGITEXT000025024948>)  
Seizure transactions (assets in a safe)

### FAQ

- Can a bailiff enter a dwelling in the absence of its occupant? (<https://www.service-public.fr/particuliers/vosdroits/F399?lang=en>)

What moveable property cannot be seized? ([https://www.service-public.fr/particuliers/vosdroits/F2163?](https://www.service-public.fr/particuliers/vosdroits/F2163?lang=en)

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### **Additional topics**

Sales Entry ([https://www.service-public.fr/particuliers/vosdroits/F1751?](https://www.service-public.fr/particuliers/vosdroits/F1751?lang=en)

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