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litigation counsel to be aware of the potential for multi jurisdictional assaults on the assets of their clients or of their clients adversaries Attachment of Assets is designed to give practical information and guidance to lawyers and businessmen who are interested in securing expected future judgments and in making strategic decisions concerning the deployment of moveable assets in the face of possible attachments of them The chapters each discussing the requirements of a separate country are written by lawyers with practical expertise in this field The procedure by which attachments are obtained vary ranging from court orders authorizing a court official to take custody of a defendant s assets to orders restraining the defendant from transferring his assets The effects of such orders differ as well some create a lien superior to those of other creditors and others do no more than immobilize the debtor's assets leaving them open to being levied upon by later arriving judgment creditors Countries vary in the ways in which they permit attachments to be carried out whether for example all of the banks in a given city may be served with attachment notices or orders They vary as well with respect to the information that is imparted to the attaching creditor after attachment orders have been served Some rules make available to creditor information concerning the value of assets on which they have successfully levied while others leave creditors in the dark or dependent on informal hints from garnishees as to whether or not pay dirt has been struck Most importantly jurisdictional requirements for the issuance of attachment orders are not similar Some countries permit attachments only if the defendant is subject to the jurisdiction of their courts with respect to the merits of the case Others are less demanding permitting attachments solely on the basis and to the extent of the presence of the assets successfully attached It is probably fair to say that in many foreign jurisdictions the protection of creditors through fraudulent conveyance laws and the like is inadequate or even as a practical matter unavailable. The enforcement of judgments is therefore often dependent on a creditor's ability to obtain early even prior to the commencement of a lawsuit a prejudgment attachment or the equivalent of his debtor s assets The extent to which attachments are obtainable in various countries of the world and the basis under which they may be obtained under local law are the focus of Attachment of Assets Format of Publication Organized in a uniform question and answer format that addresses the receptiveness of each country toward the attachment of assets the procedural requirements for filing for attachment reciprocity treaty provisions and defenses Every Chapter is organized with the same special three part arrangement allowing you to quickly and easily locate the information you need for each country Part I contains a survey of the current attitude of each country's courts and government toward the attachment of assets including anticipated changes and recent cases Part II discusses procedure the judgment creditor must follow to file for the attachment of assets in the other country including translation of the judgment currency conversion attorneys fees and recovery of interest Part III summarizes the requirements the judgment creditor must meet for attachment and the defense the judgment and the defenses the judgment debtor must establish to prevent attachment *Practical Guide to Litigation* Jonathan Leslie, John Kingston, 2020-10-28 Against the background of Lord Woolf's interim report Access to Justice this text includes

accounts of tactical matters and practical litigation tips as well as descriptions of the procedures involved Litigation is often conducted by companies who do not have much practical experience of the processes that might be expected of them The same applies to others who become involved in litigation without actually having to conduct the procudure as lawyers This book is intended to give a brief clear and comprehensive overview of litigation arbitration and ADR in England Intended as a comprehensive overview of litigation arbitration and ADR in England this guide is aimed at clients and firms who are involved in or assist cases who would like to understand the process better in a non technical way but do not want to see every statement supported by authority State Immunity in International Law Xiaodong Yang, 2012-09-27 Xiaodong Yang examines the issue of jurisdictional immunities of States and their property in foreign domestic courts Materials on Equity and Trusts Mohamed Ramjohn, 2008-06-30 Text Cases and Materials on Equity and Trusts has been considerably revised to broaden the focus of the text in line with most LLB core courses to encompass equity remedies and injunctions and to take account of recent major statutory and case law developments The new edition features increased pedagogical support to outline key points and principles and improve navigation notes to encourage students to reflect on areas of complexity or controversy and self test questions to consolidate learning at the end of each chapter New to this edition is a detailed examination of The Civil Partnership Act 2004 and the Charities Act 2006 important case law developments such as Stack v Dowden constructive trusts and family assets Oxley v Hiscock quantification of family assets Barlow Clowes v Eurotrust review of the test for dishonesty Abou Ramah v Abacha dishonest assistance and change of position defence AG for Zambia v Meer Care answers to the questions contained within the text and sample essay questions http www routledgecavendish com textbooks 9780415442947 **Commonwealth Caribbean Civil Procedure** Gilbert Kodilinye, Vanessa Kodilinye, 2016-08-12 This new fourth edition of a well established book is a timely response to the continuing development of the new rules of civil procedure in force in most of the jurisdictions of the English speaking Caribbean The new edition has been substantially revised to cover amendments to and recent case law interpreting and applying the Civil Procedure Rules of the various territories It is essential reading for law students and legal practitioners in the region The Practice and Procedure of the Commercial Court Anthony Colman, Victor Lyon, Philippa Hopkins, 2020-11-25 Practice and Procedures of the Commercial Court is primarily intended as a reference for those who practice in the Court it also sets those practices and procedures in context including the Commercial Court's history It includes the principles and procedure for obtaining and discharging freezing injunctions and the procedures for The Court's supervisory jurisdiction over arbitrations as well Recognition and Enforcement of Judgments in Civil and **Commercial Matters** Anselmo Reyes, 2019-09-19 This collection offers a study of the regimes for the recognition and enforcement of foreign commercial judgments in 15 Asian jurisdictions mainland China Hong Kong Taiwan Japan Korea Malaysia Singapore Thailand Vietnam Cambodia Myanmar the Philippines Indonesia Sri Lanka and India For practising

lawyers the book is intended as a practical guide to current law and procedures for enforcing judgments in the selected jurisdictions However it does not stop at describing current law and practice Of interest to academics and students it also analyses the common principles of the enforcement regimes across the jurisdictions and identifies what should be regarded as the norm for enforcement in Asian countries for the purpose of attracting foreign direct investment and catalysing rapid economic development In light of the common principles identified the book explores how laws in Asia may generally be improved to enable judgments to be more readily enforced while ensuring that legitimate concerns over indirect jurisdiction due process and domestic public policy are respected and addressed With this in mind the book discusses the potential impact that the adoption of the 2005 Hague Convention on Choice of Court Agreements might have on Asian jurisdictions it also considers the potential impact of the convention for the enforcement of judgments in civil and commercial matters presently being drafted by the Hague Conference on Private International Law This timely book argues that it is imperative to adopt a uniform system for the recognition and enforcement of judgments throughout Asia if there is to be traction for the enhanced cross border commerce that is expected to result from endeavours such as the ASEAN Economic Community AEC the Belt and Road Initiative BRI CPTPP also known as TPP 11 and RCEP Freezing and Search Orders Mark Hoyle, 2017-09-25 This book provides a solid accurate and helpful practical reference to those seeking interim relief orders or fighting them and to show how they can be flexible to protect legal rights and achieve a cost effective practical result in litigation and arbitration Litigation and any other form of dispute resolution is redundant if the winning party cannot enforce its judgment or award or cannot hold the position between the parties in the interim before a decision is made The theory of who should win needs to give way to the practical but often complicated task of ensuring that all relevant evidence is before the decision maker judge or arbitrator and that the potential fruits of a favourable decision are not dissipated to leave the winner without financial or practical recourse This practitioner's guide enables you to protect your client's position in litigation or arbitration and ensures that success in court is not hampered by destruction of evidence or does not lead to an expensive hollow victory because no funds or assets are available Fraud and Risk in Commercial Law Paul S Davies. Hans Tjio, 2024-08-08 This book focuses on contemporary problems related to fraud and risk in commercial law It has been said by some that we are in a golden age of fraud In part this has been caused by globalisation technological changes and the financialisation of business This has resulted in the creation of automated linkages with integrated supply chains and the creation of systemic risks which have been exacerbated by new forms of intangible assets like tokens and their ease of movement While regulation has ebbed and flowed given the desire of governments to generate economic growth as well as the distrust of their coercive powers the courts have sought to strike a balance between considerations such as commercial certainty and fairness The book provides an analysis of key contemporary issues on the theme of fraud and risk in commercial law including technology and fraud secondary liability and failure to prevent economic crime abuse of business

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worldwide An Almanac of Contemporary Judicial Restatements (Practice and Procedure) vol. i Oshisanya, 'lai Oshitokunbo,2020-01-02 1 Practice of law 2 Procedure law

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