

民事執行規則

Rules of Civil Execution

(昭和五十四年十一月八日最高裁判所規則第五号)
(Rules of the Supreme Court No. 5 of November 8, 1979)

目次

Table of Contents

第一章 総則 (第一条—第十五条の二)

Chapter I General Provisions (Articles 1 to 15-2)

第二章 強制執行

Chapter II Compulsory Execution

第一節 総則 (第十六条—第二十二条の三)

Section 1 General Provisions (Articles 16 to 22-3)

第二節 金銭の支払を目的とする債権についての強制執行

Section 2 Compulsory Execution for a Claim for Payment of Money

第一款 不動産に対する強制執行

Subsection 1 Compulsory Execution against Real Property

第一目 強制競売 (第二十三条—第六十二条)

Division 1 Compulsory Auction (Articles 23 to 62)

第二目 強制管理 (第六十三条—第七十三条)

Division 2 Compulsory Administration (Articles 63 to 73)

第二款 船舶に対する強制執行 (第七十四条—第八十三条)

Subsection 2 Compulsory Execution Against a Vessel (Articles 74 to 83)

第三款 航空機に対する強制執行 (第八十四条・第八十五条)

Subsection 3 Compulsory Execution Against an Aircraft (Articles 84 and 85)

第四款 自動車に対する強制執行 (第八十六条—第九十七条)

Subsection 4 Compulsory Execution Against an Automobile (Articles 86 to 97)

第五款 建設機械及び小型船舶に対する強制執行 (第九十八条・第九十八条の二)

Subsection 5 Compulsory Execution Against Construction Machinery and a Small-sized Vessel (Articles 98 and 98-2)

第六款 動産に対する強制執行 (第九十九条—第一百三十二条)

Subsection 6 Compulsory Execution Against Movable (Articles 99 to 132)

第七款 債権及びその他の財産権に対する強制執行

Subsection 7 Compulsory Execution Against a Claim and any Other Property Right

第一目 債権執行等 (第一百三十三条—第一百四十九条の二)

Division 1 Execution Against a Claim, etc. (Articles 133 to 149-2)

第二目 少額訴訟債権執行（第四百九条の三―第五百十条）

Division 2 Execution Against a Claim Relating to an Action on Small Claim (Articles 149-3 to 150)

第八款 振替社債等に関する強制執行（第五百十条の二―第五百十条の八）

Subsection 8 Compulsory Execution in respect of Book-entry Transfer Company Bonds, etc. (Articles 150-2 to 150-8)

第九款 電子記録債権に関する強制執行（第五百十条の九―第五百十条の十六）

Subsection 9 Compulsory Execution in respect of an Electronically Recorded Monetary Claim (Articles 150-9 to 150-16)

第三節 金銭の支払を目的としない請求権についての強制執行（第一百五十一条―第一百六十九条）

Section 3 Compulsory Execution for a Claim not Intended for Payment of Money (Articles 151 to 169)

第三章 担保権の実行としての競売等（第七十条―第八十一条）

Chapter III Auction, etc. for Exercise of a Security Interest (Articles 170 to 181)

第四章 財産開示手続（第八十二条―第八十六条）

Chapter IV Property Disclosure Procedure (Articles 182 to 186)

第一章 総則

Chapter I General Provisions

（民事執行の申立ての方式）

(Formalities of Filing a Petition for Civil Execution)

第一条 強制執行、担保権の実行及び民法（明治二十九年法律第八十九号）、商法（明治三十二年法律第四十八号）その他の法律の規定による換価のための競売並びに債務者の財産の開示（以下「民事執行」という。）の申立ては、書面で行わなければならない。

Article 1 A petition for compulsory execution, exercise of a security interest, an auction for the purpose of a realization under the provisions of the Civil Code (Act No. 89 of 1896), the Commercial Code (Act No. 48 of 1899), or any other Acts, and disclosure of property by obligors (hereinafter collectively referred to as "Civil Execution") must be filed in writing.

（裁判を告知すべき者の範囲）

(Scope of Persons That Must Be Notified of a Judicial Decision)

第二条 次に掲げる裁判は、当該裁判が申立てに係る場合にあつてはその裁判の申立人及び相手方に対して、その他の場合にあつては民事執行の申立人及び相手方に対して告知しなければならない。

Article 2 (1) The person petitioning for the judicial decision and the opposite

party must be notified of the following judicial decisions if the judicial decision is related to the petition, and the person petitioning for the Civil Execution and the opposite party must be notified thereof in any other case:

一 移送の裁判

(i) a judicial decision of transfer of the case;

二 執行抗告をすることができる裁判（申立てを却下する裁判を除く。）

(ii) a judicial decision against whose execution an appeal may be filed (excluding a judicial decision to dismiss a petition);

三 民事執行法（昭和五十四年法律第四号。以下「法」という。）第四十条第一項、法第百十七條第一項又は法第百八十三條第二項（これらを準用し、又はその例による場合を含む。）の規定による裁判

(iii) a judicial decision under the provisions of Article 40, paragraph (1) of the Civil Execution Act (Act No. 4 of 1979; hereinafter referred to as the "Act"), Article 117, paragraph (1) of the Act, or Article 183, paragraph (2) of the Act (including as applied mutatis mutandis and including when the same rules as those prescribed therein are applied);

四 次に掲げる裁判

(iv) the following judicial decisions:

イ 法第十一条第二項、法第四十七条第五項、法第四十九条第六項、法第六十二条第四項、法第六十四条第七項、法第七十八条第七項又は法第百六十七条の四第三項（これらを準用し、又はその例による場合を含む。）において準用する法第十条第六項前段の規定による裁判及びこの裁判がされた場合における法第十一条第一項、法第四十七条第四項、法第四十九条第五項、法第六十二条第三項、法第六十四条第六項、法第七十八条第六項又は法第百六十七条の四第二項（これらを準用し、又はその例による場合を含む。）の規定による申立てについての裁判

(a) a judicial decision under the provisions of the first sentence of Article 10, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 11, paragraph (2) of the Act, Article 47, paragraph (5) of the Act, Article 49, paragraph (6) of the Act, Article 62, paragraph (4) of the Act, Article 64, paragraph (7) of the Act, Article 78, paragraph (7) of the Act, or Article 167-4, paragraph (3) of the Act (including as applied mutatis mutandis and including when the same rules as those prescribed therein are applied), and the judicial decision regarding a petition or objection under the provisions of Article 11, paragraph (1) of the Act, Article 47, paragraph (4) of the Act, Article 49, paragraph (5) of the Act, Article 62, paragraph (3) of the Act, Article 64, paragraph (6) of the Act, Article 78, paragraph (6) of the Act, or Article 167-4, paragraph (2) of the Act (including as applied mutatis mutandis and including when the same rules as those prescribed therein are applied), if such a judicial decision has been issued;

ロ 法第百三十二条第三項又は法第百五十三条第三項（これらを準用し、又はその例による場合を含む。）の規定による裁判及びこれらの裁判がされた場合におけ

る法第百三十二条第一項若しくは第二項、法第百五十三条第一項若しくは第二項又は法第百六十七条の八第一項若しくは第二項（これらを準用し、又はその例による場合を含む。）の申立てを却下する裁判

(b) a judicial decision under the provisions of Article 132, paragraph (3) of the Act or Article 153, paragraph (3) of the Act (including as applied mutatis mutandis and including when the same rules as those prescribed therein are applied), and a judicial decision to dismiss the petition referred to in Article 132, paragraph (1) or (2) of the Act, Article 153, paragraph (1) or (2) of the Act, or Article 167-8, paragraph (1) or (2) of the Act (including as applied mutatis mutandis and including when the same rules as those prescribed therein are applied), if such a judicial decision has been issued; and

ハ 法第百六十七条の十五第四項の規定による裁判及びこの裁判がされた場合における同条第三項の申立てを却下する裁判

(c) a judicial decision under the provisions of Article 167-15, paragraph (4) of the Act, and a judicial decision to dismiss the petition referred to in paragraph (3) of said Article, if such a judicial decision has been issued; and

五 法第百六十七条の十第二項、法第百六十七条の十一第一項、第二項、第四項若しくは第五項又は法第百六十七条の十二第一項の規定による裁判

(v) a judicial decision under the provisions of Article 167-10, paragraph (2) of the Act, Article 167-11, paragraph (1), (2), (4), or (5) of the Act or Article 167-12, paragraph (1) of the Act.

2 民事執行の手續に関する裁判で前項各号に掲げるもの以外のものは、当該裁判が申立てに係るときは、申立人に対して告知しなければならない。

(2) The petitioner must be notified of any judicial decision relating to a Civil Execution procedure which is not set forth in the items of the preceding paragraph if said judicial decision relates to the petition or objection.

(催告及び通知)

(Demand and Notice)

第三条 民事訴訟規則（平成八年最高裁判所規則第五号）第四条の規定は、民事執行の手續における催告及び通知について準用する。この場合において、同条第二項、第五項及び第六項中「裁判所書記官」とあるのは「裁判所書記官又は執行官」と読み替えるものとする。

Article 3 (1) The provisions of Article 4 of the Rules of Civil Procedure (Rules of the Supreme Court No. 5 of 1996) apply mutatis mutandis to demands and notices in a Civil Execution procedure. In this case, the term "court clerk" in paragraphs (2), (5), and (6) of said Article is deemed to be replaced with "court clerk or court execution officer."

2 前項の規定にかかわらず、民事訴訟規則第四条第三項の規定は、法第百七十四条第

三項の規定による催告については準用せず、同規則第四条第五項の規定は、第五十六条第二項又は第五十九条第三項（これらの規定を準用し、又はその例による場合を含む。）の規定による通知については準用しない。

(2) Notwithstanding the provisions of the preceding paragraph, the provisions of Article 4, paragraph (3) of the Rules of Civil Procedure do not apply mutatis mutandis to a demand under the provisions of Article 174, paragraph (3) of the Act, and the provisions of Article 4, paragraph (5) of said Rules do not apply mutatis mutandis to notice under the provisions of Article 56, paragraph (2) or Article 59, paragraph (3) (including as applied mutatis mutandis and including when the same rules as those prescribed therein are applied).

(公告及び公示)

(Public Notice)

第四条 民事執行の手續における公告は、公告事項を記載した書面を裁判所の掲示場その他裁判所内の公衆の見やすい場所に掲示して行う。

Article 4 (1) Public notice in a Civil Execution procedure is issued through the posting of a document stating the content of the public notice at the posting area of the court or at another place within the court that is easily visible to the public.

2 裁判所書記官又は執行官は、公告をしたときは、その旨及び公告の年月日を記録上明らかにしなければならない。

(2) After issuing public notice, the court clerk or court execution officer must make this clear and indicate the date of the public notice clearly in the records.

3 裁判所書記官又は執行官は、相当と認めるときは、次に掲げる事項を、日刊新聞紙に掲載し、又はインターネットを利用する等の方法により公示することができる。

(3) If the court clerk or court execution officer finds it to be reasonable, the clerk or officer may issue public notice of the following matters by publishing them in a daily newspaper or through use of the Internet or other means:

一 公告事項の要旨

(i) the gist of the contents of the public notice;

二 法又はこの規則の規定により執行裁判所に備え置かれた文書に記録されている情報の全部又は一部

(ii) all or part of the information recorded in the document kept at the execution court pursuant to the provisions of the Act or these Rules; and

三 前二号に掲げるもののほか、公示することが民事執行の手續の円滑な進行に資することとなる事項

(iii) in addition to what is set forth in the preceding two items, matters that will contribute to the smooth progress of the Civil Execution procedure if public notice of them is issued.

(執行抗告の提起期間の始期の特例)

(Special Provisions on the Time of Commencement of the Period for Filing an Appeal against a Disposition of Execution)

第五条 執行抗告の提起期間は、執行抗告をすることができる者が裁判の告知を受けるべき者でないときは、その裁判の告知を受けるべきすべての者に告知された日から進行する。

Article 5 If the person eligible to file an appeal against a disposition of execution is not a person that is to receive notice of a judicial decision, the period for filing the appeal against the disposition of execution commences on the day that all persons that are to receive notice of the judicial decision are notified thereof.

(執行抗告の理由の記載方法)

(Stating Reasons for an Appeal against a Disposition of Execution)

第六条 執行抗告の理由には、原裁判の取消し又は変更を求める事由を具体的に記載しなければならない。

Article 6 (1) In the reasons for an appeal against a disposition of execution, the grounds for seeking the revocation of or a change to the judicial decision of prior instance must be stated concretely.

2 前項の事由が、法令の違反であるときはその法令の条項又は内容及び法令に違反する事由を、事実の誤認であるときは誤認に係る事実を摘示しなければならない。

(2) If the grounds referred to in the preceding paragraph are that the judicial decision violates a law or regulation, the relevant provisions of the law or regulation or the contents thereof and the cause of the violation of the law or regulation must be indicated, and if the grounds referred to in the preceding paragraph are that there is an error of fact in the judicial decision, the fact in error must be indicated.

(執行抗告に係る事件記録の送付)

(Sending of the Case Record in an Appeal against a Disposition of Execution)

第七条 執行抗告があつた場合において、執行裁判所が民事執行の事件の記録を送付する必要がないと認めたときは、執行裁判所の裁判所書記官は、抗告事件の記録のみを抗告裁判所の裁判所書記官に送付すれば足りる。

Article 7 (1) If an appeal against a disposition of execution is filed and the execution court finds no need to send the record of the Civil Execution case, it is sufficient for the court clerk of the execution court to send only the record of the appeal case to the court clerk of the court of appeal.

2 前項の規定により抗告事件の記録が送付された場合において、抗告裁判所が民事執行の事件の記録が必要であると認めたときは、抗告裁判所の裁判所書記官は、速やかに、その送付を執行裁判所の裁判所書記官に求めなければならない。

(2) If the record of an appeal case is sent pursuant to the provision of the preceding paragraph and the court of appeal finds the record of the Civil

Execution case to be necessary, the court clerk of the court of appeal must promptly request the court clerk of the execution court to send said record.

(民事執行事件記録の送付の特例)

(Special Provisions on Sending of the Record of a Civil Execution Case)

第七条の二 法第十条第八項の規定による執行抗告があつたときは、前条の規定にかかわらず、執行裁判所の裁判所書記官は、抗告事件の記録のみを抗告裁判所の裁判所書記官に送付するものとする。

Article 7-2 (1) When an appeal against a disposition of execution under the provisions of Article 10, paragraph (8) of the Act is filed, notwithstanding the provisions of the preceding Article, the court clerk of the execution court is to send only the record of the appeal case to the court clerk of the court of appeal.

2 前項の場合には、同項の記録に、抗告事件についての執行裁判所の意見を記載した書面及び抗告事件の審理に参考となる資料を添付しなければならない。

(2) In the case referred to in the preceding paragraph, a document stating the opinion of the execution court with regard to the appeal case and materials that serve as a reference in the proceedings of the appeal case must accompany the record referred to in said paragraph.

(執行異議の申立ての方式)

(Formalities of Filing an Objection to a Disposition of Execution)

第八条 執行異議の申立ては、期日においてする場合を除き、書面でしなければならない。

Article 8 (1) An objection to a disposition of execution must be filed in writing, unless it is filed on an appearance date.

2 執行異議の申立てをするときには、異議の理由を明らかにしなければならない。

(2) When an objection to a disposition of execution is filed, the reasons for the objection must be clearly indicated.

(代理人の許可の申立ての方式)

(Formalities of Filing a Petition for Permission to Serve as an Agent)

第九条 法第十三条第一項の許可の申立ては、代理人となるべき者の氏名、住所、職業及び本人との関係並びにその者を代理人とすることが必要であることの理由を記載した書面でなければならない。

Article 9 (1) A petition for the permission referred to in Article 13, paragraph (1) of the Act must be filed through the submission of a document stating the name, address, and occupation of the person that is to serve as agent, the relationship between said person and the principal, and the reason that there is a need to have said person serve as an agent.

2 前項の書面には、本人と代理人となるべき者との関係を証する文書を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by a document evidencing the relationship between the principal and the person that is to serve as an agent.

(法第十五条第一項の最高裁判所規則で定める担保提供の方法)

(Providing the Security Specified by Rules of the Supreme Court Which Is Referred to in Article 15, Paragraph (1) of the Act)

第十条 法第十五条第一項の規定による担保は、発令裁判所（同項に規定する発令裁判所をいう。以下この条において同じ。）の許可を得て、担保を立てるべきことを命じられた者が銀行、保険会社、株式会社商工組合中央金庫、農林中央金庫、全国を地区とする信用金庫連合会、信用金庫又は労働金庫（以下「銀行等」という。）との間において次に掲げる要件を満たす支払保証委託契約を締結する方法によつて立てることができる。

Article 10 Security under the provisions of Article 15, paragraph (1) of the Act may be provided, with the permission of the Court Issuing the Order (meaning the court issuing the order prescribed in said paragraph; hereinafter the same applies in this Article), by the person ordered to provide security concluding a contract for consignment of a payment guarantee that satisfies the following requirements with a bank, an insurance company, the Shoko Chukin Bank, Ltd., the Norinchukin Bank, a federation of Shinkin banks whose district is the entire nation, a Shinkin bank or a labor bank (hereinafter referred to as the "Bank, etc."):

一 銀行等は、担保を立てるべきことを命じられた者のために、発令裁判所が定めた金額を限度として、担保に係る損害賠償請求権についての債務名義又はその損害賠償請求権の存在を確認する確定判決若しくはこれと同一の効力を有するものに表示された額の金銭を担保権利者に支払うものであること。

(i) the Bank, etc., on behalf of the person ordered to provide security, pays the security interest holder money in the amount indicated in the title of obligation concerning the right to claim damages against the security, or in a final and binding judgment confirming the existence of such right to claim damages, or in a document having the same effect as such judgment, within the limit of the amount specified by the Court Issuing the Order;

二 担保取消しの決定が確定した時に契約の効力が消滅するものであること。

(ii) the contract ceases to be effective at the time when an order of rescission of security has become final and binding;

三 契約の変更又は解除をすることができないものであること。

(iii) it is not possible to change or cancel the contract; and

四 担保権利者の申出があつたときは、銀行等は、契約が締結されたことを証する文書を担保権利者に交付するものであること。

(iv) at the request of the security interest holder, the Bank, etc. will issue a document to the security interest holder evidencing that the contract has

been concluded.

(送達場所等の届出の方式等)

(Formalities of Filing a Notification of the Place of Service, etc.)

第十条の二 民事訴訟規則第四十一条及び第四十二条の規定は、法第十六条第一項の規定による送達を受けるべき場所の届出及び送達受取人の届出について準用する。

Article 10-2 The provisions of Articles 41 and 42 of the Rules of Civil Procedure apply mutatis mutandis to notification of the place where service is to be received and notification of a designated service recipient under the provisions of Article 16, paragraph (1) of the Act.

(送達できなかつた場合の調査)

(Investigation If Service Cannot Be Made)

第十条の三 民事執行の手續において文書を送達することができないときは、裁判所書記官は、差押債権者その他当該文書の送達について利害関係を有する者に対し、送達すべき場所について必要な調査を求めることができる。

Article 10-3 If service of a document cannot be made in a Civil Execution procedure, the court clerk may request the obligee effecting the seizure or any other person having an interest in the service of the document to carry out the necessary investigation regarding the place where the service is to be made.

(執行官が民事執行を開始する日時指定)

(Designation of the Date and Time at which the Court Execution Officer Commences Civil Execution)

第十一条 執行官は、民事執行の申立てがあつたときは、速やかに、民事執行を開始する日時を定め、申立人が通知を要しない旨を申し出た場合を除き、これを申立人に通知しなければならない。

Article 11 (1) When a petition for Civil Execution is filed, the court execution officer must promptly decide the date and time at which Civil Execution will be commenced, and must notify the petitioner thereof unless the petitioner has proposed that the notice is unnecessary.

2 前項の規定により定める日は、やむを得ない事由がある場合を除き、申立てがあつた日から一週間以内の日としなければならない。

(2) The day decided on pursuant to the provisions of the preceding paragraph must be a day that falls within one week after the day that the petition was filed, unless there is a compelling reason for this to be otherwise.

(民事執行の調書)

(Record of Civil Execution)

第十二条 執行裁判所における期日については、裁判所書記官は、調書を作成しなければならない。

Article 12 (1) The court clerk must prepare a record with regard to appearance dates at the execution court.

2 民事訴訟法（平成八年法律第九号）第一百六十条第二項及び第三項並びに民事訴訟規則第六十六条（第一項第三号及び第六号を除く。）から第六十九条までの規定は、前項の調書について準用する。

(2) The provisions of Article 160, paragraphs (2) and (3) of the Code of Civil Procedure (Act No. 109 of 1996) and Article 66 of the Rules of Civil Procedure (excluding paragraph (1), items (iii) and (vi)) to Article 69 of said Rules apply mutatis mutandis to the record referred to in the preceding paragraph.

第十三条 執行官は、民事執行を実施したときは、次に掲げる事項を記載した調書を作成しなければならない。

Article 13 (1) The court execution officer must prepare a record stating the following matters after implementing a Civil Execution:

一 民事執行に着手した日時及びこれを終了した日時

(i) the date and time of the commencement of the Civil Execution and the date and time of its termination;

二 民事執行の場所及び目的物

(ii) the place and the subject matter of the Civil Execution;

三 民事執行に立ち会った者の表示

(iii) an indication of the name of any person attending the Civil Execution;

四 実施した民事執行の内容

(iv) the contents of the Civil Execution that has been implemented;

五 民事執行に着手した後これを停止したときは、その事由

(v) if the Civil Execution was stayed after its commencement, the grounds therefor;

六 民事執行に際し抵抗を受けたときは、その旨及びこれに対して採った措置

(vi) if the officer faced resistance at the time of the Civil Execution, an indication of this and the measure taken in response;

七 民事執行の目的を達することができなかつたときは、その事由

(vii) if the purpose of the Civil Execution could not be achieved, the reason therefor; and

八 民事執行を続行することとしたときは、その事由

(viii) if it was decided the Civil Execution was to be continued, the grounds therefor.

2 執行官は、民事執行に立ち会った者に、調書に署名押印させなければならない。この場合において、その者が署名押印しなかつたときは、執行官は、その事由を調書に記載しなければならない。

(2) The court execution officer must have persons attending the Civil Execution affix a signature and seal to the record. In this case, if such person does not affix a signature and seal to the record, the court execution officer must state

the grounds therefor in the record.

3 前二項の規定は、配当等（法第八十四条第三項に規定する配当等をいう。以下同じ。）の実施については、適用しない。

(3) The provisions of the preceding two paragraphs do not apply to implementation of Liquidating Distribution, etc. (meaning the liquidating distribution, etc. prescribed in Article 84, paragraph (3) of the Act; the same applies hereinafter).

4 第一項及び第二項の規定は、次に掲げる場合について準用する。

(4) The provisions of paragraphs (1) and (2) apply mutatis mutandis to the following cases:

一 執行官が法第五十五条第一項、法第六十四条の二第一項、法第六十八条の二第一項、法第七十七条第一項、法第一百四十四条第一項、法第一百五十五条第一項、法第二百二十七条第一項、法第一百七十一条第一項若しくは法第一百八十七条第一項又は第八十一条、第八十九条第一項若しくは第一百七十四条第二項（これらを準用し、又はその例による場合を含む。）の規定による決定を執行した場合

(i) when the court execution officer executes an order under the provisions of Article 55, paragraph (1) of the Act, Article 64-2, paragraph (1) of the Act, Article 68-2, paragraph (1) of the Act, Article 77, paragraph (1) of the Act, Article 114, paragraph (1) of the Act, Article 115, paragraph (1) of the Act, Article 127, paragraph (1) of the Act, Article 171, paragraph (1) of the Act, or Article 187, paragraph (1) of the Act, or the provisions of Article 81, Article 89, paragraph (1), or Article 174, paragraph (2) (including as applied mutatis mutandis and if the same rules as those prescribed therein are applied); and

二 執行官が法第六十八条の二第一項の規定による明渡しの催告を実施した場合

(ii) when the court execution officer makes a demand for surrender under the provisions of Article 168-2, paragraph (1) of the Act.

（執行裁判所に対する民事執行の申立ての取下げの通知）

(Notice of Withdrawal of a Petition for Civil Execution Filed with the Execution Court)

第十四条 執行裁判所に対する民事執行の申立てが取り下げられたときは、裁判所書記官は、民事執行を開始する決定の送達を受けた相手方に対し、その旨を通知しなければならない。

Article 14 If a petition for Civil Execution that has been filed with the execution court is withdrawn, the court clerk must notify the opposite party that has been served with an order to commence the Civil Execution to that effect.

（執行官がした民事執行の手続の取消しの通知）

(Notice of Rescission of a Civil Execution Procedure by the Court Execution Officer)

第十五条 執行官は、民事執行の手続を取り消したときは、民事執行の申立人に対し、

その理由を通知しなければならない。

Article 15 If the court execution rescinds a Civil Execution procedure, the officer must notify the petitioner of the Civil Execution of the reason therefor.

(民事訴訟規則の準用)

(Application Mutatis Mutandis of the Rules of Civil Procedure)

第十五条の二 特別の定めがある場合を除き、民事執行の手続に関しては、民事訴訟規則の規定を準用する。

Article 15-2 Except as otherwise provided, the provisions of the Rules of Civil Procedure apply mutatis mutandis to a Civil Execution procedure.

第二章 強制執行

Chapter II Compulsory Execution

第一節 総則

Section 1 General Provisions

(執行文付与の申立ての方式等)

(Formalities of Filing a Petition for Grant of a Certificate of Execution, etc.)

第十六条 執行文付与の申立ては、次に掲げる事項を記載した書面でしなければならない。

Article 16 (1) A petition for the grant of a certificate of execution must be filed through the submission of a document stating the following matters:

一 債権者及び債務者の氏名又は名称及び住所（債務者を特定することができない場合にあつては、その旨）並びに代理人の氏名及び住所

(i) the names and addresses of the obligee and the obligor (if the obligor cannot be identified, an indication of this), and the name and address of any agent;

二 債務名義の表示

(ii) an indication of the title of obligation; and

三 法第二十七条第一項から第三項まで又は法第二十八条第一項の規定による執行文の付与を求めるときは、その旨及びその事由

(iii) if the petitioner seeks to be granted a certificate of execution under the provisions of Article 27, paragraphs (1) through (3) of the Act or Article 28, paragraph (1) of the Act, an indication of this and the grounds therefor.

2 確定しなければその効力を生じない裁判に係る債務名義について前項の申立てをするときは、その裁判が確定したことが記録上明らかであるときを除き、申立書にその裁判の確定を証する文書を添付しなければならない。

(2) When the petition referred to in the preceding paragraph is filed for a title of obligation connected with a judicial decision that is not effective until it becomes final and binding, a document evidencing that the judicial decision has become final and binding must accompany the written petition, except when it is clear from the record that the judicial decision has become final and

binding.

3 第一項の規定は、少額訴訟における確定判決又は仮執行の宣言を付した少額訴訟の判決若しくは支払督促の正本の交付を更に求める場合について準用する。

(3) The provisions of paragraph (1) apply mutatis mutandis when a person further seeks the issuance of an authenticated copy of a final and binding judgment made in an action on small claim or a judgment of an action on small claim or demand for payment with a declaration of provisional execution.

(執行文の記載事項)

(Matters to Be Stated in a Certificate of Execution)

第十七条 債務名義に係る請求権の一部について執行文を付与するときは、強制執行をすることができる範囲を執行文に記載しなければならない。

Article 17 (1) If a certificate of execution is granted for part of a claim under a title of obligation, the scope of the claim for which compulsory execution may be carried out must be stated in the certificate of execution.

2 法第二十七条第二項の規定により債務名義に表示された当事者以外の者を債権者又は債務者とする執行文を付与する場合において、その者に対し、又はその者のために強制執行をすることができることが裁判所書記官又は公証人に明白であるときは、その旨を執行文に記載しなければならない。

(2) If, pursuant to the provisions of Article 27, paragraph (2) of the Act, a certificate of execution is granted showing the obligee or obligor to be other than a party concerned as indicated in the title of obligation, but it is apparent to the court clerk or notary that compulsory execution may be carried out against or for such person, this must be stated in the certificate of execution.

3 法第二十八条第一項の規定により執行文を付与するときは、その旨を執行文に記載しなければならない。

(3) If a certificate of execution is granted pursuant to the provisions of Article 28, paragraph (1) of the Act, this must be stated in the certificate of execution.

4 執行文には、付与の年月日を記載して裁判所書記官又は公証人が記名押印しなければならない。

(4) A certificate of execution must state the date of the grant, and must be accompanied by the name and seal of the court clerk or notary.

(債務名義の原本への記入)

(Entry of Statements in the Original of the Title of Obligation)

第十八条 裁判所書記官又は公証人は、執行文を付与したときは、債務名義の原本にその旨、付与の年月日及び執行文の通数を記載し、並びに次の各号に掲げる場合に応じ、それぞれ当該各号に定める事項を記載しなければならない。

Article 18 (1) After granting a certificate of execution, the court clerk or notary must state, in the original of the title of obligation, an indication of this, the date of the grant, and the number of copies of the certificate of execution

granted, as well as the matters specified in the following items for the respective cases set forth in those items:

一 債務名義に係る請求権の一部について付与したとき 強制執行をすることができる範囲

(i) if the court clerk or notary has granted the certificate of execution for part of a claim under the title of obligation: the scope of the claim for which compulsory execution may be carried out;

二 債務名義に表示された当事者以外の者が債権者又は債務者であるとき その旨及びその者の氏名又は名称

(ii) if the obligee or obligor is other than a party concerned as indicated in the title of obligation: an indication of this and the name of such person; and

三 法第二十七条第三項の規定により付与したとき その旨

(iii) if the court clerk or notary has granted the certificate of execution pursuant to the provisions of Article 27, paragraph (3) of the Act: an indication of this.

2 裁判所書記官は、少額訴訟における確定判決又は仮執行の宣言を付した少額訴訟の判決若しくは支払督促の正本を更に交付したときは、当該判決又は当該支払督促の原本にその旨、交付の年月日及び交付した正本の通数を記載しなければならない。

(2) If the court clerk further issues an authenticated copy of a final and binding judgment made in an action on small claim or a judgment of an action on small claim or demand for payment with a declaration of provisional execution, the court clerk must state, in the original of the judgment or the demand for payment, an indication of this, the date of the issuance, and the number of the authenticated copies issued.

(執行文の再度付与等の通知)

(Notice of Re-grant of a Certificate of Execution, etc.)

第十九条 裁判所書記官又は公証人は、法第二十八条第一項の規定により執行文を付与したときは、債務者に対し、その旨、その事由及び執行文の通数を通知しなければならない。

Article 19 (1) After granting a certificate of execution pursuant to the provisions of Article 28, paragraph (1) of the Act, the court execution officer or notary must notify the obligor of this, the grounds therefor, and the number of copies of the certificate of execution granted.

2 前項の規定は、少額訴訟における確定判決又は仮執行の宣言を付した少額訴訟の判決若しくは支払督促の正本を更に交付した場合について準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis when there is further issuance of an authenticated copy of a final and binding judgment made in an action on small claim or a judgment of an action on small claim or demand for payment with a declaration of provisional execution.

(公証人法第五十七条ノ二第一項の最高裁判所規則で定める執行証書の正本等の送達方法)

(Methods for Serving an Authenticated Copy, etc. of an Execution Deed Specified by Rules of Supreme Court Which Are Referred to in Article 57-2, Paragraph (1) of the Notary Act)

第二十条 公証人法（明治四十一年法律第五十三号）第五十七条ノ二第一項の最高裁判所規則で定める方法は、次項から第四項までの申立てに基づいてされる公証人による送達、執行官による送達及び公示送達とする。

Article 20 (1) The methods specified by the Rules of the Supreme Court which are referred to in Article 57-2, paragraph (1) of the Notary Act (Act No. 53 of 1908) are service by notary, service by court execution officer, and service by publication, as effected based on the petitions referred to in the following paragraph through paragraph (4).

2 債務者が執行証書の作成を公証人に嘱託するためにその役場に出頭したときは、債権者は、当該公証人に対し、当該執行証書に係る公証人法第五十七条ノ二第一項に規定する書類について、公証人自らがその場で債務者に交付してする送達の申立てをすることができる。

(2) If an obligor appears at a public office in order to commission a notary to prepare an execution deed, the obligee may file a petition with the notary to serve the document prescribed in Article 57-2, paragraph (1) of the Notary Act in connection with the execution deed by issuing that document to the obligor on the spot.

3 債権者は、送達と同時に強制執行を実施することを求めるときその他必要があるときは、執行官に対し、前項の書類の送達の申立てをすることができる。

(3) When seeking implementation of compulsory execution simultaneously with the service thereof or when there is any other need, an obligee may file a petition with the court execution officer for service of the document as referred to in the preceding paragraph.

4 債務者の住所、居所その他送達をすべき場所が知れないとき、若しくは次項及び公証人法第五十七条ノ二第三項において準用する民事訴訟法第一百七条第一項の規定による送達をすることができないとき、又は外国においてすべき送達についてその送達が著しく困難であるときは、債権者は、第二項の書類の公示送達について、債務者の普通裁判籍の所在地を管轄する地方裁判所（この普通裁判籍がないときは、請求の目的又は差し押さえることができる債務者の財産の所在地を管轄する地方裁判所）の許可を受けて、その地方裁判所に所属する執行官に対し、その書類の公示送達の申立てをすることができる。

(4) When an obligor's domicile, residence, or place where service is to be made is unknown, or when service under the provisions of the following paragraph or the provisions of Article 107, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 57-2, paragraph (3) of the Notary Act cannot be made, or when service is to be made in a foreign country but it is

extremely difficult to make such service, the obligee may, with regard to service by publication of the document as referred to in paragraph (2), file a petition with the court execution officer belonging to the district court having jurisdiction over the location of the general venue of the obligor (when there is no such general venue, the district court having jurisdiction over the location of the subject matter of the claim or the seizable property of the obligor) for service by publication of said document, with the permission of said district court.

5 民事訴訟法第百二条第一項及び第二項の規定は第二項の送達について、同法第百一条から第百三条まで、第百五条、第百六条並びに第百七条第一項及び第三項並びに民事訴訟規則第四十三条及び第四十四条の規定は第三項の送達について、同法第百十一条及び第百十二条並びに同規則第四十六条第二項の規定は前項の公示送達について準用する。

(5) The provisions of Article 102, paragraphs (1) and (2) of the Code of Civil Procedure apply mutatis mutandis to the service referred to in paragraph (2), the provisions of Articles 101 through 103 of said Code, Articles 105 and Article 106 of said Code, and Article 107, paragraphs (1) and (3) of said Code, and the provisions of Articles 43 and 44 of the Rules of Civil Procedure apply mutatis mutandis to the service referred to in paragraph (3), and the provisions of Articles 111 and 112 of said Code and the provisions of Article 46, paragraph (2) of said Rules apply mutatis mutandis to the service by publication as referred to in the preceding paragraph.

(強制執行の申立書の記載事項及び添付書類)

(Matters to Be Stated in and Documents to Be Attached to a Written Petition for Compulsory Execution)

第二十一条 強制執行の申立書には、次に掲げる事項を記載し、執行力のある債務名義の正本を添付しなければならない。

Article 21 A written petition for compulsory execution must state the following matters and be accompanied by an enforceable authenticated copy of a title of obligation:

一 債権者及び債務者の氏名又は名称及び住所並びに代理人の氏名及び住所

(i) the names and addresses of the obligee and the obligor, and the name and address of any agent;

二 債務名義の表示

(ii) an indication of the title of obligation;

三 第五号に規定する場合を除き、強制執行の目的とする財産の表示及び求める強制執行の方法

(iii) except in the case prescribed in item (v), an indication of the property that is the subject matter of the compulsory execution and the means of compulsory execution sought;

四 金銭の支払を命ずる債務名義に係る請求権の一部について強制執行を求めるときは、その旨及びその範囲

(iv) if the petitioner seeks a compulsory execution for part of a claim under a title of obligation ordering payment of money, an indication of this and the scope of the claim; and

五 民法第四百十四条第二項本文又は第三項に規定する請求に係る強制執行を求めるときは、求める裁判

(v) if the petitioner seeks a compulsory execution for the claim prescribed in the main clause of Article 414, paragraph (2) of the Civil Code or in paragraph (3) of said Article, the judicial decision sought.

(強制執行開始後の申立債権者の承継)

(Succession of an Obligee Filing Petition after Commencement of Compulsory Execution)

第二十二條 強制執行の開始後に申立債権者に承継があつた場合において、承継人が自己のために強制執行の続行を求めるときは、法第二十七条第二項に規定する執行文の付された債務名義の正本を提出しなければならない。

Article 22 (1) If an obligee filing a petition has been succeeded to after the commencement of compulsory execution and the successor seeks a continuation of the compulsory execution for the successor's own purposes, the successor must submit an authenticated copy of a title of obligation attaching the certificate of execution prescribed in Article 27, paragraph (2) of the Act.

2 前項の規定により債務名義の正本が提出されたときは、裁判所書記官又は執行官は、債務者に対し、その旨を通知しなければならない。

(2) When an authenticated copy of a title of obligation is submitted pursuant to the provisions of the preceding paragraph, the court clerk or court execution officer must notify the obligor to that effect.

(特別代理人についての民事訴訟規則の準用)

(Application Mutatis Mutandis of the Rules of Civil Procedure to a Special Agent)

第二十二條の二 民事訴訟規則第十六条の規定は、法第四十一条第二項（法第九十四条において準用する場合を含む。）の特別代理人について準用する。

Article 22-2 The provisions of Article 16 of the Rules of Civil Procedure apply mutatis mutandis to the special agent referred to in Article 41, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 194 of the Act).

(執行費用等の額を定める手続への民事訴訟規則の準用)

(Application Mutatis Mutandis of the Rules of Civil Procedure to a Procedure for Specifying the Amount of Execution Costs, etc.)

第二十二条の三 民事訴訟規則第二十四条、第二十五条第一項及び第二十六条の規定は法第四十二条第四項（法第百九十四条及び法第二百三条において準用する場合を含む。以下この条において同じ。）の申立て及び同項の規定による裁判所書記官の処分について、同規則第二十八条の規定は法第四十二条第九項（法第百九十四条及び法第二百三条において準用する場合を含む。）において準用する民事訴訟法第七十四条第一項の申立てについて準用する。

Article 22-3 The provisions of Article 24 of the Rules of Civil Procedure, Article 25, paragraph (1) of said Rules, and Article 26 of said Rules apply mutatis mutandis to the petition referred to in Article 42, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Articles 194 and 203 of the Act; hereinafter the same applies in this Article) and to a disposition by the court clerk under the provisions of said paragraph, and the provisions of Article 28 of said Rules apply mutatis mutandis to the petition referred to in Article 74, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 42, paragraph (9) of the Act (including as applied mutatis mutandis pursuant to Articles 194 and 203 of the Act).

第二節 金銭の支払を目的とする債権についての強制執行

Section 2 Compulsory Execution for a Claim for Payment of Money

第一款 不動産に対する強制執行

Subsection 1 Compulsory Execution against Real Property

第一目 強制競売

Division 1 Compulsory Auction

（申立書の添付書類）

(Documents to Be Attached to a Written Petition)

第二十三条 不動産に対する強制競売の申立書には、執行力のある債務名義の正本のほか、次に掲げる書類を添付しなければならない。

Article 23 A written petition for a compulsory auction against real property must be accompanied by an enforceable authenticated copy of a title of obligation, as well as the following documents:

一 登記がされた不動産については、登記事項証明書及び登記記録の表題部に債務者以外の者が所有者として記録されている場合にあつては、債務者の所有に属することを証する文書

(i) with regard to registered real property, if a person other than the obligor is recorded in a certificate of registered matters and the heading section of a registration record, a document evidencing that the real property is owned by the obligor;

二 登記がされていない土地又は建物については、次に掲げる書類

(ii) with regard to any unregistered land or building, the following documents:

イ 債務者の所有に属することを証する文書

- (a) a document evidencing that the land or building is owned by the obligor;
 ロ 当該土地についての不動産登記令（平成十六年政令第三百七十九号）第二条第二号に規定する土地所在図及び同条第三号に規定する地積測量図
- (b) the land location map prescribed in Article 2, item (ii) of the Real Property Registration Order (Cabinet Order No. 379 of 2004) and the parcel area survey map prescribed in item (iii) of said Article with regard to said land;
 ハ 当該建物についての不動産登記令第二条第五号に規定する建物図面及び同条第六号に規定する各階平面図並びに同令別表の三十二の項添付情報欄ハ又はニに掲げる情報を記載した書面
- (c) the building drawing prescribed in Article 2, item (v) of the Real Property Registration Order and the floor plan of each floor prescribed in item (vi) of said Article, and a document stating the information set forth in (c) or (d) in the "attached information" column in row 32 in the appended table of said Order, with regard to said building;
 三 土地については、その土地に存する建物及び立木に関する法律（明治四十二年法律第二十二号）第一条に規定する立木（以下「立木」という。）の登記事項証明書
- (iii) with regard to land, a certificate of registered matters for any building present on said land and for any Standing Tree as prescribed in Article 1 of the Act on Standing Trees (Act No. 22 of 1909) (hereinafter referred to as a "Standing Tree");
 四 建物又は立木については、その存する土地の登記事項証明書
- (iv) with regard to a building or Standing Tree, a certificate of registered matters for the land on which it is present; and
 五 不動産に対して課される租税その他の公課の額を証する文書
- (v) a document evidencing the amounts of any taxes or public charges imposed on the real property.

（手続の進行に資する書類の提出）

(Submission of Documents That Contribute to the Progress of a Procedure)

第二十三条の二 申立債権者は、執行裁判所に対し、次に掲げる書類を提出するものとする。

Article 23-2 An obligee filing a petition must submit the following documents to the execution court:

- 一 不動産（不動産が土地である場合にはその上にある建物を、不動産が建物である場合にはその敷地を含む。）に係る不動産登記法（平成十六年法律第百二十三号）第十四条第一項の地図又は同条第四項の地図に準ずる図面及び同条第一項の建物所在図の写し（当該地図、地図に準ずる図面又は建物所在図が電磁的記録に記録されているときは、当該記録された情報の内容を証明した書面）
- (i) the map referred to in Article 14, paragraph (1) of the Real Property Registration Act (Act No. 123 of 2004) or a drawing equivalent to a map

referred to in paragraph (4) of said Article and a copy of the building location picture referred to in paragraph (1) of said Article for the real property (when the real property is land, including any building built on such land, and when the real property is a building, including the building site) (when said map, drawing equivalent to a map, or building location picture is recorded in an electromagnetic record, a document evidencing the content of the recorded information);

二 債務者の住民票の写しその他その住所を証するに足りる文書

(ii) a copy of the certificate of residence of the obligor or a document that sufficiently evidences the domicile of the obligor;

三 不動産の所在地に至るまでの通常の経路及び方法を記載した図面

(iii) a drawing showing the ordinary route and means for reaching the location of the real property; and

四 申立債権者が不動産の現況の調査又は評価をした場合において当該調査の結果又は評価を記載した文書を保有するときは、その文書

(iv) if the obligee filing the petition has investigated the current conditions of or appraised the real property and possesses a document stating the investigation results or the appraisal, such document.

(開始決定の通知)

(Notice of a Commencement Order)

第二十四条 強制管理の開始決定がされた不動産について強制競売の開始決定がされたときは、裁判所書記官は、強制管理の差押債権者及び管理人に対し、その旨を通知しなければならない。担保不動産収益執行の開始決定がされた不動産について強制競売の開始決定がされたときも、同様とする。

Article 24 If a commencement order for a compulsory auction is issued for real property for which a commencement order for compulsory administration has been issued, the court clerk must notify the obligee effecting the seizure and the administrator of the compulsory administration to that effect. The same applies if a commencement order for a compulsory auction is issued in respect of real property for which a commencement order for execution against earnings from secured real property has been issued.

(二重開始決定等の通知)

(Notice of an Overlapped Commencement Order)

第二十五条 法第四十七条第一項の規定により開始決定がされたときは、裁判所書記官は、先の開始決定に係る差押債権者に対し、その旨を通知しなければならない。

Article 25 (1) When a commencement order is issued pursuant to the provisions of Article 47, paragraph (1) of the Act, the court clerk must notify the obligee effecting the seizure under the earlier commencement order to that effect.

2 先の開始決定に係る強制競売又は競売の手続が停止されたときは、裁判所書記官は、

後の開始決定に係る差押債権者に対し、その旨を通知しなければならない。

(2) If the procedure for a compulsory auction or other auction under an earlier commencement order is stayed, the court clerk must notify the obligee effecting the seizure under the later commencement order to that effect.

3 法第四十七条第六項の裁判がされたときは、裁判所書記官は、債務者に対し、その旨を通知しなければならない。

(3) When a judicial decision as referred to in Article 47, paragraph (6) of the Act is made, the court clerk must notify the obligor to that effect.

(配当要求の方式)

(Formalities of Filing a Demand for Liquidating Distribution)

第二十六条 配当要求は、債権（利息その他の附帯の債権を含む。）の原因及び額を記載した書面でなければならない。

Article 26 A demand for liquidating distribution must be filed through the submission of a document stating the basis for and amounts of claims (including interest and any other incidental claims).

(配当要求の通知)

(Notice of a Demand for Liquidating Distribution)

第二十七条 配当要求があつたときは、裁判所書記官は、差押債権者及び債務者に対し、その旨を通知しなければならない。

Article 27 When a demand for liquidating distribution is filed, the court clerk must notify the obligee effecting the seizure and the obligor to that effect.

(売却のための保全処分等の申立ての方式等)

(Formalities of Filing a Petition for a Provisional Order for Sale, etc.)

第二十七条の二 法第五十五条第一項の申立ては、次に掲げる事項を記載した書面でなければならない。

Article 27-2 (1) A petition as referred to in Article 55, paragraph (1) of the Act must be filed through the submission of a document stating the following matters:

一 当事者の氏名又は名称及び住所（相手方を特定することができない場合にあつては、その旨）並びに代理人の氏名及び住所

(i) the names and addresses of the parties concerned (if the opposite party cannot be identified, an indication of this), and the name and address of any agent;

二 申立ての趣旨及び理由

(ii) the purport of and the reasons for the petition;

三 強制競売の申立てに係る事件の表示

(iii) an indication of the case connected with the petition for a compulsory auction; and

四 不動産の表示

(iv) an indication of the real property.

2 申立ての理由においては、申立てを理由付ける事実を具体的に記載し、かつ、立証を要する事由ごとに証拠を記載しなければならない。

(2) In the reasons for a petition, the cause of petition must be stated concretely, and evidence must be stated for each of the grounds that require proof.

(公示保全処分の実行方法)

(Executing a Provisional Order to Issue Public Notice)

第二十七条の三 執行官は、法第五十五条第一項に規定する公示保全処分を執行するときは、滅失又は破損しにくい方法により標識を掲示しなければならない。

Article 27-3 (1) When executing a provisional order to issue public notice as prescribed in Article 55, paragraph (1) of the Act, the court execution officer must post a sign in such a way that it is not easily lost or damaged.

2 執行官は、前項の公示保全処分を執行するときは、法第五十五条第一項に規定する公示書その他の標識に、標識の損壊に対する法律上の制裁その他の執行官が必要と認める事項を記載することができる。

(2) When the court execution officer executes the provisional order to issue public notice as referred to in the preceding paragraph, the officer may state, on the written public notice or any other sign prescribed in Article 55, paragraph (1) of the Act, the legal sanction against the damaging of the sign or any other matters that the officer finds necessary.

(相手方不特定の保全処分等を実行した場合の届出)

(Notification When a Provisional Order, etc. Is Executed Against an Unspecified Opposite Party)

第二十七条の四 執行官は、法第五十五条の二第一項（法第六十八条の二第四項及び法第七十七条第二項において準用する場合を含む。）の規定による決定を実行したときは、速やかに、法第五十五条の二第三項（法第六十八条の二第四項及び法第七十七条第二項において準用する場合を含む。）の規定により当該決定の相手方となつた者の氏名又は名称その他の当該者を特定するに足りる事項を、執行裁判所に届け出なければならない。

Article 27-4 After executing an order under the provisions of Article 55-2, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 68-2, paragraph (4) of the Act and Article 77, paragraph (2) of the Act), the court execution officer must promptly notify the execution court of the name of the person becoming the opposite party of said order pursuant to the provisions of Article 55-2, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 68-2, paragraph (4) of the Act and Article 77, paragraph (2) of the Act) and of any other information sufficient to identify said person.

(職務執行区域外における現況調査)

(Investigation of Current Conditions outside the District for Performing Duties)

第二十八条 執行官は、不動産の現況調査のため必要があるときは、所属の地方裁判所の管轄区域外で職務を行うことができる。

Article 28 When it is necessary for carrying out an investigation of the current conditions of real property, the court execution officer may perform duties outside the jurisdictional district of the district court to which the officer belongs.

(現況調査報告書)

(Written Report of an Investigation of Current Conditions)

第二十九条 執行官は、不動産の現況調査をしたときは、次に掲げる事項を記載した現況調査報告書を所定の日までに執行裁判所に提出しなければならない。

Article 29 (1) After carrying out an investigation of the current conditions of real property, the court execution officer must submit to the execution court a written report of the investigation of current conditions stating the following matters by the prescribed date:

一 事件の表示

(i) an indication of the case;

二 不動産の表示

(ii) an indication of the real property;

三 調査の日時、場所及び方法

(iii) the date, time, place, and manner of investigation;

四 調査の目的物が土地であるときは、次に掲げる事項

(iv) if the subject matter of the investigation is land, the following matters:

イ 土地の形状及び現況地目

(a) the shape of the land and the present land category;

ロ 占有者の表示及び占有の状況

(b) an indication of the possessor and the status of possession;

ハ 占有者が債務者以外の者であるときは、その者の占有の開始時期、権原の有無及び権原の内容の細目についての関係人の陳述又は関係人の提示に係る文書の要旨及び執行官の意見

(c) if the possessor is a person other than the obligor, the gist of statements made by related persons or of documents presented by related persons and opinions of the court execution officer with regard to the time of commencement of the possession by the possessor, whether there is a title, and details of the contents of the title; and

ニ 土地に建物が存するときは、その建物の種類、構造、床面積の概略及び所有者の表示

(d) if any building is present on the land, the outline of the type, structure, and floor area of the building and an indication of the owner of the building;

五 調査の目的物が建物であるときは、次に掲げる事項

(v) if the subject matter of the investigation is a building, the following matters:

イ 建物の種類、構造及び床面積の概略

(a) the outline of the type, structure, and floor area of the building;

ロ 前号ロ及びハに掲げる事項

(b) the matters set forth in (b) and (c) of the preceding item;

ハ 敷地の所有者の表示

(c) an indication of the owner of the site; and

ニ 敷地の所有者が債務者以外の者であるときは、債務者の敷地に対する占有の権原の有無及び権原の内容の細目についての関係人の陳述又は関係人の提示に係る文書の要旨及び執行官の意見

(d) if the owner of the site is a person other than the obligor, the gist of statements made by related persons or of documents presented by related persons and opinions of the court execution officer with regard to whether the obligor has a title of possession to the site, and details of the contents of the title;

六 当該不動産について、債務者の占有を解いて執行官に保管させる仮処分が執行されているときは、その旨及び執行官が保管を開始した年月日

(vi) if a provisional disposition to release the real property from the obligor's possession and to have the court execution officer retain the real property has been executed, an indication of this and the date of commencement of retention by the court execution officer; and

七 その他執行裁判所が定めた事項

(vii) other matters specified by the execution court.

2 現況調査報告書には、調査の目的物である土地又は建物の見取図及び写真を添付しなければならない。

(2) A written report of the investigation of current conditions must be accompanied by a sketch and photograph of the land or building which is the subject matter of the investigation.

(評価の方法)

(Valuation Method)

第二十九条の二 評価人は、評価をするに際し、不動産の所在する場所の環境、その種類、規模、構造等に応じ、取引事例比較法、収益還元法、原価法その他の評価の方法を適切に用いなければならない。

Article 29-2 When making an appraisal, the appraiser must make appropriate use of the sales comparison approach, income approach, cost approach, or other

valuation method, in line with the environment of the place where the real property is located, and the type, size, structure, etc. of the real property.

(評価書)

(Appraisal Report)

第三十条 評価人は、不動産の評価をしたときは、次に掲げる事項を記載した評価書を所定の日までに執行裁判所に提出しなければならない。

Article 30 (1) After appraising real property, the appraiser must submit to the execution court an appraisal report stating the following matters by the prescribed date:

一 事件の表示

(i) an indication of the case;

二 不動産の表示

(ii) an indication of the real property;

三 不動産の評価額及び評価の年月日

(iii) appraised value of the real property and the appraisal date;

四 不動産の所在する場所の環境の概要

(iv) outline of the environment of the place where the real property is located;

五 評価の目的物が土地であるときは、次に掲げる事項

(v) when the subject matter of the appraisal is land, the following matters:

イ 地積

(a) parcel area;

ロ 都市計画法（昭和四十三年法律第百号）、建築基準法（昭和二十五年法律第二百一十号）その他の法令に基づく制限の有無及び内容

(b) whether there is any restriction under the City Planning Act (Act No. 100 of 1968), the Building Standards Act (Act No. 201 of 1950), or any other laws or regulations, and the contents thereof; and

ハ 規準とした公示価格その他の評価の参考とした事項

(c) the posted price that has been used as the basis for and any other matters that were used as a reference in the appraisal;

六 評価の目的物が建物であるときは、その種類、構造及び床面積並びに残存耐用年数その他の評価の参考とした事項

(vi) when the subject matter of the appraisal is a building, the type, structure, floor area, and remaining useful life of the building and any other matters that were used as a reference in the appraisal;

七 評価額の算出の過程

(vii) the process of calculation of the appraised value; and

八 その他執行裁判所が定めた事項

(viii) other matters specified by the execution court.

2 評価書には、不動産の形状を示す図面及び不動産の所在する場所の周辺の概況を示す図面を添付しなければならない。

(2) An appraisal report must be accompanied by a drawing showing the shape of the real property and a drawing showing the general condition of the surroundings of the place where the real property is located.

(執行官及び評価人相互の協力)

(Cooperation between the Court Execution Officer and the Appraiser)

第三十条の二 執行官及び評価人は、現況調査又は評価をするに際し、それぞれの事務が円滑に処理されるようにするため、相互に必要な協力をしなければならない。

Article 30-2 When carrying out an investigation of the current conditions or making an appraisal, the court execution officer and appraiser must cooperate with each other as necessary so that their respective affairs will be processed smoothly.

(売却基準価額の変更の方法)

(Changing the Standard Sales Price)

第三十条の三 執行裁判所は、裁判所書記官が売却を実施させても適法な買受けの申出がなかつた場合（買受人が代金を納付しなかつた場合を含む。）において、不動産の現況、利用状況、手続の経過その他諸般の事情を考慮して、当該売却基準価額（法第六十条第一項に規定する売却基準価額をいう。以下同じ。）により更に売却を実施させても売却の見込みがないと認めるときは、評価書の記載を参考にして、売却基準価額を変更することができる。この場合においては、執行裁判所は、当該評価書を提出した評価人の意見を聴くことができる。

Article 30-3 (1) If the court clerk causes a sale to be implemented but there is no lawful purchase offer (including if the purchaser fails to pay) and the execution court, taking into consideration the current conditions of the real property, the status of use, the progress of the procedure, and other various circumstances, finds that the real property is unlikely to be sold even if the court clerk has a sale implemented any further at the same Standard Sales Price (meaning the standard sales price as prescribed in Article 60, paragraph (1) of the Act; the same applies hereinafter), the execution court may change the Standard Sales Price using the statements in the appraisal report as a reference. In this case, the execution court may hear the opinion of the appraiser submitting the appraisal report.

2 執行裁判所は、前項の聴取をするときは、裁判所書記官に命じて行わせることができる。

(2) The execution court may conduct the hearing referred to in the preceding paragraph by ordering the court clerk to do so.

(物件明細書の内容と売却基準価額の決定の内容との関係についての措置)

(Measures on the Relationship between the Contents of the Description of Property and the Contents of an Order on the Standard Sales Price)

第三十条の四 執行裁判所は、売却基準価額を定めるに当たり、物件明細書に記載された事項の内容が当該売却基準価額の決定の基礎となる事項の内容と異なると認めるときは、当該売却基準価額の決定において、各事項の内容が異なる旨及びその異なる事項の内容を明らかにしなければならない。

Article 30-4 (1) When determining the Standard Sales Price, if the execution court finds that the contents of matters stated in the description of property differ from the contents of matters that serve as the basis of an order on the Standard Sales Price, the execution court must make it clear that the contents of the respective matters differ and indicate the details of the differing matters clearly in the order on the Standard Sales Price.

2 前項の場合には、裁判所書記官は、同項に規定する各事項の内容が異なる旨及びその異なる事項の内容の物件明細書への付記、これらを記載した書面の物件明細書への添付その他これらを物件明細書上明らかにするものとして相当と認める措置を講じなければならない。

(2) In the case referred to in the preceding paragraph, the court clerk must add a supplementary note to the description of property stating that the contents of the respective matters differ and the contents of the differing matters as prescribed in said paragraph, attach a document containing such statements to the description of property, or take any other measure that is found to be reasonable as a measure for clarifying these in the description of property.

(物件明細書の内容の公開等)

(Disclosure of the Contents of the Description of Property, etc.)

第三十一条 法第六十二条第二項の最高裁判所規則で定める措置は、執行裁判所が使用する電子計算機と情報の提供を受ける者が使用する電子計算機とを電気通信回線で接続した電子情報処理組織を使用する措置であつて、当該電気通信回線を通じて情報が送信され、当該情報の提供を受ける者の使用する電子計算機に備えられたファイルに当該情報が記録されるもののうち、次のいずれにも該当するものとする。

Article 31 (1) The measure specified by the Rules of the Supreme Court as referred to in Article 62, paragraph (2) of the Act is any measure falling under both of the following items whereby an electronic data processing system is used to connect a computer used by the execution court to computers used by persons accessing the information via a telecommunications line, and whereby information transmitted via the telecommunications line is recorded in a file stored on the computers used by the persons accessing the information:

一 当該執行裁判所の使用する電子計算機に備えられたファイルに記録された物件明細書の内容に係る情報を電気通信回線を通じて当該情報の提供を受ける者の閲覧に供し、当該情報の提供を受ける者の使用する電子計算機に備えられたファイルに当該情報を記録するもの

(i) one whereby information on the contents of a description of property that is recorded in a file which is stored on a computer used by the execution court

is made available via a telecommunications line for the inspection of persons accessing that information, and whereby that information is recorded in a file stored on the computer used by the person accessing that information; and

二 インターネットに接続された自動公衆送信装置（著作権法（昭和四十五年法律第四十八号）第二条第一項第九号の五イに規定する自動公衆送信装置をいう。）を使用するもの

(ii) one that makes use of an Automatic Public Transmission Server (meaning the automatic public transmission server prescribed in Article 2, paragraph (1), item (ix)-5, (a) of the Copyright Act (Act No. 48 of 1970)) connected to the Internet.

2 法第六十二条第二項の規定による物件明細書の写しの備置き又は前項の措置は、売却の実施の日の一週間前までに開始しなければならない。

(2) The act of keeping a copy of a description of property under the provisions of Article 62, paragraph (2) of the Act or of the measure referred to in the preceding paragraph must be commenced by one week prior to the day of the implementation of the sale.

3 裁判所書記官は、前項の備置き又は措置を実施している期間中、現況調査報告書及び評価書の写しを執行裁判所に備え置いて一般の閲覧に供し、又は当該現況調査報告書及び評価書の内容に係る情報について第一項の措置に準ずる措置を講じなければならない。

(3) During the period in which a copy of a description of property is kept or a measure is implemented as referred to in the preceding paragraph, the court clerk must keep a copy of the written report of the investigation of current conditions and a copy of the appraisal report at the execution court and make them available for public inspection, or must take a measure equivalent to the measure referred to in paragraph (1) with regard to information on the contents of said written report of the investigation of current conditions and the appraisal report.

4 法第六十二条第二項及び前項の規定により物件明細書、現況調査報告書及び評価書の内容が公開されたときは、裁判所書記官は、その旨並びに公開の方法及び年月日を記録上明らかにしなければならない。

(4) When the contents of a description of property, a written report of the investigation of current conditions, and an appraisal report are disclosed pursuant to the provisions of Article 62, paragraph (2) of the Act and the provisions of the preceding paragraph, the court clerk must make this clear and indicate the means and date of disclosure clearly in the records.

(剰余を生ずる見込みがない場合等の保証提供の方法等)

(Manner of Providing a Guarantee When Surplus Is Not Expected, etc.)

第三十二条 法第六十三条第二項の保証は、次に掲げるものを執行裁判所に提出する方

法により提供しなければならない。

Article 32 (1) The guarantee referred to in Article 63, paragraph (2) of the Act must be provided through the submission of any of the following to the execution court:

一 金銭

(i) money;

二 執行裁判所が相当と認める有価証券

(ii) securities that are found to be reasonable by the execution court;

三 銀行等が差押債権者のために一定の額の金銭を執行裁判所の催告により納付する旨の期限の定めのない支払保証委託契約が差押債権者と銀行等との間において締結されたことを証する文書

(iii) a document evidencing that a contract for consignment of payment guarantee without a time limit, stipulating that a Bank, etc. will pay a certain amount of money on behalf of the obligee effecting the seizure at the demand of the execution court, has been concluded between the obligee effecting the seizure and the Bank, etc.

2 民事訴訟法第八十条本文の規定は、前項の保証について準用する。

(2) The provisions of the main clause of Article 80 of the Code of Civil Procedure apply mutatis mutandis to the guarantee referred to in the preceding paragraph.

(買受けの申出をすることができる者の制限)

(Limitation on Persons That May Make Purchase Offers)

第三十三条 執行裁判所は、法令の規定によりその取得が制限されている不動産については、買受けの申出をすることができる者を所定の資格を有する者に限ることができる。

Article 33 With regard to real property whose acquisition is restricted pursuant to the provisions of a law or regulation, the execution court may limit the persons that may make purchase offers to those that have prescribed qualifications.

(入札の種類)

(Types of Bidding)

第三十四条 不動産を売却するための入札は、入札期日に入札をさせた後開札を行う期日入札及び入札期間内に入札をさせて開札期日に開札を行う期間入札とする。

Article 34 Bidding for selling real property is to be single-day bidding whereby sealed bids are tendered and then opened on the bidding date or period bidding whereby sealed bids are tendered during a bidding period and opened on the bid opening date.

(入札期日の指定等)

(Designation of the Bidding Date, etc.)

第三十五条 裁判所書記官は、期日入札の方法により不動産を売却するときは、入札期日を定めなければならない。

Article 35 (1) When selling real property through single-day bidding, the court clerk must specify the bidding date.

2 裁判所書記官は、法第六十四条第四項の規定により売却決定期日を指定するときは、やむを得ない事由がある場合を除き、入札期日から一週間以内の日を指定しなければならない。

(2) When designating the date for ordering a sale pursuant to the provisions of Article 64, paragraph (4) of the Act, the court clerk must designate a day that falls within one week from the bidding date, unless there is a compelling reason to do otherwise.

(期日入札の公告等)

(Public Notice of Single-day Bidding, etc.)

第三十六条 裁判所書記官は、入札期日及び売却決定期日（次条において「入札期日等」という。）を定めたときは、入札期日の二週間前までに、法第六十四条第五項に規定する事項のほか、次に掲げる事項を公告しなければならない。

Article 36 (1) After specifying the bidding date and the date for ordering a sale (collectively referred to as the "Bidding Date, etc." in the following Article), the court clerk must issue public notice of the matters prescribed in Article 64, paragraph (5) of the Act, as well as the following matters, by two weeks prior to the bidding date:

一 事件の表示

(i) an indication of the case;

二 売却決定期日を開く日時及び場所

(ii) the date, time, and place for carrying out proceedings on the date for ordering a sale;

三 買受可能価額（法第六十条第三項に規定する買受可能価額をいう。）

(iii) the Minimum Purchase Price (meaning the minimum purchase price prescribed in Article 60, paragraph (3) of the Act);

四 買受けの申出の保証の額及び提供の方法

(iv) the amount of the purchase offer guarantee and how it is to be provided;

五 法第六十一条の規定により不動産を一括して売却することを定めたときは、その旨

(v) if the court clerk has decided to sell real property in a package pursuant to the provisions of Article 61 of the Act, an indication of this;

六 第三十三条の規定により買受けの申出をすることができる者の資格を制限したときは、その制限の内容

(vi) if the court clerk has limited the qualifications of persons that may make purchase offers pursuant to the provisions of Article 33, the contents of such

limitation;

七 不動産に対して課される租税その他の公課の額

(vii) the amounts of the tax or any other public charges imposed on the real property; and

八 物件明細書、現況調査報告書及び評価書の内容が入札期日の一週間前までに公開される旨及び公開の方法

(viii) that the contents of the description of property, the written report of the investigation of current conditions, and the appraisal report will be disclosed by one week prior to the bidding date, and how they will be disclosed.

2 裁判所書記官は、不動産所在地の市町村に対し、公告事項を記載した書面を当該市町村の掲示場に掲示するよう入札期日の二週間前までに囑託しなければならない。ただし、公告事項の要旨及び不動産の買受けの申出の参考となるべき事項を公示したときは、この限りでない。

(2) By two weeks prior to the bidding date, the court clerk must commission the municipality of the location of the real property to post a document stating the content of the public notice at the posting area of the municipality; provided, however, that this does not apply if the court clerk has publicly announced the gist of the content of the public notice and matters that should serve as a reference for purchase offers to be made for the real property.

(入札期日等の通知)

(Notice of the Bidding Date, etc.)

第三十七条 裁判所書記官は、入札期日等を定めたときは、次に掲げる者に対し、入札期日等を開く日時及び場所を通知しなければならない。

Article 37 After determining the Bidding Date, etc., the court clerk must notify the following persons of the date, time, and place for carrying out proceedings on the Bidding Date, etc.:

一 差押債権者及び債務者

(i) the obligee effecting a seizure and the obligor;

二 配当要求をしている債権者

(ii) obligees demanding liquidating distribution;

三 当該不動産について差押えの登記前に登記がされた権利を有する者

(iii) persons having rights on the real property that were registered prior to the registration of the seizure;

四 知っている抵当証券の所持人及び裏書人

(iv) known holders and endorsers of mortgage securities; and

五 その他執行裁判所が相当と認める者

(v) other persons that the execution court finds it to be reasonable to notify.

(期日入札における入札)

(Bidding in Single-day Bidding)

第三十八条 期日入札における入札は、入札書を執行官に差し出す方法により行う。

Article 38 (1) A sealed bid is tendered in single-day bidding through the submission of a bid document to the court execution officer.

2 入札書には、次に掲げる事項を記載しなければならない。

(2) A bid document must state the following matters:

一 入札人の氏名又は名称及び住所

(i) the name and address of the bidder;

二 代理人によつて入札をするときは、代理人の氏名及び住所

(ii) if the bid is tendered through an agent, the name and address of the agent;

三 事件の表示その他の不動産を特定するために必要な事項

(iii) an indication of the case and any other information needed to identify the real property; and

四 入札価額

(iv) the bid price.

3 法人である入札人は、代表者の資格を証する文書を執行官に提出しなければならない。

(3) A bidder that is a juridical person must submit a document evidencing the qualifications of its representative to the court execution officer.

4 入札人の代理人は、代理権を証する文書を執行官に提出しなければならない。

(4) Any agent of the bidder must submit a document evidencing authority of representation to the court execution officer.

5 共同して入札をしようとする者は、あらかじめ、これらの者の関係及び持分を明らかにして執行官の許可を受けなければならない。

(5) Persons intending to tender a bid jointly must clarify their relationship and their shares of ownership and obtain the permission of the court execution officer in advance.

6 入札人は、住民票の写しその他その住所を証するに足りる文書を執行官に提出するものとする。

(6) A bidder must submit a copy of the bidder's certificate of residence or a document that sufficiently evidences domicile to the court execution officer.

7 入札は、変更し、又は取り消すことができない。

(7) A bid cannot be changed or rescinded.

(期日入札における買受けの申出の保証の額)

(Amount of Purchase Offer Guarantee in Single-day Bidding)

第三十九条 期日入札における買受けの申出の保証の額は、売却基準価額の十分の二とする。

Article 39 (1) The amount of a purchase offer guarantee in single-day bidding is two-tenths of the Standard Sales Price.

2 執行裁判所は、相当と認めるときは、前項の額を超える保証の額を定めることができる。

(2) When the execution court finds it reasonable, it may determine an amount of a guarantee exceeding the amount referred to in the preceding paragraph.

(期日入札における買受けの申出の保証の提供方法)

(Providing a Purchase Offer Guarantee in Single-day Bidding)

第四十条 前条の買受けの申出の保証は、入札書を差し出す際に次に掲げるもの（以下「保証金等」という。）を執行官に提出する方法により提供しなければならない。

Article 40 (1) The purchase offer guarantee referred to in the preceding Article must be provided through the submission of any of the following (hereinafter referred to as the "Guarantee Money, etc.") to the court execution officer upon submission of the bid document:

一 金銭

(i) money;

二 銀行又は執行裁判所の定める金融機関が自己を支払人として振り出した持参人払式の一般線引小切手で、提示期間の満了までに五日以上の期間のあるもの

(ii) a general crossed check drawn as a bearer check by a bank or a financial institution specified by the execution court with such bank or financial institution as the payer, for which there are five days or more until the expiration of the presentation due date;

三 銀行又は執行裁判所の定める金融機関が執行裁判所の預金口座のある銀行を支払人として振り出した持参人払式の一般線引小切手で、提示期間の満了までに五日以上の期間のあるもの

(iii) a general crossed check drawn as a bearer check by a bank or a financial institution specified by the execution court with a bank that has a deposit account of the execution court as the payer, for which there are five days or more until the expiration of the presentation due date; or

四 銀行等が買受けの申出をしようとする者のために一定の額の金銭を執行裁判所の催告により納付する旨の期限の定めのない支払保証委託契約が買受けの申出をしようとする者と銀行等との間において締結されたことを証する文書

(iv) a document evidencing that a contract for consignment of the payment guarantee without a time limit, stipulating that a Bank, etc. will pay a certain amount of money on behalf of the person making a purchase offer at the demand of the execution court, has been concluded between the person making the purchase offer and the Bank, etc.

2 執行裁判所は、相当と認めるときは、金銭を提出する方法により買受けの申出の保証を提供することができない旨を定めることができる。

(2) When the execution court finds it to be reasonable, it may decide that the purchase offer guarantee may not be provided through the submission of money.

(入札期日の手続)

(Procedure of the Bidding Date)

第四十一条 執行官は、入札の催告をした後二十分を経過しなければ、入札を締め切つてはならない。

Article 41 (1) The court execution officer must not close bids until twenty minutes after issuing the notice calling for bids.

2 執行官は、開札に際しては、入札をした者を立ち合わせなければならない。この場合において、入札をした者が立ち会わないときは、適当と認められる者を立ち合わせなければならない。

(2) The court execution officer must have the persons that have tendered bids attend the bid opening. In this case, if any person tendering a bid does not attend, the court execution officer must have a person that is found to be appropriate attend the bid opening.

3 開札が終わつたときは、執行官は、最高価買受申出人を定め、その氏名又は名称及び入札価額を告げ、かつ、次順位買受けの申出（法第六十七条に規定する次順位買受けの申出をいう。以下同じ。）をすることができる入札人がある場合に於ては、その氏名又は名称及び入札価額を告げて次順位買受けの申出を催告した後、入札期日の終了を宣ししなければならない。

(3) When the bid opening has ended, the court execution officer must determine the highest-bidding purchase offeror and announce the name and the bid price of the highest-bidding purchase offeror, and if any bidder is eligible to make the Next-highest Purchase Offer (meaning the next-highest purchase offer prescribed in Article 67 of the Act; the same applies hereinafter), announce the name and the bid price of such bidder and issue a notice calling for the Next-highest Purchase Offer, and declare the end of the bidding date.

(期日入札における最高価買受申出人等の決定)

(Determination of the Highest-Bidding Purchase Offeror, etc. in Single-day Bidding)

第四十二条 最高の価額で買受けの申出をした入札人が二人以上あるときは、執行官は、これらの者に更に入札をさせて最高価買受申出人を定める。この場合においては、入札人は、先の入札価額に満たない価額による入札をすることができない。

Article 42 (1) If two or more bidders make purchase offers that constitute the highest price, the court execution officer must determine the highest-bidding purchase offeror by having them tender additional sealed bids. In this case, the bidders may not tender a bid at a price lower than their earlier bid price.

2 前項の入札人の全員が入札をしないときは、くじで最高価買受申出人を定める。同項の入札において最高の価額で買受けの申出をした入札人が二人以上あるときも、同様とする。

(2) If none of the bidders referred to in the preceding paragraph tenders a bid, the highest-bidding purchase offeror is determined through the drawing of lots. The same applies if two or more bidders make purchase offers that constitute

the highest price in bidding as referred to in said paragraph.

3 次順位買受けの申出をした入札人が二人以上あるときは、くじで次順位買受申出人を定める。

(3) If two or more bidders make the Next-highest Purchase Offer, the next-highest-bidding purchase offeror is determined through the drawing of lots.

(入札期日を開く場所における秩序維持)

(Maintenance of Order at the Place for Carrying out Proceedings on the Bidding Date)

第四十三条 執行官は、入札期日を開く場所における秩序を維持するため必要があると認めるときは、その場所に参集した者に対し身分に関する証明を求め、及び執行裁判所に対し援助を求めることができる。

Article 43 If the court execution officer finds it to be necessary for maintaining order at the place for carrying out proceedings on the bidding date, the officer may request persons gathered at that place to prove their identities and may request the execution court to provide assistance.

(期日入札調書)

(Single-day Bidding Record)

第四十四条 執行官は、期日入札を実施したときは、速やかに、次に掲げる事項を記載した期日入札調書を作成し、執行裁判所に提出しなければならない。

Article 44 (1) After implementing single-day bidding, the court execution officer must promptly prepare a single-day bidding record stating the following matters, and submit it to the execution court:

一 不動産の表示

(i) an indication of the real property;

二 入札の催告をした日時及び入札を締め切った日時

(ii) the date and time of giving a notice calling for bids and the date and time of closing bids;

三 最高価買受申出人及び次順位買受申出人の氏名又は名称及び住所並びに代理人の氏名及び住所

(iii) the names and addresses of the highest-bidding purchase offeror and the next-highest-bidding purchase offeror, and the names and addresses of their agents;

四 最高価買受申出人及び次順位買受申出人の入札価額及び買受けの申出の保証の提供方法

(iv) the bid prices of the highest-bidding purchase offeror and the next-highest-bidding purchase offeror, and how they provided the purchase offer guarantees;

五 適法な入札がなかつたときは、その旨

(v) if no lawful bid has been tendered, an indication of this;

六 第四十一条第二項後段の規定により入札をした者以外の者を開札に立ち会わせたときは、その者の表示

(vi) if the officer has had any person other than those tendering bids attend the bid opening pursuant to the provisions of the second sentence of Article 41, paragraph (2), an indication of such person;

七 第四十二条の規定により最高価買受申出人又は次順位買受申出人を定めたときは、その旨

(vii) if the officer has determined the highest-bidding purchase offeror or the next-highest-bidding purchase offeror pursuant to the provisions of Article 42, an indication of this; and

八 法第六十五条に規定する措置を採つたときは、その理由及び採つた措置

(viii) if the officer has taken a measure under the provisions of Article 65 of the Act, the reason therefor and the measure taken.

2 執行官は、最高価買受申出人及び次順位買受申出人又はこれらの代表者若しくは代理人に、期日入札調書に署名押印させなければならない。この場合においては、第十三条第二項後段の規定を準用する。

(2) The court execution officer must have the highest-bidding purchase offeror and the next-highest-bidding purchase offeror or their representatives or agents affix their signatures and seals to the single-day bidding record. In this case, the provisions of the second sentence of Article 13, paragraph (2) apply *mutatis mutandis*.

3 期日入札調書には、入札書を添付しなければならない。

(3) A single-day bidding record must be accompanied by the bid documents.

(期日入札における買受けの申出の保証の返還等)

(Return of the Purchase Offer Guarantee in Single-day Bidding)

第四十五条 最高価買受申出人及び次順位買受申出人以外の入札人から入札期日の終了後直ちに申出があつたときは、執行官は、速やかに、保証金等を返還しなければならない。

Article 45 (1) If so requested by a bidder other than the highest-bidding purchase offeror or the next-highest-bidding purchase offeror immediately after the end of the proceedings on a bidding date, the court execution officer must promptly return the Guarantee Money, etc.

2 保証金等の返還に係る受取証は、期日入札調書に添付しなければならない。

(2) The receipt for the return of Guarantee Money, etc. must be attached to the single-day bidding record.

3 第一項の規定により入札人に返還した保証金等以外の保証金等については、執行官は、速やかに、これを執行裁判所に提出しなければならない。

(3) The court execution officer must promptly submit to the execution court any Guarantee Money, etc. other than the Guarantee Money, etc. returned to bidders pursuant to the provisions of paragraph (1).

(入札期間及び開札期日の指定等)

(Designation of the Bidding Period and the Bid Opening Date, etc.)

第四十六条 裁判所書記官は、期間入札の方法により不動産を売却するときは、入札期間及び開札期日を定めなければならない。この場合において、入札期間は、一週間以上一月以内の範囲内で定め、開札期日は、入札期間の満了後一週間以内の日としなければならない。

Article 46 (1) When selling real property through period bidding, the court clerk must specify the bidding period and the bid opening date. In this case, the bidding period must be set within the range of one week to one month, and the bid opening date must be a day that falls within one week from the expiration of the bidding period.

2 裁判所書記官は、法第六十四条第四項の規定により売却決定期日を指定するときは、やむを得ない事由がある場合を除き、開札期日から一週間以内の日を指定しなければならない。

(2) When designating the date for ordering a sale pursuant to the provisions of Article 64, paragraph (4) of the Act, the court clerk must designate a day that falls within one week from the bid opening date, unless there is a compelling reason to do otherwise.

(期間入札における入札の方法)

(Bidding in Period Bidding)

第四十七条 期間入札における入札は、入札書を入れて封をし、開札期日を記載した封筒を執行官に差し出す方法又はその封筒を他の封筒に入れて郵便若しくは民間事業者による信書の送達に関する法律（平成十四年法律第九十九号）第二条第六項に規定する一般信書便事業者若しくは同条第九項に規定する特定信書便事業者による同条第二項に規定する信書便により執行官に送付する方法により行う。

Article 47 In period bidding, a person tenders a sealed bid by submitting an envelope containing a bid document which is sealed and which states the bid opening date to the court execution officer, or by inserting said envelope into another envelope and sending it to the court execution officer by postal mail or by correspondence delivery as prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) effected by a general correspondence delivery service operator as prescribed in paragraph (6) of said Article or by a specified correspondence delivery service operator as prescribed in paragraph (9) of said Article.

(期間入札における買受けの申出の保証の提供方法)

(Providing a Purchase Offer Guarantee in Period Bidding)

第四十八条 期間入札における買受けの申出の保証は、執行裁判所の預金口座に一定の額の金銭を振り込んだ旨の金融機関の証明書又は第四十条第一項第四号の文書を、入

札書を入れて封をし、開札期日を記載した封筒と共に執行官に提出する方法により提供しなければならない。

Article 48 The purchase offer guarantee in period bidding must be provided through the submission of a certificate from a financial institution indicating that a certain amount of money has been transferred to the deposit account of the execution court or the document referred to in Article 40, paragraph (1), item (iv) to the court execution officer along with the envelope containing the bid document which is sealed and which states the bid opening date.

(期日入札の規定の準用)

(Application Mutatis Mutandis of the Provisions on Single-day Bidding)

第四十九条 第三十六条、第三十七条、第三十八条第二項から第七項まで、第三十九条、第四十一条第二項及び第三項並びに第四十二条から第四十四条（第一項第二号を除く。）までの規定は期間入札について、第四十五条の規定は期間入札における買受けの申出の保証として第四十条第一項第四号の文書が提出された場合について準用する。この場合において、第三十六条中「入札期日の」とあるのは、「入札期間の開始の日の」と読み替えるものとする。

Article 49 The provisions of Article 36, Article 37, Article 38, paragraphs (2) through (7), Article 39, Article 41, paragraphs (2) and (3), and Articles 42 through 44 (excluding paragraph (1), item (ii)) apply mutatis mutandis to period bidding, and the provisions of Article 45 apply mutatis mutandis when a document as referred to in Article 40, paragraph (1), item (iv) is submitted as the purchase offer guarantee in period bidding. In this case, the phrase "to the bidding date" in Article 36 is deemed to be replaced with "to the day of the commencement of the bidding period."

(競り売り)

(Auction)

第五十条 不動産を売却するための競り売りは、競り売り期日に買受けの申出の額を競り上げさせる方法により行う。

Article 50 (1) The court execution officer conducts an auction to sell real property by having the bidders bid up the purchase offer price on the auction date.

2 買受けの申出をした者は、より高額な買受けの申出があるまで、申出の額に拘束される。

(2) A person making a purchase offer is bound by that offer price until a purchase offer of a higher price is made.

3 執行官は、買受けの申出の額のうち最高のものを三回呼び上げた後、その申出をした者を最高価買受申出人と定め、その氏名又は名称及び買受けの申出の額を告げなければならない。

(3) After calling out the highest of the purchase offer prices three times, the court

execution officer must fix the person making that offer as the highest-bidding purchase offeror, and announce the name and the purchase offer price of the highest-bidding purchase offeror.

- 4 第三十五条から第三十七条まで、第三十八条第三項から第六項まで、第三十九条、第四十条、第四十一条第三項、第四十三条、第四十四条第一項（第二号、第六号及び第七号を除く。）及び第二項並びに第四十五条の規定は、競り売りについて準用する。この場合において、第四十一条第三項中「開札が終わったときは、執行官は、最高価買受申出人を定め、その氏名又は名称及び入札価額を告げ、かつ」とあるのは、「執行官は」と読み替えるものとする。

(4) The provisions of Articles 35 through 37, Article 38, paragraphs (3) through (6), Article 39, Article 40, Article 41, paragraph (3), Article 43, Article 44, paragraphs (1) (excluding items (ii), (vi), and (vii)) and (2), and Article 45 apply mutatis mutandis to auctions. In this case, the phrase "When the bid opening has ended, the court execution officer must determine the highest-bidding purchase offeror and announce the name and the bid price of the highest-bidding purchase offeror, and" in Article 41, paragraph (3) is deemed to be replaced with "The court execution officer must,".

（入札又は競り売り以外の方法による売却）

(Sale Other Than Through Sealed Bidding or an Auction)

第五十一条 裁判所書記官は、入札又は競り売りの方法により売却を実施させても適法な買受けの申出がなかつたとき（買受人が代金を納付しなかつたときを含む。）は、執行官に対し、やむを得ない事由がある場合を除き、三月以内の期間を定め、他の方法により不動産の売却を実施すべき旨を命ずることができる。この場合においては、売却の実施の方法その他の条件を付することができる。

Article 51 (1) If the court clerk causes a sale to be implemented through sealed bidding or an auction but no lawful purchase offer is made (including if the purchaser fails to pay), the court clerk may order the court execution officer to implement a sale of the real property by another means, specifying a period no longer than three months for the same, unless there is a compelling reason to do otherwise. In this case, the court clerk may attach conditions as to how the sale is implemented or other matters.

- 2 裁判所書記官は、前項の規定により売却の実施を命じようとするときは、あらかじめ、差押債権者の意見を聴かなければならない。ただし、その者が、強制競売の申立てに際し、当該売却の実施について意見を述べたときは、この限りでない。

(2) Prior to ordering the implementation of a sale pursuant to the provisions of the preceding paragraph, the court clerk must hear the opinion of the obligee effecting the seizure; provided, however, that this does not apply if such person has stated an opinion on the implementation of the sale upon filing a petition for the compulsory auction.

- 3 前項本文に規定する場合には、執行裁判所は、買受けの申出の保証の額を定めなけ

ればならない。

(3) In the case prescribed in the main clause of the preceding paragraph, the execution court must specify the amount of the purchase offer guarantee.

4 前項の買受けの申出の保証は、買受けの申出の際に金銭又は執行裁判所が相当と認める有価証券を執行官に提出する方法により提供しなければならない。

(4) The purchase offer guarantee referred to in the preceding paragraph must be provided through the submission of money or securities that the execution court finds reasonable to the court execution officer when the purchase offer is made.

5 裁判所書記官は、第一項の規定により売却の実施を命じたときは、各債権者及び債務者に対し、その旨を通知しなければならない。

(5) After ordering the implementation of a sale pursuant to the provisions of paragraph (1), the court clerk must notify each obligee and obligor to that effect.

6 執行官は、第一項の規定による裁判所書記官の処分に基づいて不動産の売却を実施した場合において、買受けの申出があつたときは、速やかに、不動産の表示、買受けの申出をした者の氏名又は名称及び住所並びに買受けの申出の額及び年月日を記載した調書を作成し、保証として提出された金銭又は有価証券と共にこれを執行裁判所に提出しなければならない。

(6) When a sale of real property is implemented based on a disposition by the court clerk under the provisions of paragraph (1) and a purchase offer is made, the court execution officer must promptly prepare a record giving an indication of the real property, the name and address and the purchase offer price of the person making the purchase offer, and the date, and must submit it to the execution court along with the money or securities submitted as guarantee.

7 前項の調書が提出されたときは、執行裁判所は、遅滞なく、売却決定期日を定めなければならない。

(7) After the record referred to in the preceding paragraph is submitted, the execution court must specify the date for ordering a sale without delay.

8 前項の規定により売却決定期日が定められたときは、裁判所書記官は、第三十七条各号に掲げる者及び買受けの申出をした者に対し、その期日を開く日時及び場所を通知しなければならない。

(8) Once the date for ordering a sale is specified pursuant to the provisions of the preceding paragraph, the court clerk must notify the persons set forth in the items of Article 37 and the person making the purchase offer of the date, time, and place for carrying out proceedings on the date for ordering a sale.

9 第四十四条第二項の規定は、第六項の調書について準用する。

(9) The provisions of Article 44, paragraph (2) apply mutatis mutandis to the record referred to in paragraph (6).

(内覧実施命令)

(Order to Implement a Preliminary Inspection)

第五十一条の二 法第六十四条の二第一項の申立ては、次に掲げる事項を記載した書面
でなければならない。

Article 51-2 (1) A petition as referred to in Article 64-2, paragraph (1) of the Act
must be filed through the submission of a document stating the following
matters:

一 申立人の氏名又は名称及び住所並びに代理人の氏名及び住所

(i) the name and address of the petitioner, and the name and address of any
agent thereof;

二 事件の表示

(ii) an indication of the case;

三 不動産の表示

(iii) an indication of the real property; and

四 不動産の占有者を特定するに足りる事項であつて、申立人に知れているもの（占
有者がいないときは、その旨）

(iv) any information sufficient to identify the possessor of the real property
which is known to the petitioner (if there is no possessor, an indication of
this).

2 前項の申立ては、各回の売却の実施につき、売却を実施させる旨の裁判所書記官の
処分の時までにしなければならない。

(2) A petition as referred to in the preceding paragraph must be filed, for each
sale, by the time the court clerk reaches the disposition to implement the sale.

3 執行裁判所は、不動産の一部について内覧を実施すべきときは、法第六十四条の二
第一項の命令において、内覧を実施する部分を特定しなければならない。

(3) When a preliminary inspection is to be implemented for part of a real
property, the execution court must specify the part for which the preliminary
inspection is to be implemented in the order referred to in Article 64-2,
paragraph (1) of the Act.

4 裁判所書記官は、法第六十四条の二第一項の命令があつたときは、知れている占有
者に対し、当該命令の内容を通知しなければならない。法第六十四条の二第四項の規
定により同条第一項の命令を取り消す旨の決定があつたときについても、同様とする。

(4) If an order as referred to in Article 64-2, paragraph (1) of the Act is issued,
the court clerk must notify the known possessor of the contents of said order.
The same applies when an order to revoke the order referred to in Article 64-2,
paragraph (1) has been issued pursuant to the provisions of paragraph (4) of
said Article.

(執行官による内覧の実施)

(Implementation of a Preliminary Inspection by the Court Execution Officer)

第五十一条の三 執行官は、法第六十四条の二第一項の命令があつたときは、遅滞なく、
内覧への参加の申出をすべき期間及び内覧を実施する日時を定め、これらの事項及び

不動産の表示（前条第三項の場合においては、内覧を実施する部分の表示を含む。）を公告し、かつ、不動産の占有者に対して内覧を実施する日時を通知しなければならない。

Article 51-3 (1) If an order as referred to in Article 64-2, paragraph (1) of the Act is issued, the court execution officer, without delay, must specify the period during which participation in the preliminary inspection must be requested and the date and time for implementing the preliminary inspection, and issue public notice of these matters and an indication of the real property (including an indication of the part for which the preliminary inspection is to be implemented, in the case referred to in paragraph (3) of the preceding Article), as well as notifying the possessor of the real property of the date and time for implementing the preliminary inspection.

2 執行官は、前項の規定により内覧への参加の申出をすべき期間を定めるに当たっては、その終期が物件明細書、現況調査報告書及び評価書の内容が公開されてから相当の期間が経過した後となるよう配慮しなければならない。

(2) When specifying the period during which participation in the preliminary inspection must be requested pursuant to the provisions of the preceding paragraph, the court execution officer must exercise consideration so that the period ends after the passage of a reasonable period following the disclosure of the contents of the description of property, the written report of the investigation of current conditions, and the appraisal report.

3 内覧への参加の申出は、内覧の対象となる不動産を特定するに足りる事項並びに当該不動産に立ち入る者の氏名、住所及び電話番号（ファクシミリの番号を含む。）を記載した書面により、第一項の期間内に、執行官に対してしなければならない。

(3) A request to participate in a preliminary inspection must be filed with the court execution officer within the period referred to in paragraph (1) through the submission of a document stating information sufficient to identify the real property that is the subject of the preliminary inspection and the name, address, and telephone number (including facsimile number) of any person entering said real property.

4 法第六十四条の二第三項の最高裁判所規則で定める事由は、次に掲げるものとする。

(4) The grounds specified by the Rules of the Supreme Court which are referred to in Article 64-2, paragraph (3) of the Act are the following:

一 法第七十一条第四号イからハマまでに掲げる者のいずれかに該当すること。

(i) the requester falls under any of the categories of persons set forth in Article 71, item (iv), (a) through (c) of the Act; or

二 前項の書面に記載した当該不動産に立ち入る者が法第七十一条第四号イからハマでのいずれかに該当すること。

(ii) a person entering the real property, as stated in the document referred to in the preceding paragraph, falls under any of the categories referred to in Article 71, item (iv), (a) through (c) of the Act.

5 執行官は、内覧を実施する場所における秩序を維持するため必要があると認めるときは、その場所に参集した者に対し、身分に関する証明を求めることができる。

(5) If the court execution officer finds it to be necessary for maintaining order at the place for implementing a preliminary inspection, the officer may request persons gathering at that place to prove their identities.

6 法第六十四条の二第一項の申立てをした差押債権者は、執行官から資料又は情報の提供その他の内覧の円滑な実施のために必要な協力を求められたときは、できる限りこれに応じるよう努めなければならない。

(6) If an obligee effecting a seizure that has filed the petition referred to in Article 64-2, paragraph (1) of the Act is requested by the court execution officer to provide materials or information or any other necessary cooperation for the smooth implementation of the preliminary inspection, the obligee must endeavor to meet such request insofar as possible.

(買受けの申出をした差押債権者のための保全処分等の申立ての方式等)

(Formalities of Filing a Petition for a Provisional Order, etc. for an Obligee Effecting a Seizure That Has Made a Purchase Offer, etc.)

第五十一条の四 法第六十八条の二第一項の申立ては、次に掲げる事項を記載した書面で行なければならない。

Article 51-4 (1) A petition as referred to in Article 68-2, paragraph (1) of the Act must be filed through the submission of a document stating the following matters:

一 第二十七条の二第一項各号に掲げる事項

(i) the matters set forth in the items of Article 27-2, paragraph (1);

二 法第六十八条の二第二項の申出額

(ii) the obligee's offered price referred to in Article 68-2, paragraph (2) of the Act; and

三 次の入札又は競り売りの方法による売却の実施において前号の申出額に達する買受けの申出がないときは自ら当該申出額で不動産を買い受ける旨の申出

(iii) the offer of the obligee effecting the seizure to purchase the real property at the obligee's offered price as referred to in the preceding paragraph if no purchase offer reaches the obligee's offered price in the implementation of the next sale by way of sealed bidding or an auction.

2 執行裁判所は、法第六十八条の二第一項の規定により申立人に不動産を保管させるべきことを命じた場合において、必要があると認めるときは、当該申立人に対し、不動産の保管の状況について報告を求め、又は執行官に対し、その保管の状況の点検を命ずることができる。

(2) If the execution court orders the petitioner to retain the real property pursuant to the provisions of Article 68-2, paragraph (1) of the Act and the court finds it to be necessary, it may request the petitioner to report on the status of the retention of the real property or order the court execution officer

to inspect the status of the retention of the real property.

3 執行官は、前項の点検をしたときは、不動産の損傷の有無及び程度その他の申立人の保管の状況を記載した点検調書を作成し、執行裁判所に提出しなければならない。

(3) After carrying out the inspection referred to in the preceding paragraph, the court execution officer must prepare an inspection record stating whether there is damage to the real property and the degree of any such damage and any other status of retention by the petitioner, and submit it to the execution court.

4 第二十七条の二第二項の規定は第一項の書面について、第二十七条の三の規定は法第六十八条の二第一項に規定する公示保全処分の執行について、第三十二条の規定は法第六十八条の二第二項の保証の提供について準用する。

(4) The provisions of Article 27-2, paragraph (2) apply mutatis mutandis to the document referred to in paragraph (1), the provisions of Article 27-3 apply mutatis mutandis to the provisional order to issue public notice prescribed in Article 68-2, paragraph (1) of the Act, and the provisions of Article 32 apply mutatis mutandis to the provision of the guarantee referred to in Article 68-2, paragraph (2) of the Act.

(買受けの申出がなかつた場合の調査)

(Investigation When There Is No Purchase Offer)

第五十一条の五 執行裁判所は、裁判所書記官が売却を実施させても適法な買受けの申出がなかつた場合（買受人が代金を納付しなかつた場合を含む。）には、差押債権者に対し、その意見を聴いて、買受けの申出をしようとする者の有無、不動産の売却を困難にしている事情その他売却の円滑な実施に資する事項について、調査を求めることができる。

Article 51-5 (1) If the court clerk causes a sale to be implemented but there is no lawful purchase offer (including if the purchaser fails to pay the price), the execution court may hear the opinion of the obligee effecting the seizure and seek to investigate whether there is any person intending to make a purchase offer, the circumstances making it difficult for the real property to be sold, and any other matters that contribute to the smooth implementation of the sale.

2 執行裁判所は、前項の調査を求めるときは、裁判所書記官に命じて行わせることができる。

(2) When seeking to make an investigation as referred to in the preceding paragraph, the execution court may order the court clerk to carry out the investigation.

(買受けの申出をしようとする者があることを理由とする売却の実施の申出の方式)

(Formalities of Making an Offer Seeking to Have a Sale Implemented on the Basis That There Is a Person Intending to Make a Purchase Offer)

第五十一条の六 法第六十八条の三第二項の規定による売却の実施の申出は、次に掲げる事項を記載した書面でしなければならない。

Article 51-6 (1) An offer seeking to have a sale implemented under the provisions of Article 68-3, paragraph (2) of the Act must be made through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 不動産の表示

(ii) an indication of the real property; and

三 買受けの申出をしようとする者の氏名又は名称及び住所

(iii) the name and address of the person intending to make a purchase offer.

2 前項の書面には、買受けの申出をしようとする者の住民票の写しその他その住所等を証するに足りる文書を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by a copy of the certificate of residence of the person intending to make a purchase offer or a document that sufficiently evidences the person's domicile.

(売却決定期日を開くことができない場合等の通知)

(Notice When Proceedings Cannot Be Carried Out on the Date for Ordering a Sale)

第五十二条 法第七十二条第一項の規定により売却決定期日を開くことができないとき、又は法第七十三条第一項の規定により売却許可決定が留保されたときは、裁判所書記官は、最高価買受申出人及び次順位買受申出人に対し、その旨を通知しなければならない。

Article 52 If proceedings cannot be carried out on the date for ordering a sale pursuant to the provisions of Article 72, paragraph (1) of the Act, or when an order of permission of sale has been withheld pursuant to the provisions of Article 73, paragraph (1) of the Act, the court clerk must notify the highest-bidding purchase offeror and the next-highest-bidding purchase offeror to that effect.

(変更後の売却決定期日の通知)

(Notice of the Changed Date for Ordering a Sale)

第五十三条 売却の実施の終了後に売却決定期日に変更されたときは、裁判所書記官は、第三十七条各号に掲げる者並びに最高価買受申出人及び次順位買受申出人に対し、変更後の期日を通知しなければならない。

Article 53 If the date for ordering a sale changes after the end of the implementation of the sale, the court clerk must notify the persons set forth in the items of Article 37 and the highest-bidding purchase offeror and the next-highest-bidding purchase offeror of the changed date.

(売却許可決定等の告知の効力の発生時期)

(Time When a Notice of an Order of Permission of Sale, etc. Becomes Effective)

第五十四条 売却の許可又は不許可の決定は、言渡しの時に告知の効力を生ずる。
Article 54 An order of permission or non-permission of sale becomes effective as a notice at the time of its rendition.

(売却許可決定の公告)

(Public Notice of an Order of Permission of Sale)

第五十五条 売却許可決定が言い渡されたときは、裁判所書記官は、その内容を公告しなければならない。

Article 55 When an order of permission of sale is rendered, the court clerk must issue public notice of its contents.

(最高価買受申出人又は買受人のための保全処分等の申立ての方式等)

(Formalities of Filing a Provisional Order, etc. for the Highest-Bidding Purchase Offeror or the Purchaser, etc.)

第五十五条の二 法第七十七条第一項の申立ては、第二十七条の二第一項各号に掲げる事項を記載した書面でしなければならない。

Article 55-2 (1) A petition as referred to in Article 77, paragraph (1) of the Act must be filed through the submission of a document stating the matters set forth in the items of Article 27-2, paragraph (1).

2 第二十七条の二第二項の規定は前項の書面について、第二十七条の三の規定は法第七十七条第一項に規定する公示保全処分の執行について準用する。

(2) The provisions of Article 27-2, paragraph (2) apply mutatis mutandis to the document referred to in the preceding paragraph, and the provisions of Article 27-3 apply mutatis mutandis to execution of the provisional order to issue public notice prescribed in Article 77, paragraph (1) of the Act.

(代金納付期限)

(Time Limit for Payment of the Price)

第五十六条 法第七十八条第一項の規定による代金納付の期限は、売却許可決定が確定した日から一月以内の日としなければならない。

Article 56 (1) The time limit for the payment of the price under the provisions of Article 78, paragraph (1) of the Act must be a day that falls within one month after the day that the order of permission of sale becomes final and binding.

2 裁判所書記官は、前項の期限を定めたときは、買受人に対し、これを通知しなければならない。法第七十八条第五項の規定により前項の期限を変更したときも、同様とする。

(2) After specifying the time limit referred to in the preceding paragraph, the court clerk must notify the purchaser thereof. The same applies if the court clerk changes the time limit referred to in the preceding paragraph pursuant to the provisions of Article 78, paragraph (5) of the Act.

(保証として提供されたものの換価)

(Realization of What Has Been Provided as a Guarantee)

第五十七条 法第七十八条第三項（法第八十六条第三項において準用する場合を含む。次条において同じ。）の規定による有価証券の換価は、執行官にこれを売却させて行_う。

Article 57 (1) The execution court conducts the realization of securities under the provisions of Article 78, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 86, paragraph (3) of the Act; the same applies in the following Article) by having the court execution officer sell the securities.

2 有価証券の売却を命じられた執行官は、動産執行の手続によりこれを売却し、その売得金を執行裁判所に提出しなければならない。

(2) The court execution officer that is ordered to sell securities must sell the securities through the procedure of execution against movables, and submit the proceeds thereof to the execution court.

第五十八条 第三十二条第一項第三号又は第四十条第一項第四号（第五十条第四項において準用する場合を含む。）の文書に係る法第七十八条第三項の規定による換価は、執行裁判所の催告により所定の額の金銭を銀行等に納付させて行_う。

Article 58 The execution court conducts the realization under the provisions of Article 78, paragraph (3) of the Act in connection with a document as referred to in Article 32, paragraph (1), item (iii) or Article 40, paragraph (1), item (iv) (including as applied mutatis mutandis pursuant to Article 50, paragraph (4)) by having a Bank, etc. pay a prescribed amount of money at the demand of the execution court.

(法第八十二条第二項の最高裁判所規則で定める申出の方式等)

(Formalities of Making a Proposal Pursuant to the Provisions of the Rules of the Supreme Court Which Is Referred to in Article 82, Paragraph (2) of the Act, etc.)

第五十八条の二 法第八十二条第二項の申出は、次に掲げる事項を記載した書面でしなければならない。

Article 58-2 (1) A proposal as referred to in Article 82, paragraph (2) of the Act must be made through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 不動産の表示

(ii) an indication of the real property;

三 申出人の氏名又は名称及び住所

(iii) the names and addresses of the proposers;

四 代理人によつて申出をするときは、代理人の氏名及び住所

(iv) when making a proposal through an agent, the name and address of the agent; and

五 法第八十二条第二項の申出人の指定する者（以下この条において「被指定者」という。）の氏名、住所及び職業

(v) the name, address, and occupation of the person designated by the proposers as referred to in Article 82, paragraph (2) of the Act (hereinafter referred to as the "Designated Person" in this Article).

2 前項の書面には、次に掲げる文書を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by the following documents:

一 買受人から不動産の上に抵当権の設定を受けようとする者が法人であるときは、代表者の資格を証する文書

(i) if the person seeking for the purchaser to establish a mortgage on real property with that person is a juridical person, a document evidencing the qualifications of its representative; and

二 申出人間の抵当権設定契約書の写し

(ii) a copy of the contract on the establishment of a mortgage concluded between the proposers.

3 被指定者は、法第八十二条第二項の規定により嘱託書の交付を受けるに当たり、裁判所書記官に対し、指定を証する文書を提出しなければならない。この場合において、裁判所書記官は、被指定者に対し、その身分又は資格を証する文書の提示を求めることができる。

(3) In having a commission document issued pursuant to the provisions of Article 82, paragraph (2) of the Act, a Designated Person must submit a document evidencing the designation to the court clerk. In this case, the court clerk may request the Designated Person to present a document evidencing the identity or qualifications thereof.

4 被指定者は、嘱託書を登記所に提出したときは、裁判所書記官に対し、速やかにその旨を書面で届け出なければならない。

(4) Once a Designated Person submits a commission document to the registry, the person must promptly notify the court clerk to that effect in writing.

(引渡命令の申立ての方式等)

(Formalities of Filing a Petition for a Delivery Order, etc.)

第五十八条の三 法第八十三条第一項の申立ては、第二十七条の二第一項各号に掲げる事項を記載した書面でなければならない。

Article 58-3 (1) A petition as referred to in Article 83, paragraph (1) of the Act must be filed through the submission of a document stating the matters set forth in the items of Article 27-2, paragraph (1).

2 第二十七条の二第二項の規定は、前項の書面について準用する。

(2) The provisions of Article 27-2, paragraph (2) apply mutatis mutandis to the document referred to in the preceding paragraph.

(配当期日等の指定)

(Designation of the Distribution Date, etc.)

第五十九条 不動産の代金が納付されたときは、執行裁判所は、配当期日又は弁済金の交付の日（以下「配当期日等」という。）を定めなければならない。法第七十八条第四項本文の規定による申出があつた場合において、売却許可決定が確定したときも、同様とする。

Article 59 (1) Once the price for real property is paid, the execution court must specify the distribution date or the day of delivery of the payment money (hereinafter referred to as the "Distribution Date, etc."). The same applies once the proposal under the provisions of the main clause of Article 78, paragraph (4) of the Act is made and the order of permission of sale becomes final and binding.

2 配当期日等は、特別の事情がある場合を除き、前項前段の場合にあつては代金が納付された日から、同項後段の場合にあつては売却許可決定が確定した日から一月以内の日としなければならない。

(2) In the absence of any special circumstances, in the case referred to in the first sentence of the preceding paragraph a day that falls within one month after the day that the price is paid must be set as the Distribution Date, etc., and in the case referred to in the second sentence of said paragraph, a day that falls within one month after the day that the order of permission of sale becomes final and binding must be set as the Distribution Date, etc.

3 弁済金の交付の日が定められたときは、裁判所書記官は、各債権者及び債務者に対し、その日時及び場所を通知しなければならない。

(3) Once the day of delivery of the payment money is specified, the court clerk must notify each obligee and obligor of its date, time, and place.

(計算書の提出の催告)

(Demand for Submission of a Statement)

第六十条 配当期日等が定められたときは、裁判所書記官は、各債権者に対し、その債権の元本及び配当期日等までの利息その他の附帯の債権の額並びに執行費用の額を記載した計算書を一週間以内に執行裁判所に提出するよう催告しなければならない。

Article 60 Once the Distribution Date, etc. is specified, the court clerk must issue a demand to each obligee to submit to the execution court a statement stating the amounts of the principal in the obligee's claim, interest up to the Distribution Date, etc., and any other incidental claims, as well as the amount of the execution costs, within one week.

(売却代金の交付等の手続)

(Procedure for Delivery of the Proceeds of a Sale, etc.)

第六十一条 各債権者及び債務者に対する売却代金の交付又は供託金の支払委託の手続は、裁判所書記官が行う。

Article 61 The procedure for delivery of the proceeds of a sale or for consignment of the payment of deposit money to each obligee and obligor is carried out by the court clerk.

(執行力のある債務名義の正本の交付)

(Delivery of an Enforceable Authenticated Copy of the Title of Obligation)

第六十二条 差押債権者又は執行力のある債務名義の正本により配当要求をした債権者が債権の全額について配当等を受けたときは、債務者は、裁判所書記官に対し、当該債権者に係る執行力のある債務名義の正本の交付を求めることができる。

Article 62 (1) Once an obligee effecting a seizure or an obligee demanding liquidating distribution based on an enforceable authenticated copy of a title of obligation receives Liquidating Distribution, etc. for the total amount of the claim, the obligor may request the court clerk to issue an enforceable authenticated copy of the title of obligation as regards said obligee.

2 前項に規定する場合を除き、事件が終了したときは、同項の債権者は、裁判所書記官に対し、執行力のある債務名義の正本の交付を求めることができる。

(2) Except in the case prescribed in the preceding paragraph, when the case terminates, the obligee referred to in the preceding paragraph may request the court clerk to issue an enforceable authenticated copy of the title of obligation.

3 前項の規定により執行力のある債務名義の正本の交付を求める債権者が債権の一部について配当等を受けた者であるときは、裁判所書記官は、当該債務名義の正本に配当等を受けた額を記載して、これを交付しなければならない。

(3) If the obligee requesting issuance of an enforceable authenticated copy of the title of obligation pursuant to the provisions of the preceding paragraph has received Liquidating Distribution, etc. for part of the claim, the court clerk must issue an authenticated copy of the title of obligation stating the amount of Liquidating Distribution, etc. that the obligee has received.

第二目 強制管理

Division 2 Compulsory Administration

(申立書の記載事項)

(Matters to Be Stated in a Written Petition)

第六十三条 強制管理の申立書には、第二十一条各号に掲げる事項のほか、給付義務者（法第九十三条第一項に規定する給付義務者をいう。以下この目及び第七十条第三項において同じ。）を特定するに足りる事項及び給付請求権（法第九十三条第一項に規定する給付請求権をいう。以下この目及び第七十条第三項において同じ。）の内容であつて申立人に知っているものを記載しなければならない。

Article 63 (1) A written petition for compulsory administration must state the matters set forth in the items of Article 21, as well as information sufficient to identify the Person Obligated to Deliver (meaning the person obligated to deliver prescribed in Article 93, paragraph (1) of the Act; hereinafter the same applies in this Division and Article 170, paragraph (3)) and the contents of the Delivery Claim (meaning the delivery claim prescribed in Article 93, paragraph (1) of the Act; hereinafter the same applies in this Division and Article 170, paragraph (3)) which is known to the petitioner.

2 申立人は、給付義務者を特定するに足りる事項及び給付請求権の内容についての情報収集を行うよう努めなければならない。

(2) A petitioner must endeavor to gather information that is sufficient for identifying the Person Obligated to Deliver and information about the contents of the Delivery Claim.

(開始決定の通知)

(Notice of a Commencement Order)

第六十四条 強制管理の開始決定がされたときは、裁判所書記官は、租税その他の公課を所管する官庁又は公署に対し、その旨を通知しなければならない。

Article 64 When a commencement order for compulsory administration is issued, the court clerk must notify the government agencies or public offices that have jurisdiction over tax and any other public charges to that effect.

(給付義務者に対し陳述を催告すべき事項等)

(Matters with respect to Which a Person Obligated to Deliver Is to Be Demanded to Make a Statement, etc.)

第六十四条の二 法第九十三条の三前段の最高裁判所規則で定める事項は、次に掲げる事項とする。

Article 64-2 (1) The matters specified by the Rules of the Supreme Court as referred to in the first sentence of Article 93-3 of the Act are the following matters:

一 給付請求権の存否及びこれが存在する場合にはその内容

(i) whether there is a Delivery Claim, and if there is, the contents thereof;

二 弁済の意思の有無（期限の到来前の給付請求権にあつては、期限の到来後における弁済の意思の有無を含む。）及び弁済する範囲又は弁済しない理由

(ii) whether the person has the intention of performing the obligations

(including whether the person has the intention of performing obligations after the arrival of the due date, in the case of a Delivery Claim before the arrival of the due date), and the scope of the obligation to be performed or the reason for the non-performance of the obligations;

三 当該給付請求権について差押債権者に優先する権利を有する者がいるときは、その者の氏名又は名称及び住所並びにその権利の内容及び優先する範囲

(iii) if there is a person with a right that takes preference over that of the obligee effecting the seizure with regard to the Delivery Claim, the name and address of such person and the contents of the right and the scope of preference;

四 当該給付請求権に対する他の債権者の差押え又は仮差押えの執行の有無並びにこれらの執行がされているときは、当該差押命令、差押処分又は仮差押命令の事件の表示、債権者の氏名又は名称及び住所並びに送達の年月日並びにこれらの執行がされた範囲

(iv) whether the execution of a seizure or provisional seizure of the Delivery Claim has been carried out by another obligee, and if such execution has been carried out, an indication of the case relating to the order of seizure, disposition of seizure, or order of provisional seizure, the name and address of the obligee, the date of service, and the scope of the execution; and

五 当該給付請求権に対する滞納処分（その例による処分を含む。第百三十五条第一項第五号及び第百四十七条第一項第三号において同じ。）による差押えの有無並びに差押えがされているときは、当該差押えをした徴収職員、徴税吏員その他の滞納処分を執行する権限を有する者（第百三十五条第一項第五号及び第百四十七条第一項第三号において「徴収職員等」という。）の属する庁その他の事務所の名称及び所在、債権差押通知書の送達の年月日並びに差押えがされた範囲

(v) whether a seizure of the Delivery Claim based on a disposition of delinquency (including a disposition made under the same rules; the same applies in Article 135, paragraph (1), item (v) and Article 147, paragraph (1), item (iii)) has been conducted, and, if such seizure has been conducted, the name and location of the government agency or other office to which the collecting official, local tax official, or any other person that has the authority to execute a disposition of delinquency (referred to as the "Collecting Official, etc." in Article 135, paragraph (1), item (v) and Article 147, paragraph (1), item (iii)) who conducted said seizure belongs, the date of service of the written notice of seizure of claim, and the scope of the seizure.

2 法第九十三条の三前段の規定による催告に対する給付義務者の陳述は、書面で行わなければならない。

(2) The statement by a Person Obligated to Deliver in response to a demand under the provisions of the first sentence of Article 93-3 of the Act must be made in writing.

(管理人の選任の通知等)

(Notice of Appointment of an Administrator, etc.)

第六十五条 管理人が選任されたときは、裁判所書記官は、差押債権者、債務者及び給付義務者に対し、管理人の氏名又は名称を通知しなければならない。

Article 65 (1) When an administrator is appointed, the court clerk must notify the obligee effecting the seizure, the obligor, and the Person Obligated to

Deliver of the name of the administrator.

2 裁判所書記官は、管理人に対し、その選任を証する文書を交付しなければならない。

(2) The court clerk must issue the administrator a document evidencing the appointment of the administrator.

3 管理人が解任されたときは、裁判所書記官は、差押債権者、債務者及び給付義務者に対し、その旨を通知しなければならない。

(3) If the administrator is dismissed, the court clerk must notify the obligee effecting the seizure, the obligor, and the Person Obligated to Deliver to that effect.

(管理人の辞任)

(Resignation of an Administrator)

第六十六条 管理人は、正当な理由があるときは、執行裁判所の許可を得て辞任することができる。

Article 66 (1) If there is a justifiable reason for doing so, an administrator may resign, with the permission of the execution court.

2 前条第三項の規定は、管理人が辞任した場合について準用する。

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis if the administrator resigns.

(強制管理の申立ての取下げ等の通知)

(Notice of Withdrawal of a Petition for Compulsory Administration, etc.)

第六十七条 強制管理の申立てが取り下げられたとき、又は強制管理の手続を取り消す決定が効力を生じたときは、裁判所書記官は、管理人及び給付義務者に対し、その旨を通知しなければならない。

Article 67 (1) If a petition for compulsory administration is withdrawn or once an order to rescind the procedure of compulsory administration becomes effective, the court clerk must notify the administrator and the Person Obligated to Deliver to that effect.

2 法第三十九条第一項第七号又は第八号に掲げる文書が提出されたときは、裁判所書記官は、管理人に対し、その旨を通知しなければならない。

(2) When the document set forth in Article 39, paragraph (1), item (vii) or (viii) of the Act is submitted, the court clerk must notify the administrator to that effect.

(収取した収益等の報告義務)

(Duty to Make a Report of the Earnings Collected, etc.)

第六十八条 管理人は、法第七百七条第一項の期間の満了後、速やかに、期間内に収取した収益又はその換価代金、法第九十八条第一項の規定に基づく決定により分与した金銭又は収益並びに法第六百六条第一項に規定する公課及び費用の明細を執行裁判所に報告しなければならない。

Article 68 Promptly after the expiration of the period referred to in Article 107, paragraph (1) of the Act, the administrator must report the earnings collected within that period or their realization price, money or earnings given by an order based on the provisions of Article 98, paragraph (1) of the Act, and details of the public charges and expenses prescribed in Article 106, paragraph (1) of the Act to the execution court.

(配当協議の日又は弁済金の交付の日の指定)

(Designation of the Day of Deliberation of Liquidating Distribution or the Day of Delivery of Payment Money)

第六十九条 管理人は、法第一百七条第一項の期間の満了後二週間以内の日を配当協議の日又は弁済金の交付の日と定め、各債権者及び債務者に対し、その日時及び場所を通知しなければならない。

Article 69 The administrator must fix a day that falls within two weeks after the expiration of the period referred to in Article 107, paragraph (1) of the Act as the day of the deliberation of liquidating distribution or the day of the delivery of payment money, and notify each obligee and obligor of its date, time, and place.

(配当計算書)

(Liquidating Distribution Statement)

第七十条 管理人は、配当協議の日までに配当計算書を作成しなければならない。

Article 70 (1) The administrator must prepare a liquidating distribution statement by the day of the deliberation of liquidating distribution.

2 配当計算書には、配当に充てるべき金銭の額のほか、各債権者について、その債権の元本及び利息その他の附帯の債権の額、執行費用の額並びに配当の順位及び額を記載しなければならない。

(2) In addition to stating the amount of money to be allotted to liquidating distribution, a liquidating distribution statement must also state, with respect to each obligee, the amount of principal and interest in the claim, the amount of any other incidental claims, the amount of the execution costs, and the order and amount of the liquidating distribution.

3 債権者間に配当計算書による配当と異なる配当の協議が調ったときは、管理人は、その協議に従い配当計算書を改めなければならない。

(3) If an agreement on liquidating distribution is reached among the obligees that differs from the distribution under the liquidating distribution statement, the administrator must revise the liquidating distribution statement according to that agreement.

(事情届の方式)

(Formalities of Filing a Notification of Circumstances)

第七十一条 法第百四条第一項又は法第百八条の規定による届出は、次に掲げる事項を記載した書面でしなければならない。

Article 71 (1) Notification as prescribed in Article 104, paragraph (1) of the Act or Article 108 of the Act must be filed through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 差押債権者及び債務者の氏名又は名称

(ii) the names of the obligee effecting a seizure and the obligor; and

三 供託の事由及び供託した金額

(iii) the grounds for and the amount of the statutory deposit.

2 前項の書面には、供託書正本及び配当計算書が作成されている場合にあつては、配当計算書を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by an authenticated copy of the deposit receipt, and if a liquidating distribution statement has been prepared, the liquidating distribution statement.

第七十二条 法第百七条第五項の規定による届出は、次に掲げる事項を記載した書面でなければならない。

Article 72 (1) Notification as prescribed in Article 107, paragraph (5) of the Act must be made through the submission of a document stating the following matters:

一 前条第一項第一号及び第二号に掲げる事項

(i) the matters set forth in paragraph (1), items (i) and (ii) of the preceding Article;

二 配当に充てるべき金銭の額

(ii) the amount of money to be allotted to liquidating distribution; and

三 配当協議が調わない旨及びその事情の要旨

(iii) that an agreement on liquidating distribution has not been reached and the gist of the circumstances.

2 前項の書面には、配当計算書を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by a liquidating distribution statement.

3 管理人は、第一項の届出をするときは、配当に充てるべき金銭を執行裁判所に提出しなければならない。

(3) When making the notification referred to in paragraph (1), the administrator must submit the money to be allotted to liquidating distribution to the execution court.

(強制競売の規定の準用)

(Application Mutatis Mutandis of the Provisions on a Compulsory Auction)

第七十三条 第二十三条（第三号及び第四号を除く。）、第二十三条の二（第四号を除く。）、第二十五条から第二十七条まで及び第六十二条の規定は強制管理について、第五十九条から第六十一条までの規定は強制管理につき執行裁判所が実施する配当等の手続について準用する。この場合において、第二十五条第一項中「法第四十七条第一項」とあるのは「法第九十三条の二」と、「差押債権者」とあるのは「差押債権者及び管理人」と、同条第三項中「法第四十七条第六項」とあるのは「法百十一条において準用する法第四十七条第六項本文」と、「債務者」とあるのは「債務者及び管理人」と、第二十七条中「及び債務者」とあるのは「、債務者及び管理人」と読み替えるものとする。

Article 73 The provisions of Article 23 (excluding items (iii) and (iv)), Article 23-2 (excluding item (iv)), Articles 25 through 27, and Article 62 apply mutatis mutandis to compulsory administration, and the provisions of Articles 59 through 61 apply mutatis mutandis to the procedure of Liquidating Distribution, etc. implemented by the execution court with regard to compulsory administration. In this case, the term "Article 47, paragraph (1) of the Act" in Article 25, paragraph (1) is deemed to be replaced with "Article 93-2 of the Act," the term "obligee effecting a seizure" in said paragraph is deemed to be replaced with "obligee effecting a seizure and the administrator," the term "Article 47, paragraph (6) of the Act" in paragraph (3) of said Article is deemed to be replaced with "the main clause of Article 47, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 111 of the Act," the term "obligor" in said paragraph is deemed to be replaced with "obligor and the administrator," and the phrase "and the obligor" in Article 27 is deemed to be replaced with ", the obligor, and the administrator."

第二款 船舶に対する強制執行

Subsection 2 Compulsory Execution Against a Vessel

(申立書の記載事項及び添付書類)

(Matters to Be Stated in and Documents to Be Attached to a Written Petition)

第七十四条 船舶執行の申立書には、第二十一条各号に掲げる事項のほか、船舶の所在する場所並びに船長の氏名及び現在する場所を記載し、執行力のある債務名義の正本のほか、次に掲げる書類を添付しなければならない。

Article 74 A written petition for execution against a vessel must state the matters set forth in the items of Article 21, as well as the place where the vessel is located and the name and current location of the captain of the vessel, and must be accompanied by an enforceable authenticated copy of a title of obligation, as well as the following documents:

一 登記がされた日本船舶については、登記事項証明書

(i) if it is a registered Japanese vessel, its certificate of registered matters;

二 登記がされていない日本船舶については、船舶登記令（平成十七年政令第十一

号) 第十三条第一項第四号イからホまでに掲げる情報を記載した書面、同令別表一の七の項添付情報欄ロ及びハに掲げる情報を記載した書面及びその船舶が債務者の所有に属することを証する文書

(ii) with regard to an unregistered Japanese vessel, a document stating the information set forth in Article 13, paragraph (1), item (iv), (a) through (e) of the Vessel Registration Order (Cabinet Order No. 11 of 2005), a document stating the information set forth in (b) and (c) in the "attached information" column in row 7 of Appended Table 1 of said Order, and a document evidencing that the vessel is owned by the obligor; and

三 日本船舶以外の船舶については、その船舶が法第百十二条に規定する船舶であることを証する文書及びその船舶が債務者の所有に属することを証する文書

(iii) with regard to a vessel that is not a Japanese vessel, a document evidencing that the vessel is a vessel as prescribed in Article 112 of the Act, and a document evidencing that the vessel is owned by the obligor.

(船舶国籍証書等の取上げ等の通知)

(Notice of Confiscation, etc. of a Certificate of Vessel's Nationality, etc.)

第七十五条 執行官は、船舶国籍証書等（法第百十四条第一項に規定する船舶国籍証書等をいう。以下同じ。）を取り上げ、又はその引渡しを受けたときは、直ちに、債務者、船長及び船籍港を管轄する地方運輸局、海運監理部又は地方運輸局若しくは海運監理部の海運支局の長に対し、その旨を通知しなければならない。

Article 75 After confiscating the Certificate of a Vessel's Nationality, etc.

(meaning a certificate of a vessel's nationality, etc. as prescribed in Article 114, paragraph (1) of the Act; the same applies hereinafter) or after being delivered the same, the court execution officer must immediately notify the obligor, the captain of the vessel, and the head of the District Transport Bureau, the District Maritime Bureau, or the Maritime Branch Office of a District Transport Bureau or of a District Maritime Bureau having jurisdiction over the port of registry to that effect.

(船舶国籍証書等の取上げができない場合の事情届)

(Notification of Circumstances When the Certificate of a Vessel's Nationality, etc. Cannot Be Confiscated)

第七十六条 執行官は、船舶国籍証書等を取り上げる職務の執行をした場合において、その目的を達することができなかつたときは、その事情を執行裁判所に届け出なければならない。

Article 76 If the court execution officer performs the duty of confiscating the Certificate of a Vessel's Nationality, etc. but is unable to achieve the purpose of doing so, the officer must notify the execution court of the circumstances of this.

(法第百十五条第一項の地の指定)

(Designation of the Place Referred to in Article 115, Paragraph (1) of the Act)

第七十七条 法第一百五條第一項の最高裁判所の指定する地は、室蘭市、仙台市、東京都千代田区、横浜市、新潟市、名古屋市、大阪市、神戸市、広島市、高松市、北九州市及び那覇市とする。

Article 77 The place designated by the Supreme Court which is referred to in Article 115, paragraph (1) of the Act is Muroran City, Sendai City, Chiyoda City of Metropolitan Tokyo, Yokohama City, Niigata City, Nagoya City, Osaka City, Kobe City, Hiroshima City, Takamatsu City, Kitakyushu City, or Naha City.

(法第百十七條第五項において準用する法第十五條第一項の最高裁判所規則で定める保証提供の方法)

(Providing a Guarantee Specified by the Rules of the Supreme Court Which Is Referred to in Article 15, Paragraph (1) of the Act as Applied Mutatis Mutandis Pursuant to Article 117, Paragraph (5) of the Act)

第七十八條 法第百十七條第一項の保証は、債務者が、執行裁判所の許可を得て、銀行等、船主相互保険組合又は漁船保険組合との間において、これらの者が債務者のために一定の額の金銭を執行裁判所の催告により納付する旨の期限の定めのない支払保証委託契約を締結したことを証する文書を執行裁判所に提出する方法によつて提供することができる。

Article 78 (1) A guarantee as referred to in Article 117, paragraph (1) of the Act may be provided through the submission to the execution court of a document evidencing that the obligor, with the permission of the execution court, has concluded with a Bank, etc., a ship owner's mutual insurance union, or a fishing vessel insurance union a contract for consignment of a payment guarantee without a time limit, stipulating that such party will pay a certain amount of money on behalf of the obligor at the demand of the execution court.

2 第五十八條の規定は、前項の文書に係る法第百十七條第五項において準用する法第七十八條第三項の規定による換価について準用する。

(2) The provisions of Article 58 apply mutatis mutandis to a realization under the provisions of Article 78, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 117, paragraph (5) of the Act in connection with the document referred to in the preceding paragraph.

(現況調査報告書)

(Written Report of the Investigation of Current Conditions)

第七十九條 執行官は、船舶の現況調査をしたときは、次に掲げる事項を記載した現況調査報告書を所定の日までに執行裁判所に提出しなければならない。

Article 79 (1) After investigating the current conditions of a vessel, the court execution officer must submit to the execution court a written report of the investigation of current conditions stating the following matters by the

prescribed date:

一 第二十九条第一項第一号、第三号及び第七号に掲げる事項

(i) the matters set forth in Article 29, paragraph (1), items (i), (iii), and (vii);

二 船舶の表示

(ii) an indication of the vessel;

三 船舶の所在する場所

(iii) the place where the vessel is located;

四 占有者の表示及び占有の状況

(iv) an indication of the possessor and the status of possession; and

五 当該船舶について、債務者の占有を解いて執行官に保管させる仮処分が執行されているときは、その旨及び執行官が保管を開始した年月日

(v) if a provisional disposition to release the vessel from the obligor's possession and have the court execution officer retain it has been executed, an indication of this and the date on which the court execution officer commenced the retention.

2 現況調査報告書には、船舶の写真を添付しなければならない。

(2) A written report of the investigation of current conditions must be accompanied by a photograph of the vessel.

(航行許可決定の告知)

(Notice of an Order of Permission of Navigation)

第八十条 法第百十八条第一項の規定による決定は、差押債権者以外の債権者並びに最高価買受申出人又は買受人及び次順位買受申出人にも告知しなければならない。

Article 80 Notice of an order under the provisions of Article 118, paragraph (1) of the Act must also be given to obligees other than the obligee effecting a seizure, as well as to the highest-bidding purchase offeror or the purchaser, and the next-highest-bidding purchase offeror.

(船舶国籍証書等の再取上命令)

(Order of Reconfiscation of the Certificate of a Vessel's Nationality, etc.)

第八十一条 法第百十八条第一項の規定による許可に係る船舶の航行が終了した場合において、執行裁判所に船舶国籍証書等が返還されないときは、執行裁判所は、差押債権者、最高価買受申出人若しくは買受人又は次順位買受申出人の申立てにより、執行官に対し、債務者から船舶国籍証書等を取り上げて執行裁判所に提出すべき旨を命ずることができる。

Article 81 If the navigation of a vessel subject to permission under the provisions of Article 118, paragraph (1) of the Act has terminated, but the Certificate of the Vessel's Nationality, etc. is not returned to the execution court, the execution court may, upon petition by the obligee effecting a seizure, the highest-bidding purchase offeror or the purchaser, or the next-highest-bidding purchase offeror, order the court execution officer to confiscate the

Certificate of the Vessel's Nationality, etc. from the obligor and submit it to the execution court.

(公告事項の掲示の嘱託)

(Commission of Posting of the Content of a Public Notice)

第八十二条 執行裁判所が船籍の所在地を管轄する地方裁判所と異なるときは、執行裁判所の裁判所書記官は、その地方裁判所の裁判所書記官に対し、公告事項を記載した書面を当該地方裁判所の掲示場その他裁判所内の公衆の見やすい場所に掲示するよう入札期日、入札期間の開始の日又は競り売り期日の二週間前までに嘱託しなければならない。

Article 82 If the execution court is not a district court having jurisdiction over the location of the vessel's registry, the court clerk of the execution court, by two weeks prior to the bidding date, by the day of the commencement of the bidding period, or by the auction date, must commission the court clerk of said district court to post a document stating the content of a public notice at the posting area of said district court or at another place within the court that is easily visible to the public.

(不動産執行の規定の準用等)

(Application Mutatis Mutandis of Provisions on Execution Against Real Property, etc.)

第八十三条 前款第一目（第二十三条から第二十四条まで、第二十九条、第三十条第一項第四号及び第五号並びに第二項、第三十六条第一項第七号及び第二項（第四十九条及び第五十条第四項において準用する場合を含む。）、第五十一条の二並びに第五十一条の三を除く。）の規定は船舶執行について、第五十七条の規定は法第百十七条第五項において準用する法第七十八条第三項の規定による有価証券の換価について、第六十五条第二項及び第三項並びに第六十六条の規定は船舶執行の保管人について準用する。

Article 83 (1) The provisions of Division 1 of the preceding Subsection (excluding Articles 23 through 24, Article 29, Article 30, paragraph (1), items (iv) and (v) and paragraph (2), Article 36, paragraph (1), item (vii) and paragraph (2) (including as applied mutatis mutandis pursuant to Article 49 and Article 50, paragraph (4)), Article 51-2, and Article 51-3) apply mutatis mutandis to execution against a vessel, the provisions of Article 57 apply mutatis mutandis to a realization of securities under the provisions of Article 78, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 117, paragraph (5) of the Act, and the provisions of Article 65, paragraphs (2) and (3) and Article 66 apply mutatis mutandis to a custodian for execution against a vessel.

2 前項において準用する第三十六条第一項の規定による公告には、船舶の所在する場所をも掲げなければならない。

(2) The place where the vessel is located must also be indicated in the public

notice under the provisions of Article 36, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph.

第三款 航空機に対する強制執行

Subsection 3 Compulsory Execution Against an Aircraft

(航空機執行についての船舶執行の規定の準用)

(Application Mutatis Mutandis of Provisions on Execution Against a Vessel to Execution Against an Aircraft)

第八十四条 航空法（昭和二十七年法律第二百三十一号）第五条に規定する新規登録がされた飛行機及び回転翼航空機（以下「航空機」という。）に対する強制執行については、法第二章第二節第二款（法第二百一十一条において準用する法第五十七条及び法第六十二条を除く。）及び前款（第七十七条、第七十九条並びに第八十三条において準用する第二十八条、第三十条の二、第三十条の四及び第三十一条を除く。）の規定を準用する。この場合において、法第百十四条第一項中「船舶の国籍を証する文書」とあるのは「航空機登録証明書」と、法第百十五条第一項及び第八十二条中「船舶の所在地」とあるのは「定置場の所在地」と、法第二百一十一条において準用する法第四十九条第一項中「物件明細書の作成までの手続」とあるのは「評価書の提出」と、第七十四条中「並びに船長の氏名及び現在する場所を記載し」とあるのは「を記載し」と、第七十五条中「、船長及び船籍港を管轄する地方運輸局、海運監理部又は地方運輸局若しくは海運監理部の海運支局の長」とあるのは「及び国土交通大臣」と、第八十三条第一項において準用する第三十六条第一項第八号中「物件明細書、現況調査報告書及び評価書」とあるのは「評価書」と読み替えるものとする。

Article 84 With regard to compulsory execution against an airplane or rotary-winged aircraft (hereinafter referred to as an "Aircraft") that has been newly registered as prescribed in Article 5 of the Civil Aeronautics Act (Act No. 231 of 1952), the provisions of Chapter II, Section 2, Subsection 2 of the Act (excluding Articles 57 and 62 of the Act as applied mutatis mutandis pursuant to Article 121 of the Act) and the preceding Subsection (excluding Articles 77 and 79, and Articles 28, 30-2, 30-4, and 31 as applied mutatis mutandis pursuant to Article 83) apply mutatis mutandis. In this case, the phrase "document proving the nationality of the vessel" in Article 114, paragraph (1) of the Act is deemed to be replaced with "Aircraft registration certificate," the phrase "location of the vessel's registry" in Article 115, paragraph (1) of the Act and Article 82 is deemed to be replaced with "location of the home base," the phrase "procedure for preparation of the description of property" in Article 49, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 121 of the Act is deemed to be replaced with "submission of the appraisal report," the phrase "as well as the place where the vessel is located and the name and current location of the captain of the vessel" in Article 74 is deemed to be replaced with "as well as the place where the vessel is located," the phrase "the

captain of the vessel, and the head of the District Transport Bureau, the District Maritime Bureau, or the Maritime Branch Office of a District Transport Bureau or of a District Maritime Bureau having jurisdiction over the port of registry" in Article 75 is deemed to be replaced with "and the Minister of Land, Infrastructure, Transport and Tourism," and the phrase "description of property, the written report of the investigation of current conditions, and the appraisal report" in Article 36, paragraph (1), item (viii) as applied mutatis mutandis pursuant to Article 83, paragraph (1) is deemed to be replaced with "appraisal report."

(評価書の内容の公開等)

(Disclosure of the Contents of an Appraisal Report)

第八十五条 裁判所書記官は、航空機を入札又は競り売りの方法により売却するときは、一般の閲覧に供するための評価書の写しの執行裁判所における備置き又は当該評価書の内容に係る情報についての第三十一条第一項の措置に準ずる措置を、売却の実施の日の一週間前までに開始しなければならない。

Article 85 (1) When selling an Aircraft through sealed bidding or auction, the court clerk must begin keeping a copy of the appraisal report at the execution court so as to make it available for public inspection or must begin taking a measure equivalent to the measure referred to in Article 31, paragraph (1) for information about the contents of the appraisal report, by one week prior to the day of the implementation of the sale.

2 第三十一条第四項の規定は、前項の規定により評価書の内容が公開された場合について準用する。

(2) The provisions of Article 31, paragraph (4) apply mutatis mutandis when the contents of an appraisal report are disclosed pursuant to the provisions of the preceding paragraph.

第四款 自動車に対する強制執行

Subsection 4 Compulsory Execution Against an Automobile

(自動車執行の方法)

(Executing Against an Automobile)

第八十六条 道路運送車両法（昭和二十六年法律第百八十五号）第十三条第一項に規定する登録自動車（自動車抵当法（昭和二十六年法律第百八十七号）第二条ただし書に規定する大型特殊自動車を除く。以下「自動車」という。）に対する強制執行（以下「自動車執行」という。）は、強制競売の方法により行う。

Article 86 Compulsory execution against a registered automobile as prescribed in Article 13, paragraph (1) of the Road Transport Vehicle Act (Act No. 185 of 1951) (excluding the large-sized special automobile prescribed in the proviso to Article 2 of the Automobile Mortgage Act (Act No. 187 of 1951); hereinafter

referred to as an "Automobile") (hereinafter referred to as "Execution Against an Automobile") is done through a compulsory auction.

(執行裁判所)

(Execution Court)

第八十七条 自動車執行については、その自動車の自動車登録ファイルに登録された使用の本拠の位置（以下「自動車の本拠」という。）を管轄する地方裁判所が、執行裁判所として管轄する。

Article 87 (1) With regard to Execution Against an Automobile, the district court having jurisdiction over the location of the principal place of use registered in the Automobile registration file of said Automobile (hereinafter referred to as the "Principal Place of Use of the Automobile") has jurisdiction over it as the execution court.

2 前項の裁判所の管轄は、専属とする。

(2) The jurisdiction of the court referred to in the preceding paragraph is exclusive jurisdiction.

(申立書の記載事項及び添付書類)

(Matters to Be Stated in and Documents to Be Attached to a Written Petition)

第八十八条 自動車執行の申立書には、第二十一条各号に掲げる事項のほか、自動車の本拠を記載し、執行力のある債務名義の正本のほか、自動車登録ファイルに記録されている事項を証明した文書を添付しなければならない。

Article 88 A written petition for Execution Against an Automobile must state the matters set forth in the items of Article 21, as well as the Principal Place of Use of the Automobile, and must be accompanied by an enforceable authenticated copy of a title of obligation, as well as a document evidencing the matters recorded in the Automobile registration file.

(開始決定等)

(Commencement Order, etc.)

第八十九条 執行裁判所は、強制競売の手続を開始するには、強制競売の開始決定をし、その開始決定において、債権者のために自動車を差し押さえる旨を宣言し、かつ、債務者に対し、自動車を執行官に引き渡すべき旨を命じなければならない。ただし、当該自動車について次条第一項の規定による届出がされているときは、債務者に対する命令は、要しない。

Article 89 (1) In order to commence a compulsory auction procedure, the execution court must issue a commencement order, and in such commencement order, declare that an Automobile must be seized for the obligee and order the obligor to deliver the Automobile to the court execution officer; provided, however, that when a notification under the provisions of paragraph (1) of the following Article has been made with regard to said Automobile, the order to

the obligor is not required.

2 強制競売の開始決定の送達又は差押えの登録前に執行官が自動車の引渡しを受けたときは、差押えの効力は、その引渡しを受けた時に生ずる。

(2) If the court execution officer is delivered an Automobile prior to the service of the commencement order for a compulsory auction or prior to the registration of a seizure, the seizure becomes effective at the time the officer is delivered the Automobile.

3 第一項の開始決定に対しては、執行抗告をすることができる。

(3) An appeal may be filed against the execution of the commencement order referred to in paragraph (1).

4 第一項の開始決定による引渡しの執行は、当該開始決定が債務者に送達される前であつても、することができる。

(4) Delivery based on the commencement order referred to in paragraph (1) may be executed even prior to the service of said commencement order upon the obligor.

(自動車の引渡しを受けた場合等の届出)

(Notification When Delivered an Automobile, etc.)

第九十条 執行官は、強制競売の開始決定により自動車の引渡しを受けたとき、第九十七条において準用する法第百十五条第一項の規定による決定により引渡しを受けた自動車について強制競売の開始決定がされたとき、又は第九十七条において準用する法第百二十七条第一項の規定による決定を執行したときは、その旨並びに自動車の保管場所及び保管の方法を執行裁判所に届け出なければならない。

Article 90 (1) After being delivered an Automobile based on a commencement order for a compulsory auction; after a commencement order for a compulsory auction is issued for an Automobile that has been delivered based on an order under the provisions of Article 115, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 97; or after executing an order under the provisions of Article 127, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 97, the court execution officer must notify the execution court of this as well as the place and manner in which the Automobile is retained.

2 執行官は、前項の規定による届出をした後に自動車の保管場所又は保管の方法を変更したときは、変更後のこれらの事項を執行裁判所に届け出なければならない。

(2) If the court execution officer changes the place or manner in which an Automobile is retained after giving notification under the provisions of the preceding paragraph, the officer must notify the execution court of the changed place or manner of retention.

(自動車の保管の方法)

(Retaining an Automobile)

第九十一条 執行官は、相当と認めるときは、引渡しを受けた自動車を差押債権者、債務者その他適当と認められる者に保管させることができる。この場合においては、公示書のちよう付その他の方法で当該自動車が執行官の占有に係る旨を明らかにし、かつ、次項の規定により自動車の運行を許す場合を除き、これを運行させないための適当な措置を採らなければならない。

Article 91 (1) If the court execution officer finds it reasonable, the officer may allow the obligee effecting the seizure, the obligor, or any other person that is found to be appropriate to retain the delivered Automobile. In this case, the court execution officer must make it clear that said Automobile is under the possession of the court execution officer by attaching a written public notice thereto or by any other means, and, unless the Automobile is permitted to be driven pursuant to the provisions of the following paragraph, must take appropriate measures to prevent the Automobile from being driven.

2 執行官は、営業上の必要その他の相当の事由があると認めるときは、利害関係を有する者の申立てにより、その所属する地方裁判所の許可を受けて、自動車の運行を許すことができる。

(2) If the court execution officer finds there to be a business necessity or other reasonable grounds, at the petition of an interested person, the officer may permit the Automobile to be driven after obtaining the permission of the district court to which the officer belongs.

(回送命令)

(Forwarding Order)

第九十二条 執行裁判所は、必要があると認めるときは、執行官に対し、自動車を一定の場所に回送すべき旨を命ずることができる。

Article 92 When the execution court finds it to be necessary, it may order the court execution officer to forward an Automobile to a specific place.

(回送命令の囑託等)

(Commission of a Forwarding Order, etc.)

第九十三条 執行裁判所以外の地方裁判所に所属する執行官が自動車を占有しているときは、執行裁判所は、次条第一項の規定により事件を移送する場合を除き、その地方裁判所に対し、当該自動車を執行裁判所の管轄区域内の一定の場所に回送してその所属の執行官に引き渡すよう命ずることを囑託しなければならない。

Article 93 (1) If the court execution officer belonging to a district court other than the execution court is in possession of an Automobile, unless the case is transferred pursuant to the provisions of paragraph (1) of the following Article, the execution court must commission said district court to issue an order to forward said Automobile to a specific place within the jurisdictional district of the execution court and to deliver it to the court execution officer that belongs to the execution court.

2 第九十条第一項の規定は、前項に規定する回送により執行官が自動車の引渡しを受けた場合について準用する。

(2) The provisions of Article 90, paragraph (1) apply mutatis mutandis when the court execution officer is delivered an Automobile through the forwarding prescribed in the preceding paragraph.

(事件の移送)

(Transfer of a Case)

第九十四条 執行裁判所は、他の地方裁判所に所属する執行官が自動車を占有している場合において、執行裁判所の管轄区域内への自動車の回送のために不相応な費用を要すると認めるときは、その地方裁判所に事件を移送することができる。

Article 94 (1) If the court execution officer belonging to another district court is in possession of an Automobile and the execution court finds that forwarding the Automobile to a place within the jurisdictional district of the execution court would require an unreasonable cost, the execution court may transfer the case to said district court.

2 前項の規定による決定に対しては、不服を申し立てることができない。

(2) No appeal may be entered against an order under the provisions of the preceding paragraph.

(執行官に売却を実施させる時期)

(Timing for the Court Execution Officer to Implement a Sale)

第九十五条 裁判所書記官は、その管轄区域内において執行官が自動車の占有を取得した後でなければ、その売却を実施させることができない。

Article 95 The court clerk may not have the court execution officer implement the sale of an Automobile until after the court execution officer acquires possession of the Automobile within the jurisdictional district thereof.

(入札又は競り売り以外の方法による売却)

(Sale Other Than Through Sealed Bidding or an Auction)

第九十六条 裁判所書記官は、相当と認めるときは、執行官に対し、入札又は競り売り以外の方法により自動車の売却を実施すべき旨を命ずることができる。この場合においては、第五十一条（第一項前段を除く。）の規定を準用する。

Article 96 (1) When the court clerk finds it to be reasonable, the court clerk may order the court execution officer to implement the sale of an Automobile other than through sealed bidding or an auction. In this case, the provisions of Article 51 (excluding the first sentence of paragraph (1)) apply mutatis mutandis.

2 第九十七条において準用する法第六十四条又は前項の規定にかかわらず、執行裁判所は、相当と認めるときは、買受けの申出をした差押債権者の申立てにより、その者に対する自動車の売却の許可をすることができる。

(2) Notwithstanding the provisions of Article 64 of the Act as applied mutatis mutandis pursuant to Article 97 or the provisions of the preceding paragraph, when the execution court finds it to be reasonable, it may, upon petition by an obligee effecting a seizure and making a purchase offer, permit the sale of an Automobile to said person.

3 前項の規定による売却許可決定は、差押債権者以外の債権者にも告知しなければならない。

(3) Notice of an order of permission of sale under the provisions of the preceding paragraph must also be given to obligees other than the obligee effecting a seizure.

(買受人に対する自動車の引渡し)

(Delivery of the Automobile to the Purchaser)

第九十六条の二 買受人が代金を納付したことを証する書面を提出したときは、執行官は、自動車を買受人に引き渡さなければならない。この場合において、その自動車が執行官以外の者の保管に係るものであるときは、執行官は、買受人の同意を得て、保管者に対し買受人にその自動車を引き渡すべき旨を通知する方法により引き渡すことができる。

Article 96-2 (1) Once the purchaser submits a document evidencing payment of the price, the court execution officer must deliver the Automobile to the purchaser. In this case, if the Automobile is retained by a person other than the court execution officer, the court execution officer, with the consent of the purchaser, may deliver the Automobile by notifying the custodian to deliver the Automobile to the purchaser.

2 執行官は、買受人に自動車の引渡しをしたときは、その旨及びその年月日を記録上明らかにしなければならない。

(2) Once the court execution officer delivers the Automobile to the purchaser, the officer must make this clear and indicate the date of the delivery clearly in the records.

(執行停止中の売却)

(Sale During Stay of Execution)

第九十六条の三 法第三十九条第一項第七号又は第八号に掲げる文書が提出されたときは、裁判所書記官は、執行官に対し、その旨を通知しなければならない。

Article 96-3 (1) If the document set forth in Article 39, paragraph (1), item (vii) or (viii) of the Act is submitted, the court clerk must notify the court execution officer to that effect.

2 執行官が前項の規定による通知を受けた場合において、引渡しを受けた自動車について著しい価額の減少を生ずるおそれがあるとき、又はその保管のために不相応な費用を要するときは、執行官は、差押債権者、債務者及び抵当権者に対し、その旨を通知しなければならない。

- (2) If the court execution officer receives a notice under the provisions of the preceding paragraph but there is likely to be a considerable decline in the price of the delivered Automobile or the retention of that Automobile would require an unreasonable cost, the court execution officer must notify the obligee effecting the seizure, the obligor, and the mortgagee to that effect.
- 3 前項に規定する場合において、差押債権者又は債務者の申立てがあるときは、執行裁判所は、第九十七条において準用する法第六十四条又は第九十六条の定めるところにより自動車売却の旨を定めることができる。ただし、その自動車に抵当権が設定されているときは、この限りでない。
- (3) In the case prescribed in the preceding paragraph, if a petition is filed by the obligee effecting a seizure or the obligor, the execution court may determine to sell the Automobile pursuant to the provisions of Article 64 of the Act as applied mutatis mutandis pursuant to Article 97 or the provisions of Article 96; provided, however, that this does not apply if a mortgage has been established on the Automobile.
- 4 前項の規定による決定がされたときは、裁判所書記官は、同項の申立てをしない差押債権者及び債務者に対し、その旨を通知しなければならない。
- (4) If an order under the provisions of the preceding paragraph is issued, the court clerk must notify the non-filer of the petition referred to in said paragraph, constituting either the obligee effecting the seizure or the obligor, to that effect.
- 5 第三項の規定による決定に基づいて自動車が売却され、その代金が執行裁判所に納付されたときは、裁判所書記官は、売却代金を供託しなければならない。
- (5) If an Automobile is sold based on an order under the provisions of paragraph (3), and its price is paid to the execution court, the court clerk must make a statutory deposit of the proceeds of the sale.

(自動車執行の申立てが取り下げられた場合等の措置)

(Measure in Cases of Withdrawal of a Petition for Execution Against an Automobile)

第九十六条の四 自動車執行の申立てが取り下げられたとき、又は強制競売の手続きを取り消す決定が効力を生じたときは、裁判所書記官は、執行官に対し、その旨を通知しなければならない。

Article 96-4 (1) If a petition for Execution Against an Automobile is withdrawn or once an order to rescind a compulsory auction procedure becomes effective, the court clerk must notify the court execution officer to that effect.

2 執行官が前項の規定による通知を受けた場合において、自動車を受け取る権利を有する者が債務者以外の者であるときは、執行官は、その者に対し、自動車執行の申立てが取り下げられ、又は強制競売の手続きが取り消された旨を通知しなければならない。

(2) When the court execution officer is notified as under the provisions of the preceding paragraph and the person having the right to receive an Automobile

is a person other than the obligor, the court execution officer must notify such person that the petition for Execution Against the Automobile has been withdrawn or that the compulsory auction procedure has been rescinded.

3 執行官は、第一項の規定による通知を受けたときは、自動車を受け取る権利を有する者に対し、自動車の所在する場所においてこれを引き渡さなければならない。ただし、自動車を受け取る権利を有する者がこれを保管しているときは、この限りでない。

(3) If notified as under the provisions of paragraph (1), the court execution officer must deliver the Automobile to the person having the right to receive the Automobile at the place where the Automobile is located; provided, however, that this does not apply if the person having the right to receive the Automobile has retained the Automobile.

4 執行官が前項の規定による引渡しをすることができないときは、執行裁判所は、執行官の申立てにより、自動車執行の手續により自動車を売却する旨を定めることができる。

(4) If the court execution officer is unable to make a delivery under the provisions of the preceding paragraph, the execution court, at the petition of the court execution officer, may decide to sell the Automobile through the procedure of Execution Against an Automobile.

5 前項の規定による決定がされたときは、裁判所書記官は、債務者及び抵当権者に対し、その旨を通知しなければならない。

(5) If an order under the provisions of the preceding paragraph is issued, the court clerk must notify the obligor and the mortgagee to that effect.

6 第四項の規定による決定に基づいて自動車が売却され、その代金が執行裁判所に納付されたときは、執行裁判所は、その売却代金から売却及び保管に要した費用を控除し、残余があるときは、売却代金の交付計算書を作成して、抵当権者に弁済金を交付し、剰余金を債務者に交付しなければならない。

(6) If an Automobile is sold based on an order under the provisions of paragraph (4), and its price is paid to the execution court, the execution court must deduct the costs required for the sale and retention from the proceeds of the sale, and if there is any remainder, it must prepare a statement of delivery of the proceeds of the sale, and deliver the payment money to the mortgagee and deliver any surplus to the obligor.

7 法第八十八条、法第九十一条及び法第九十二条第一項並びに第五十九条から第六十一条までの規定は、前項の規定により弁済金及び剰余金を交付する場合について準用する。

(7) The provisions of Articles 88 and 91 of the Act, and Article 92, paragraph (1) of the Act, and the provisions of Articles 59 through 61 apply *mutatis mutandis* when the payment money and surplus are delivered pursuant to the provisions of the preceding paragraph.

(不動産の強制競売等の規定の準用)

(Application Mutatis Mutandis of Provisions on a Compulsory Auction of Real Property, etc.)

第九十七条 法第二章第二節第一款第二目（法第四十五条第一項、法第四十六条第二項、法第五十五条から法第五十七条まで、法第五十九条第四項、法第六十一条、法第六十二条、法第六十四条の二、法第六十六条（第九十六条第二項の買受けの申出に係る場合に限る。）、法第六十八条の二、法第六十九条（第九十六条第二項の規定による売却許可決定に係る場合に限る。）、法第七十七条、法第八十一条、法第八十三条、法第八十三条の二及び法第八十六条第二項を除く。）、法第一百五十五条（第一項後段を除く。）、法第一百二十条及び法第一百二十七条並びにこの節第一款第一目（第二十三条から第二十四条まで、第二十七条の二から第二十九条まで、第三十条第一項第四号及び第五号並びに第二項、第三十条の二、第三十条の四、第三十一条、第三十三条、第三十四条中期間入札に係る部分、第三十六条第一項第五号から第七号まで及び第二項（第五十条第四項において準用する場合を含む。）、第四十六条から第四十九条まで、第五十一条から第五十一条の四まで、第五十四条（第九十六条第二項の規定による売却許可決定に係る場合に限る。）、第五十五条（第九十六条第二項の規定による売却許可決定に係る場合に限る。）、第五十五条の二並びに第五十八条の三を除く。）、第八十五条及び第九十九条の規定は、自動車執行について準用する。この場合において、法第四十九条第一項中「物件明細書の作成までの手続」とあるのは「評価書の提出」と、法第七十八条第四項中「売却許可決定が確定するまで」とあるのは「売却許可決定が確定するまで、又は民事執行規則第九十六条第二項の買受けの申出の際」と、法第一百五十五条第一項及び第四項中「船舶国籍証書等」とあり、及び「船舶の船籍」とあるのは「自動車」と、同項中「五日以内」とあるのは「十日以内」と、法第一百二十条中「二週間以内に船舶国籍証書等」とあるのは「一月以内に自動車」と、法第一百二十七条第一項及び第二項中「差押物」とあるのは「差押えの効力が生じた時に債務者が占有していた自動車」と、第三十六条第一項第八号中「物件明細書、現況調査報告書及び評価書」とあるのは「評価書」と、第九十九条中「差押物が差押えをした」とあるのは「執行官が占有を取得した自動車が」と読み替えるものとする。

Article 97 The provisions of Chapter II, Section 2, Subsection 1, Division 2 of the Act (excluding Article 45, paragraph (1) of the Act, Article 46, paragraph (2) of the Act, Articles 55 through 57 of the Act, Article 59, paragraph (4) of the Act, Articles 61, 62, and 64-2 of the Act, Article 66 of the Act (limited to a case involving a purchase offer as referred to in Article 96, paragraph (2)), Article 68-2 of the Act, Article 69 of the Act (limited to a case involving a an order of permission of sale under the provisions of Article 96, paragraph (2)), Articles 77, 81, 83, and 83-2 of the Act, and Article 86, paragraph (2) of the Act), Article 115 of the Act (excluding the second sentence of paragraph (1)), Articles 120 and 127 of the Act, and the provisions of Subsection 1, Division 1 of this Section (excluding Articles 23 through 24, Articles 27-2 through 29, Article 30, paragraph (1), items (iv) and (v) and paragraph (2), Articles 30-2, 30-4, 31, and 33, the portion related to period bidding in Article 34, Article 36, paragraph (1), items (v) through (vii) and paragraph (2) (including as applied mutatis

mutandis pursuant to Article 50, paragraph (4)), Articles 46 through 49, Articles 51 through 51-4, Article 54 (limited to a case involving an order of permission of sale under the provisions of Article 96, paragraph (2)), Article 55 (limited to a case involving an order of permission of sale under the provisions of Article 96, paragraph (2)), and Articles 55-2 and 58-3), and Articles 85 and 109 apply mutatis mutandis to Execution Against an Automobile. In this case, the phrase "procedure for preparation of the description of property" in Article 49, paragraph (1) of the Act is deemed to be replaced with "submission of the appraisal report," the phrase "by the time when the order of permission of sale becomes final and binding" in Article 78, paragraph (4) of the Act is deemed to be replaced with "by the time when the order of permission of sale becomes final and binding or at the time of making the purchase offer referred to in Article 96, paragraph (2) of the Rules of Civil Execution," the phrases "certificate of the vessel's nationality, etc." and "vessel's registry" in Article 115, paragraphs (1) and (4) of the Act is deemed to be replaced with "Automobile," the phrase "within five days" in Article 115, paragraph (4) of the Act is deemed to be replaced with "within ten days," the phrase "certificate of the vessel's nationality, etc. within two weeks" in Article 120 of the Act is deemed to be replaced with "Automobile within one month," the term "seized property" in Article 127, paragraphs (1) and (2) of the Act is deemed to be replaced with "Automobile that had been possessed by the obligor at the time when the seizure became effective," the phrase "the description of property, the written report of the investigation of current conditions, and the appraisal report" in Article 36, paragraph (1), item (viii) is deemed to be replaced with "the appraisal report," and the phrase "If seized property comes to be located outside the jurisdictional district of the district court to which the court execution officer carrying out the seizure belongs" in Article 109 is deemed to be replaced with "If an Automobile of which the court execution officer has acquired possession comes to be located outside the jurisdictional district of the district court to which the court execution officer belongs."

第五款 建設機械及び小型船舶に対する強制執行

Subsection 5 Compulsory Execution Against Construction Machinery and a Small-sized Vessel

(建設機械に対する強制執行)

(Compulsory Execution Against Construction Machinery)

第九十八条 建設機械抵当法（昭和二十九年法律第九十七号）第三条第一項の登記がされた建設機械（以下「建設機械」という。）に対する強制執行については、前款の規定を準用する。この場合において、第八十七条第一項中「自動車の自動車登録ファイルに登録された使用の本拠の位置（以下「自動車の本拠」という。）」とあり、及び

第八十八条中「自動車の本拠」とあるのは、「建設機械の登記の地」と読み替えるものとする。

Article 98 With regard to compulsory execution against construction machinery that has been registered as referred to in Article 3, paragraph (1) of the Construction Machinery Hypothecation Act (Act No. 97 of 1954) (hereinafter referred to as "Construction Machinery"), the provisions of the preceding Subsection apply mutatis mutandis. In this case, the phrase "the location of the principal place of use registered in the Automobile registration file of said Automobile (hereinafter referred to as the 'Principal Place of Use of the Automobile')" in Article 87, paragraph (1) and the phrase "the Principal Place of Use of the Automobile" in Article 88 is deemed to be replaced with "the place of registration of the Construction Machinery."

(小型船舶に対する強制執行)

(Compulsory Execution Against a Small-sized Vessel)

第九十八条の二 小型船舶の登録等に関する法律（平成十三年法律第百二号）第九条第一項に規定する登録小型船舶（以下「小型船舶」という。）に対する強制執行については、前款の規定を準用する。この場合において、第八十七条第一項中「自動車の自動車登録ファイルに登録された使用の本拠の位置（以下「自動車の本拠」という。）」とあり、及び第八十八条中「自動車の本拠」とあるのは、「小型船舶の小型船舶登録原簿に登録された船籍港」と読み替えるものとする。

Article 98-2 With regard to compulsory execution against a registered small-sized vessel as prescribed in Article 9, paragraph (1) of the Act on Registration, etc. of Small-Sized Vessels (Act No. 102 of 2001) (hereinafter referred to as a "Small-sized Vessel"), the provisions of the preceding Subsection apply mutatis mutandis. In this case, the phrase "the location of the principal place of use registered in the Automobile registration file of said Automobile (hereinafter referred to as the 'Principal Place of Use of the Automobile')" in Article 87, paragraph (1) and the phrase "the Principal Place of Use of the Automobile" in Article 88 is deemed to be replaced with "the port of registry registered in the Small-sized Vessel registry of the Small-sized Vessel."

第六款 動産に対する強制執行

Subsection 6 Compulsory Execution Against Movables

(申立書の記載事項)

(Matters to Be Stated in a Written Petition)

第九十九条 動産執行の申立書には、第二十一条各号に掲げる事項のほか、差し押さえるべき動産が所在する場所を記載しなければならない。

Article 99 A written petition for execution against movables must state the matters set forth in the items of Article 21, as well as the place where the

movables to be seized are located.

(差し押さえるべき動産の選択)

(Choice of Movables to Be Seized)

第百条 執行官は、差し押さえるべき動産の選択に当たっては、債権者の利益を害しない限り、債務者の利益を考慮しなければならない。

Article 100 In choosing the movables to be seized, the court execution officer must consider the interests of the obligor, but not if this harms the interests of the obligee.

(職務執行区域外における差押え)

(Seizure Outside the District for Performing Duties)

第百一条 執行官は、同時に差し押さえようとする数個の動産の所在する場所が所属の地方裁判所の管轄区域の内外にまたがっているときは、管轄区域外にある動産についても、差押えをすることができる。

Article 101 If the places where several movables to be seized simultaneously are located are both in and outside the jurisdictional district of the district court to which the court execution officer belongs, the execution officer may also seize the movables located outside the jurisdictional district.

(差押調書の記載事項)

(Matters to Be Stated in a Seizure Record)

第百二条 動産の差押えをしたときに作成すべき差押調書には、第十三条第一項各号に掲げる事項のほか、債務者から自己の所有に属しない旨の申出があつた差押物については、その旨を記載しなければならない。

Article 102 (1) The seizure record that must be prepared when movables are seized must state the matters set forth in the items of Article 13, paragraph (1), and must indicate any seized property that the obligor reports not to be owned by the obligor.

2 差押調書に係る第十三条第一項第二号の民事執行の目的物の記載については、種類、材質その他の差押物を特定するに足りる事項のほか、差押物の数量及び評価額（土地から分離する前の天然果実にあつては、その果実の収穫時期、予想収穫量及び収穫時の評価額）を明らかにしなければならない。

(2) In the statement of the subject matter of the Civil Execution referred to in Article 13, paragraph (1), item (ii) in a seizure record, the type, material, and any other information sufficient to identify the seized property, as well as the quantity and appraised value of the seized property (if this includes natural fruits prior to being separated from the land, the harvest time, the estimated harvest quantity, and appraised value at the time of the harvest of such fruits) must be clearly indicated.

(差押えの通知等)

(Notice of a Seizure, etc.)

第百三条 執行官は、差押えをしたときは、債務者に対し、その旨を通知しなければならない。

Article 103 (1) The court execution officer must notify the obligor after carrying out a seizure.

2 執行官は、未完成の手形等（法第百三十六条に規定する手形等をいう。以下同じ。）を差し押さえたときは、債務者に対し、期限を定めて、当該手形等に記載すべき事項を補充するよう催告しなければならない。

(2) If the court execution officer seizes an incomplete Negotiable Instrument (meaning a negotiable instrument as prescribed in Article 136 of the Act; the same applies hereinafter), the officer must demand that the obligor supplement the matters to be stated in said Negotiable Instrument, specifying a time limit for the same.

3 債務者が前項の事項を補充したときは、執行官は、その旨及び補充の内容を記録上明らかにしなければならない。

(3) Once the obligor supplements the matters referred to in the preceding paragraph, the court execution officer must make this clear and indicate the contents of the supplement clearly in the records.

(差押物の保管の方法等)

(Retaining Seized Property, etc.)

第百四条 執行官は、法第二百二十四条において準用する法第二百二十三条第三項前段の場合のほか、相当と認めるときは、差押債権者又は第三者に差押物を保管させることができる。

Article 104 (1) In addition to the case referred to in the first sentence of Article 123, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 124 of the Act, if the court execution officer finds it to be reasonable, the officer may allow the obligee effecting the seizure or a third party retain seized property.

2 執行官は、差押物を債務者、差押債権者又は第三者に保管させるときは、差押物件封印票による封印若しくは差押物件標目票のちよう付又はこれらの方法によることが困難な場合にあつては、その他の方法によりその物が差押物である旨、差押えの年月日並びに執行官の職及び氏名を表示しておかなければならない。

(2) If the court execution officer allows the obligor, the obligee effecting the seizure, or a third party to retain seized property, the officer must seal the property with a seized property sealing slip or must attach a seized property indication slip to the property, or if doing so is difficult, must use some other means to indicate on the property that the property is seized property, the date of the seizure, and the job title and the name of the court execution officer.

3 執行官は、差押物を債務者、差押債権者又は第三者に保管させるときは、これらの

者に対し、差押物の処分、差押えの表示の損壊その他の行為に対する法律上の制裁を告げなければならない。

(3) If the court execution officer allows the obligor, the obligee effecting the seizure, or a third party to retain seized property, the court execution officer must inform such person of the legal sanction against disposal of the seized property, causing damage to anything that is indicating the seizure, and any other acts.

4 執行官は、差押物を保管させた者にその使用を許可したときは、その旨を第二項の規定による表示に明らかにしなければならない。

(4) When permitting the person retaining seized property to use that property, the court execution officer must make this clear in the indication under the provisions of paragraph (2).

5 執行官は、特に必要があると認めるときは、所属の地方裁判所の管轄区域外で差押物を保管させることができる。

(5) When the court execution officer finds it to be particularly necessary, the officer may have seized property retained outside the jurisdictional district of the district court to which the officer belongs.

(差押物の保管に関する調書等)

(Record on Retention of Seized Property, etc.)

第百五条 執行官は、債務者、差押債権者又は第三者に差押物を保管させたときは、保管者の氏名又は名称及び住所、保管させた年月日、場所及び差押物、差押えの表示の方法並びに保管に関する定めを記載した調書を作成し、保管者に署名押印させなければならない。

Article 105 (1) If the court execution officer allows the obligor, the obligee effecting the seizure, or a third party to retain seized property, the officer must prepare a record stating the name and address of the custodian, the date and place of retention, the seized property retained, the means of indicating its seizure, and the terms for retention, and must have the custodian affix a signature and seal thereto.

2 執行官は、保管者から差押物の返還を受けたときは、その旨を記録上明らかにしなければならない。

(2) If seized property is returned to the court execution officer by the custodian, the officer must make this clear in the records.

3 前項に規定する場合において、差押物に不足又は損傷があるときは、執行官は、保管者でない差押債権者及び債権者に対しその旨を通知するとともに、不足する差押物又は差押物の損傷の程度及びこれらの差押物について執行官が採った措置を記載した調書を作成しなければならない。

(3) In the case prescribed in the preceding paragraph, if there is any deficiency in or damage to the seized property, the court execution officer must notify any non-custodial obligee effecting the seizure or other obligee to that effect, and

must prepare a record stating the deficient seized property or the extent of the damage to the seized property and the measures taken by the court execution officer with regard to such seized property.

(事件併合の通知)

(Notice of Consolidation of Cases)

第百六条 執行官は、事件を併合したときは、差押債権者、仮差押債権者及び債務者に対し、その旨を通知しなければならない。

Article 106 If the court execution officer consolidates cases, the officer must notify any obligee effecting a seizure, any obligee effecting a provisional seizure, and any obligor to that effect.

(事件併合のための移送)

(Transfer of a Case for Consolidation of Cases)

第百七条 法第二百五条第二項前段の規定により二個の動産執行事件を併合すべき場合において、先に差押えをした執行官と後に動産執行の申立てを受けた執行官とがその所属する地方裁判所を異にするときは、後に動産執行の申立てを受けた執行官は、差押調書又は差し押さえるべき動産がないことを記載した調書を作成した後、先に差押えをした執行官に事件を移送しなければならない。

Article 107 (1) If two cases of execution against movables are to be consolidated pursuant to the provisions of the first sentence of Article 125, paragraph (2) of the Act, and the court execution officer that has previously carried out a seizure and the court execution officer receiving a petition for execution against movables subsequent to this belong to different district courts, the court execution officer subsequently receiving the petition for execution against movables must prepare a seizure record or a record stating that there are no movables to be seized, and then transfer the case to the court execution officer that carried out the seizure previously.

2 法第二百五条第二項後段の規定により仮差押執行事件と動産執行事件とを併合すべき場合において、仮差押えの執行をした執行官と動産執行の申立てを受けた執行官とがその所属する地方裁判所を異にするときは、動産執行の申立てを受けた執行官は、仮差押えの執行をした執行官に対し、事件を移送すべき旨を求めなければならない。

(2) If a case of execution of a provisional seizure and a case of execution against movables are to be consolidated pursuant to the provisions of the second sentence of Article 125, paragraph (2) of the Act, and the court execution officer that has executed the provisional seizure and the court execution officer receiving the petition for execution against movables belong to different district courts, the court execution officer receiving the petition for execution against movables must request the court execution officer that has executed the provisional seizure to transfer the case.

3 前項の規定により事件の移送を求められた執行官は、遅滞なく、移送を求めた執行

官に当該事件を移送しなければならない。

- (3) The court execution officer that is requested to transfer a case pursuant to the provisions of the preceding paragraph must transfer the case to the court execution officer requesting the transfer without delay.

(差押物の点検)

(Inspection of Seized Property)

第百八条 執行官は、債務者、差押債権者又は第三者に差押物を保管させた場合において、差押債権者又は債務者の申出があるときその他必要があると認めるときは、差押物の保管の状況を点検することができる。

Article 108 (1) If the court execution officer has allowed the obligor, the obligee effecting the seizure, or a third party to retain seized property and is so requested by the obligee effecting the seizure or the obligor or finds it to be otherwise necessary to do so, the officer may inspect the status of retention of the seized property.

- 2 執行官は、差押物の点検をしたときは、差押物の不足又は損傷の有無及び程度並びに不足又は損傷に係る差押物について執行官が採った措置を記載した点検調書を作成し、かつ、差押物に不足又は損傷があるときは、保管者でない差押債権者及び債務者に対し、その旨を通知しなければならない。

- (2) After inspecting seized property, the court execution officer must prepare an inspection record stating whether there is any deficiency in or damage to the seized property, the extent thereof, and the measures taken by the court execution officer with regard to the deficient or damaged seized property, and if there is any deficiency in or damage to the seized property, the officer must notify any non-custodial obligee effecting the seizure and the obligor to that effect.

(職務執行区域外における差押物の取戻し)

(Reclaiming of Seized Property Outside the District for Performing Duties)

第百九条 差押物が差押えをした執行官の所属する地方裁判所の管轄区域外に所在することとなつた場合において、これを取り戻すため必要があるときは、執行官は、所属の地方裁判所の管轄区域外で職務を行うことができる。

Article 109 If seized property comes to be located outside the jurisdictional district of the district court to which the court execution officer carrying out the seizure belongs, and it is necessary for reclamation of the seized property, the court execution officer may perform duties outside the jurisdictional district of the district court to which the officer belongs.

(差押物の引渡命令を執行した場合の措置等)

(Measure to When an Order to Deliver Seized Property, etc. Is Executed)

第百十条 法第二百二十七条第一項の規定による引渡命令の執行をした執行官は、当該差

押物の差押えをした執行官が他の地方裁判所に所属するときは、その執行官に対し、引渡命令の執行をした旨を通知しなければならない。

Article 110 (1) If the court execution officer seizing the seized property in question belongs to another district court, the court execution officer executing a delivery order under the provisions of Article 127, paragraph (1) of the Act must notify the seizing officer that the executing officer has executed the delivery order.

2 前項の規定による通知を受けた執行官は、差押物を引き取らなければならない。ただし、差押物の引取りのために不相応な費用を要すると認めるときは、引渡命令の執行をした執行官に動産執行事件を移送することができる。

(2) The court execution officer notified as under the provisions of the preceding paragraph must claim the seized property; provided, however, that if the officer finds that claiming the seized property would require an unreasonable cost, the officer may transfer the case of execution against movables to the court execution officer executing the delivery order.

(差押物の評価)

(Appraisal of Seized Property)

第百十一条 執行官は、高価な動産を差し押さえたときは、評価人を選任し、その動産の評価をさせなければならない。

Article 111 (1) If the court execution officer seizes movables of high value, the officer must appoint an appraiser and have the appraiser appraise the movables.

2 執行官は、必要があると認めるときは、評価人を選任し、差押物の評価をさせることができる。

(2) If the court execution officer finds it to be necessary, the officer may appoint an appraiser and have the appraiser appraise any seized property.

3 評価人は、差押物の評価をしたときは、評価書を所定の日までに執行官に提出しなければならない。

(3) After appraising seized property, the appraiser must submit an appraisal report to the court execution officer by the prescribed date.

(未分離果実の売却)

(Sale of Unseparated Fruits)

第百十二条 土地から分離する前に差し押さえた天然果実は、収穫時期が到来した後でなければ、売却してはならない。

Article 112 Natural fruits that have been seized prior to being separated from the land must not be sold until after the arrival of harvest time.

(一括売却)

(Package Sale)

第百十三条 執行官は、売却すべき数個の動産の種類、数量等を考慮してこれらの動産を一括して同一の買受人に買い受けさせることが相当であると認めるときは、これらの動産を一括して売却することができる。

Article 113 When the court execution officer finds it reasonable, in consideration of the type, quantity, etc. of several movables to be sold, to have a single purchaser purchase these movables in a package, the officer may sell these movables in a package.

(競り売り期日の指定等)

(Designation of the Auction Date, etc.)

第百十四条 執行官は、競り売りの方法により動産を売却するときは、競り売り期日を開く日時及び場所を定めなければならない。この場合において、競り売り期日は、やむを得ない事由がある場合を除き、差押えの日から一週間以上一月以内の日としなければならない。

Article 114 (1) When selling movables through an auction, the court execution officer must specify the date, time, and place for carrying out proceedings on the auction date. In this case, the auction date must be a day that falls within a period no earlier than one week and no later than one month after the day of the seizure, unless there is a compelling reason for this to be otherwise.

2 執行官は、執行裁判所の許可を受けたときは、所属の地方裁判所の管轄区域外の場所で競り売り期日を開くことができる。

(2) With the permission of the execution court, the court execution officer may carry out proceedings on the auction date at a place outside the jurisdictional district of the district court to which the officer belongs.

(競り売りの公告等)

(Public Notice of an Auction, etc.)

第百十五条 執行官は、競り売り期日を定めたときは、次に掲げる事項を公告し、各債権者及び債務者に対し、第三号に掲げる事項を通知しなければならない。

Article 115 After specifying the auction date, the court execution officer must issue public notice of the following matters, and notify each obligee and obligor of the matters set forth in item (iii):

一 事件の表示

(i) an indication of the case;

二 売却すべき動産の表示

(ii) an indication of the movables to be sold;

三 競り売り期日を開く日時及び場所

(iii) the date, time, and place for carrying out proceedings on the auction date;

四 第百三十二条において準用する第三十三条の規定により買受けの申出をすることができる者の資格を制限したときは、その制限の内容

(iv) if the officer has limited the qualifications of persons that may make a

purchase offer pursuant to the provisions of Article 33 as applied mutatis mutandis pursuant to Article 132, the contents of such limitation;

五 売却すべき動産を競り売り期日前に一般の見分に供するときは、その日時及び場所

(v) if the officer has made the movables to be sold available for inspection by the general public prior to the auction date, the date, time, and place for this;

六 代金支払の日を定めたときは、買受けの申出の保証の額及び提供の方法並びに代金支払の日

(vi) if the officer has specified the day for payment of the price, the amount of the purchase offer guarantee and the way of providing it, and the day for payment of the price; and

七 売却すべき動産が貴金属又はその加工品であるときは、その貴金属の地金としての価額

(vii) if the movables to be sold are a precious metal or finished goods made thereof, the price of the precious metal as unprocessed metal.

(競り売り期日の手続)

(Procedure of the Auction Date)

第百十六条 競り売り期日においては、執行官は、買受けの申出の額のうち、最高のもので三回呼び上げた後、その申出をした者の氏名又は名称、買受けの申出の額及びその者に買受けを許す旨を告げなければならない。ただし、買受けの申出の額が不相当と認められるときは、この限りでない。

Article 116 (1) On the auction date, after calling out the highest of the purchase offer prices three times, the court execution officer must announce the name and the purchase offer price of the person making that offer, and announce that said person is permitted to make the purchase; provided, however, that this does not apply if the purchase offer price is found to be unreasonable.

2 第百十八条第二項の規定により代金支払の日を定めて数個の動産を売却する場合において、あるものの代金で各債権者の債権及び執行費用の全部を弁済することができる見込みがあるときは、執行官は、他の動産の競り売りを留保しなければならない。

(2) If the day for payment of the price is specified when movables are sold pursuant to the provisions of Article 118, paragraph (2), and it is expected to be possible to fully perform the claims and execution costs of the respective obligees with the price of part of the several movables, the court execution officer must withhold the auction of the remaining movables.

3 第三十八条第三項から第五項まで、第四十三条中身分に関する証明に係る部分並びに第五十条第一項及び第二項の規定は動産の競り売りについて、第四十三条中援助の求めに係る部分の規定は執行官がその所属する地方裁判所内において競り売りを実施する場合について準用する。

(3) The provisions of Article 38, paragraphs (3) through (5), the portion related to proof of identity in Article 43, and Article 50, paragraphs (1) and (2) apply

mutatis mutandis to the auction of movables, and the provisions of the portion related to the request for assistance in Article 43 apply mutatis mutandis when the court execution officer implements an auction within the district court to which the officer belongs.

(競り売りの方法により売却すべき動産の見分)

(Inspection by the General Public of Movables to Be Sold Through an Auction)

第百十七条 執行官は、競り売り期日又はその期日前に、売却すべき動産を一般の見分に供しなければならない。

Article 117 (1) The court execution officer must make the movables to be sold available for inspection by the general public on or prior to the auction date.

2 売却すべき動産を競り売り期日前に一般の見分に供する場合において、その動産が債務者の占有する建物内にあるときは、執行官は、見分に立ち会わなければならない。前段に規定する場合以外の場合において、当該動産の保管者から立会の申出があつたときも、同様とする。

(2) If the court execution officer is making the movables to be sold available for inspection by the general public prior to the auction date and the movables are within a building possessed by the obligor, the court execution officer must attend the inspection. The same applies if the custodian of the movables requests that the court execution officer attend in a situation other than that prescribed in the first sentence.

3 執行官は、売却すべき動産を競り売り期日前に一般の見分に供したとき、及び前項の規定により見分に立ち会つたときは、その旨を記録上明らかにしなければならない。

(3) If the court execution officer makes the movables that are to be sold available for inspection by the general public prior to the auction date, or if the court execution officer attends the inspection pursuant to the provisions of the preceding paragraph, the officer must make this clear in the records.

(競り売りにおける代金の支払等)

(Payment of the Price in an Auction, etc.)

第百十八条 競り売り期日において買受けが許されたときは、買受人は、次項の規定により定められた代金支払の日に代金を支払う場合を除き、直ちに代金を支払わなければならない。

Article 118 (1) If the purchase is permitted on the auction date, the purchaser must immediately pay the price, unless the purchaser pays on the day for payment of the price which is specified pursuant to the provisions of the following paragraph.

2 執行官は、差押物の売却価額が高額になると見込まれるときは、競り売り期日から一週間以内の日を代金支払の日と定めることができる。

(2) If the sale price of seized property is expected to be high, the court execution officer may specify a day that falls within one week from the auction date as

the day for payment of the price.

3 前項の規定により代金支払の日が定められた場合においては、買受けの申出をしようとする者は、執行官に対し、差押物の評価額の十分の二に相当する額の保証を提供しなければならない。

(3) When the day for payment of the price is specified pursuant to the provisions of the preceding paragraph, a person intending to make a purchase offer must provide a guarantee equivalent to two-tenths of the appraised value of the seized property to the court execution officer.

4 前項の規定により買受人が買受けの申出の保証として提出した金銭は、代金に充てる。

(4) The money that the purchaser has submitted as a purchase offer guarantee pursuant to the provisions of the preceding paragraph will be applied to the price.

5 執行官は、代金支払の日を定めて競り売りを実施したときは、代金支払の日、買受人の保証の提供の方法及び代金の支払の有無を記録上明らかにしなければならない。

(5) If the court execution officer implements an auction after specifying the day for payment of the price, the officer must indicate clearly in the records the day for payment of the price, the purchaser's way of providing the guarantee, and whether the purchaser pays the price.

6 買受人は、代金支払の日に代金を支払わなかつたときは、買受けの申出の保証のうち次項の規定により売得金とされた額に相当する部分の返還を請求することができない。

(6) If the purchaser fails to pay the price on the day for payment of the price, the purchaser may not claim the return of the portion of the purchase offer guarantee that is equivalent to the amount that has been deemed to be proceeds pursuant to the provisions of the following paragraph.

7 買受人が代金支払の日に代金を支払わなかつたため更に動産を売却した場合において、後の売却価額が前の売却価額に満たないときは、前の買受人が提供した買受けの申出の保証は、その差額を限度として売得金とする。

(7) In the case of a further sale of movables because the purchaser fails to pay the price on the day for payment of the price, if the later sales price does not reach the level of the earlier sales price, the purchase offer guarantee provided by the earlier purchaser is deemed to become proceeds to the extent of the difference between those sales prices.

8 買受けの申出の保証が次項において準用する第四十条第一項第四号の文書を提出する方法により提出されている場合において、買受人が代金を支払わなかつたときは、執行官は、銀行等に対し、執行官の定める額の金銭を支払うべき旨を催告しなければならない。

(8) If a purchase offer guarantee is submitted through the submission of a document as referred to in Article 40, paragraph (1), item (iv) as applied mutatis mutandis pursuant to the following paragraph and the purchaser fails

to pay the price, the court execution officer must demand that the Bank, etc. pay money in the amount specified by the court execution officer.

9 第四十条の規定は、第三項の買受けの申出の保証について準用する。

(9) The provisions of Article 40 apply mutatis mutandis to the purchase offer guarantee referred to in paragraph (3).

(競り売り調書)

(Auction Record)

第百十九条 競り売りを実施したときに作成すべき競り売り調書に係る第十三条第一項第四号の実施した民事執行の内容の記載については、次に掲げる事項を明らかにしなければならない。

Article 119 (1) When the details of a Civil Execution that has been implemented as referred to in Article 13, paragraph (1), item (iv) are entered in the auction record that must be prepared after the auction is implemented, the following matters must be clearly indicated:

一 買受人の氏名又は名称及び住所、買受けの申出の額並びに代金の支払の有無

(i) the name, address, and the purchase offer price of the purchaser, and whether the purchaser paid the price; and

二 適法な買受けの申出がなかったときは、その旨

(ii) if there was no lawful purchase offer, an indication of this.

2 執行官は、第十三条第二項に規定する者のほか、買受人又はその代表者若しくは代理人に競り売り調書に署名押印させなければならない。この場合においては、同項後段の規定を準用する。

(2) The court execution officer must have the person prescribed in Article 13, paragraph (2) as well as the purchaser or the representative or agent thereof affix a signature and seal to the auction record. In this case, the provisions of the second sentence of said paragraph apply mutatis mutandis.

(入札)

(Sealed Bidding)

第百二十条 動産を売却するための入札は、入札期日に入札をさせた後開札を行う方法による。

Article 120 (1) Sealed bidding to sell movables is done in such a way that sealed bids are tendered and then opened on the bidding date.

2 開札が終わったときは、執行官は、最高の価額で買受けの申出をした入札人の氏名又は名称、入札価額及びその者に買受けを許す旨を告げなければならない。

(2) Once the bid opening ends, the court execution officer must announce the name and the bid price of the bidder making the purchase offer that constitutes the highest price, and announce that said person is permitted to make the purchase.

3 第三十八条（第六項を除く。）、第四十一条第一項及び第二項、第四十二条第一項

及び第二項、第四十三条中身分に関する証明に係る部分、第百十四条、第百十五条、第百十六条第一項ただし書及び第二項並びに前三条の規定は動産の入札について、第四十三条中援助の求めに係る部分の規定は執行官がその所属する地方裁判所内において入札を実施する場合について準用する。

(3) The provisions of Article 38 (excluding paragraph (6)), Article 41, paragraphs (1) and (2), Article 42, paragraphs (1) and (2), the portion related to proof of identity in Article 43, Articles 114 and 115, the proviso to Article 116, paragraph (1), paragraph (2) of said Article, and the preceding three Articles apply mutatis mutandis to bidding for movables, and the provisions of the portion related to the request for assistance in Article 43 apply mutatis mutandis when the court execution officer implements sealed bidding within the district court to which the officer belongs.

(競り売り又は入札以外の方法による売却)

(Sale Other Than Through Sealed Bidding or an Auction)

第百二十一条 執行官は、動産の種類、数量等を考慮して相当と認めるときは、執行裁判所の許可を受けて、競り売り又は入札以外の方法により差押物の売却を実施することができる。

Article 121 (1) If the court execution officer finds it to be reasonable in consideration of the type, quantity, etc. of movables, the officer may implement a sale of seized property other than through sealed bidding or an auction, with the permission of the execution court.

2 執行官は、前項の許可を受けようとするときは、あらかじめ、差押債権者の意見を聴かなければならない。

(2) Prior to seeking the permission referred to in the preceding paragraph, the court execution officer must hear the opinion of the obligee effecting the seizure.

3 第一項の許可の申出においては、売却の実施の方法を明らかにしなければならない。

(3) In requesting the permission referred to in paragraph (1), the court execution officer must clearly indicate the means of implementing the sale.

4 執行官は、第一項の許可を受けたときは、各債権者及び債務者に対し、その旨を通知しなければならない。

(4) If the court execution officer obtains the permission referred to in paragraph (1), the officer must notify each obligee and obligor to that effect.

5 第百十九条の規定は、第一項の規定により差押物の売却を実施したときに作成すべき調書について準用する。

(5) The provisions of Article 119 apply mutatis mutandis to the record that must be prepared when a sale of seized property is implemented pursuant to the provisions of paragraph (1).

第百二十二条 執行官は、動産の種類、数量等を考慮して相当と認めるときは、執行裁

判所の許可を受けて、執行官以外の者に差押物の売却を実施させることができる。

Article 122 (1) If the court execution officer finds it to be reasonable in consideration of the type, quantity, etc. of movables, the officer may have a person other than the court execution officer implement a sale of seized property, with the permission of the execution court.

2 前項の許可の申出においては、売却を実施する者及び売却の実施の方法を明らかにしなければならない。

(2) In requesting the permission referred to in the preceding paragraph, the court execution officer must clearly indicate the person that will implement the sale and the means of implementing the sale.

3 執行官は、売却を実施した者から売得金の交付を受けたときは、売却を実施した者の表示並びに売得金の額及び交付を受けた年月日を記録上明らかにしなければならない。

(3) When the court execution officer receives the proceeds of a sale from the person implementing the sale, the officer must indicate clearly in the records the person implementing the sale, and the amount and the delivery date of the proceeds.

4 前条第二項及び第四項の規定は、第一項の許可について準用する。

(4) The provisions of paragraphs (2) and (4) of the preceding Article apply mutatis mutandis to the permission referred to in paragraph (1).

(相場のある有価証券の売却価額等)

(Sales Price of Securities with a Quotation)

第二百三十三条 取引所の相場のある有価証券は、その日の相場以上の価額で売却しなければならない。

Article 123 (1) Securities with a quotation on an exchange must be sold at a price that is no less than the quotation on that day.

2 前二条中執行裁判所の許可に係る部分は、前項の有価証券については、適用しない。

(2) The part of the preceding two Articles related to the permission of the execution court does not apply to the securities referred to in the preceding paragraph.

(貴金属の売却価額)

(Sales Price of Precious Metal)

第二百二十四条 貴金属又はその加工品は、地金としての価額以上の価額で売却しなければならない。

Article 124 Precious metals and finished goods made thereof must be sold at a price that is no less than their price as unprocessed metals.

(代金を支払わなかつた買受人の買受けの申出の禁止)

(Prohibition of a Purchase Offer by a Purchaser Failing to Pay)

第二百五条 買受人が代金を支払わなかつたため更に動産を売却するときは、前の買受人は、買受けの申出をすることができない。

Article 125 When there has been a further sale of a movable because the purchaser failed to pay the price for the movable, the earlier purchaser may not make a purchase offer.

(買受人に対する動産の引渡し)

(Delivery of Movable to a Purchaser)

第二十六条 買受人が代金を支払ったときは、執行官は、売却した動産を買受人に引き渡さなければならない。この場合において、その動産が執行官以外の者の保管に係るものであるときは、執行官は、買受人の同意を得て、買受人に対し売却の事実を証する文書を交付し、かつ、保管者に対し買受人にその動産を引き渡すべき旨を通知する方法により引き渡すことができる。

Article 126 (1) Once the purchaser pays the purchase price, the court execution officer must deliver the sold movable to the purchaser. In this case, if said movable is being retained by a person other than the court execution officer, the court execution officer, with the consent of the purchaser, may deliver the movable by issuing a document evidencing the fact of the sale to the purchaser, and notifying the custodian that the custodian must deliver the movables to the purchaser.

2 執行官は、売却した動産の引渡しをしたときは、その旨及びその年月日を記録上明らかにしなければならない。

(2) Once the court execution officer delivers sold movables, the officer must make this clear and indicate the date of the delivery clearly in the records.

(差押えの取消しの方法等)

(Rescinding a Seizure, etc.)

第二十七条 動産の差押えの取消しは、執行官が、債務者その他のその動産を受け取る権利を有する者に対し、差押えを取り消す旨を通知し、その動産の所在する場所においてこれを引き渡して行う。ただし、動産を受け取る権利を有する者がその動産を保管しているときは、その者に対し、差押えを取り消す旨を通知すれば足りる。

Article 127 (1) A seizure of movables is rescinded by the court execution officer's notifying the obligor and any other person having the right to receive the movables of the rescission of the seizure, and delivering the movables at the place where the movables are located; provided, however, that if a person having the right to receive the movables has retained the movables, it is sufficient for the court execution officer to notify said person of the rescission of the seizure.

2 執行官は、動産の差押えを取り消した場合において、取消しに係る動産を受け取る権利を有する者が債務者以外の者であるときは、債務者に対し、当該動産に係る差押えを取り消した旨を通知しなければならない。

(2) If the court execution officer rescinds a seizure of movables and the person having the right to receive the movables released by the rescission is not the obligor, the officer must notify the obligor of the rescission of the seizure of the movables.

3 差押えの取消しに係る動産を引き渡すことができないときは、執行官は、執行裁判所の許可を受けて、動産執行の手続によりこれを売却することができる。

(3) If movables released in the rescission of a seizure cannot be delivered, the court execution officer may sell the movables through the procedure of execution against movables, with the permission of the execution court.

4 法第百六十八条第八項の規定は、前項の規定により動産を売却した場合について準用する。

(4) The provisions of Article 168, paragraph (8) of the Act apply mutatis mutandis when movables are sold pursuant to the provisions of the preceding paragraph.

(配当協議の日の指定)

(Designation of the Day of Deliberation of Liquidating Distribution)

第百二十八条 執行官は、売得金の交付を受けた場合、金銭を差し押さえた場合又は手形等について支払を受けた場合においては、法第百三十九条第一項に規定する場合を除き、二週間以内の日を配当協議の日と定め、各債権者に対し、その日時及び場所を通知しなければならない。

Article 128 Except in a case as prescribed in Article 139, paragraph (1) of the Act, when the court execution officer receives proceeds, seizes money, or receives payment for a Negotiable Instrument, the officer must specify a date that falls within two weeks of this as the day of the deliberation of liquidating distribution, and notify each obligee of its date, time, and place.

(執行力のある債務名義の正本の交付)

(Issuance of an Enforceable Authenticated Copy of the Title of Obligation)

第百二十九条 差押債権者の債権の全額について、弁済され、又は配当等がされたときは、債務者は、執行官に対し、執行力のある債務名義の正本の交付を求めることができる。

Article 129 (1) Once obligations have been performed or a Liquidating Distribution, etc. has been implemented with regard to the total amount of the claim of the obligee effecting the seizure, the obligor may request the court execution officer to issue an enforceable authenticated copy of the title of obligation.

2 前項に規定する場合を除き、事件が終了したときは、差押債権者は、執行官に対し、執行力のある債務名義の正本の交付を求めることができる。

(2) Except in the case prescribed in the preceding paragraph, when the case terminates, the obligee effecting a seizure may request the court execution

officer to issue an enforceable authenticated copy of the title of obligation.

3 前項の規定により執行力のある債務名義の正本の交付を求める差押債権者が債権の一部について弁済を受け、又は配当等を受けた者であるときは、執行官は、当該債務名義の正本に弁済を受け、又は配当等を受けた額を記載して、これを交付しなければならない。

(3) If the obligee that is effecting a seizure and requesting to be issued an enforceable authenticated copy of the title of obligation pursuant to the provisions of the preceding paragraph has received performance of the obligation or received Liquidating Distribution, etc. for part of the claim, the court execution officer must issue an authenticated copy of the title of obligation stating the amount of performance of the obligation or Liquidating Distribution, etc. that the obligee has received.

4 前三項の規定は、法第百三十九条第三項又は法第百四十一条第一項の規定による届出がされた後は、適用しない。

(4) The provisions of the preceding three paragraphs do not apply after notification under the provisions of Article 139, paragraph (3) of the Act or Article 141, paragraph (1) of the Act has been made.

(事情届の方式)

(Formalities of Filing a Notification of Circumstances)

第百三十条 法第百三十九条第三項の規定による届出は、次に掲げる事項を記載した書面でしなければならない。

Article 130 (1) Notification as prescribed in Article 139, paragraph (3) of the Act must be filed through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 差押債権者及び債務者の氏名又は名称

(ii) the names of the obligee effecting a seizure and obligor;

三 配当に充てるべき金銭の額

(iii) the amount of money to be allotted to liquidating distribution;

四 執行費用の額

(iv) the amount of the execution costs; and

五 配当協議が調わない旨及びその事情の要旨

(v) that an agreement on liquidating distribution has not been reached and the gist of the circumstances.

2 前項の書面には、事件の記録を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by the record of the case.

第百三十一条 法第百四十一条第一項の規定による届出は、次に掲げる事項を記載した

書面でしなければならない。

Article 131 (1) Notification as prescribed in Article 141, paragraph (1) of the Act must be made through the submission of a document stating the following matters:

一 前条第一項第一号及び第二号に掲げる事項

(i) the matters set forth in paragraph (1), items (i) and (ii) of the preceding Article; and

二 供託の事由及び供託した金額

(ii) the grounds for and the amount of the statutory deposit.

2 前項の書面には、供託書正本及び事件の記録を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by an authenticated copy of the deposit receipt and the record of the case.

(不動産執行の規定の準用)

(Application Mutatis Mutandis of Provisions on Execution Against Real Property)

第三百三十二条 第二十六条、第二十七条、第三十三条及び第七十条の規定は動産執行について、第五十九条から第六十二条までの規定は動産執行につき執行裁判所が実施する配当等の手続について準用する。この場合において、第五十九条第一項中「不動産の代金が納付された」とあり、及び同条第二項中「代金が納付された」とあるのは、「配当等を実施すべきこととなつた」と読み替えるものとする。

Article 132 The provisions of Articles 26, 27, 33, and 70 apply mutatis mutandis to execution against movables, and Articles 59 through 62 apply mutatis mutandis to the procedure of Liquidating Distribution, etc. implemented by the execution court with regard to execution against movables. In this case, the phrase "the price for real property has been paid" in Article 59, paragraph (1) and the phrase "the price was paid" in paragraph (2) of said Article is deemed to be replaced with "implementation of Liquidating Distribution, etc. was decided on."

第七款 債権及びその他の財産権に対する強制執行

Subsection 7 Compulsory Execution Against a Claim and any Other Property Right

第一目 債権執行等

Division 1 Execution Against a Claim, etc.

(差押命令の申立書の記載事項)

(Matters to Be Stated in a Written Petition for an Order of Seizure)

第三百三十三条 債権執行についての差押命令の申立書には、第二十一条各号に掲げる事項のほか、第三債務者の氏名又は名称及び住所を記載しなければならない。

Article 133 (1) A written petition for an order of seizure with regard to execution

against a claim must state the matters set forth in the items of Article 21, as well as the name and address of the third party obligor.

2 前項の申立書に強制執行の目的とする財産を表示するときは、差し押さえるべき債権の種類及び額その他の債権を特定するに足りる事項並びに債権の一部を差し押さえる場合にあつては、その範囲を明らかにしなければならない。

(2) When indicating the property comprising the object of a compulsory execution in the written petition referred to in the preceding paragraph, the petitioner must clearly indicate the type and amount of the claim to be seized and any other information sufficient to identify the claim, and if the thing to be seized is a part of a claim, the petitioner must clearly indicate the scope thereof.

(差押命令の送達のお知らせ)

(Notice of Service of an Order of Seizure)

第三百三十四条 差押命令が債務者及び第三債務者に送達されたときは、裁判所書記官は、差押債権者に対し、その旨及び送達の年月日を通知しなければならない。

Article 134 If an order of seizure is served on the obligor and the third party obligor, the court clerk must notify the obligee effecting the seizure of this and of the date of the service.

(第三債務者に対し陳述を催告すべき事項等)

(Matters with respect to Which a Third Party Obligor Is to Be Demanded to Make a Statement, etc.)

第三百三十五条 法第一百四十七条第一項の規定により第三債務者に対し陳述を催告すべき事項は、次に掲げる事項とする。

Article 135 (1) The matters with respect to which a third party obligor is to be demanded to make a statement pursuant to the provisions of Article 147, paragraph (1) of the Act are the following matters:

一 差押えに係る債権の存否並びにその債権が存在するときは、その種類及び額（金銭債権以外の債権にあつては、その内容）

(i) whether there is any claim subject to seizure, and if there is such a claim, its type and amount (if this is other than a monetary claim, its contents);

二 弁済の意思の有無及び弁済する範囲又は弁済しない理由

(ii) whether the person has the intention of performing the obligations, and the scope of the obligation to be performed or the reason for non-performance of the obligations;

三 当該債権について差押債権者に優先する権利を有する者があるときは、その者の氏名又は名称及び住所並びにその権利の種類及び優先する範囲

(iii) if there is a person with a right that takes preference over that of the obligee effecting the seizure with regard to the claim, the name and address of such person and the type of the right and the scope of preference;

四 当該債権に対する他の債権者の差押え又は仮差押えの執行の有無並びにこれらの

執行がされているときは、当該差押命令、差押処分又は仮差押命令の事件の表示、債権者の氏名又は名称及び住所並びに送達の年月日並びにこれらの執行がされた範囲

(iv) whether the execution of a seizure or provisional seizure of the claim has been carried out by another obligee, and if such execution has been carried out, an indication of the case relating to the order of seizure, disposition of seizure, or order of provisional seizure, the name and address of the obligee, the date of service, and the scope of the execution; and

五 当該債権に対する滞納処分による差押えの有無並びに差押えがされているときは、当該差押えをした徴収職員等の属する庁その他の事務所の名称及び所在、債権差押通知書の送達の年月日並びに差押えがされた範囲

(v) whether a seizure of the claim based on a disposition of delinquency has been conducted, and if such seizure has been conducted, the name and location of the government agency or other office to which the Collecting Official, etc. conducting said seizure belongs, the date of service of the written notice of seizure of claim, and the scope of the seizure.

2 法第百四十七条第一項の規定による催告に対する第三債務者の陳述は、書面で行わなければならない。

(2) The statement by a third party obligor in response to the demand under the provisions of Article 147, paragraph (1) of the Act must be made in writing.

(申立ての取下げ等の通知)

(Notice of Withdrawal of a Petition, etc.)

第百三十六条 債権執行の申立てが取り下げられたときは、裁判所書記官は、差押命令の送達を受けた第三債務者に対しても、その旨を通知しなければならない。

Article 136 (1) If a petition for execution against a claim is withdrawn, the court clerk must also notify any third party obligor that has been served with the order of seizure to that effect.

2 差押命令が第三債務者に送達された場合において、法第三十九条第一項第七号又は第八号に掲げる文書が提出されたときは、裁判所書記官は、差押債権者及び第三債務者に対し、これらの文書が提出された旨及びその要旨並びにこれらの文書の提出による執行停止が効力を失うまで、差押債権者は差し押さえた債権について取立て又は引渡しの請求をしてはならず、第三債務者は差し押さえられた債権について支払又は引渡しをしてはならない旨を通知しなければならない。

(2) If an order of seizure is served on a third party obligor and the document set forth in Article 39, paragraph (1), item (vii) or (viii) of the Act is submitted, the court clerk must notify the obligee effecting the seizure and the third party obligor that such document has been submitted, its gist, and that the obligee effecting the seizure may not collect or request delivery of the seized claim and the third party obligor may not make a payment or delivery with regard to the seized claim until the stay of execution based on the submission of such

document ceases to be effective.

3 債権執行の取消す旨の決定がされたときは、裁判所書記官は、差押命令の送達を受けた第三債務者に対し、その旨を通知しなければならない。

(3) If an order is issued to rescind the procedure of execution against a claim, the court clerk must notify any third party obligor that has been served with the order of seizure to that effect.

(差押債権者の取立届の方式)

(Formalities of Filing a Notification of Collection by an Obligee Effecting Seizure)

第百三十七条 法第一百五十五条第三項の規定による届出は、次に掲げる事項を記載した書面でなければならない。

Article 137 Notification as prescribed in Article 155, paragraph (3) of the Act must be filed through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 債務者及び第三債務者の氏名又は名称

(ii) the names of the obligor and third party obligor; and

三 第三債務者から支払を受けた額及び年月日

(iii) the amount and the date of the payment received from the third party obligor.

(第三債務者の事情届の方式等)

(Formalities of Filing a Notification of Circumstances by Third Party Obligor)

第百三十八条 法第一百五十六条第三項の規定による届出は、次に掲げる事項を記載した書面でなければならない。

Article 138 (1) Notification as prescribed in Article 156, paragraph (3) of the Act must be filed through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 差押債権者及び債務者の氏名又は名称

(ii) the names of the obligee effecting a seizure and the obligor; and

三 供託の事由及び供託した金額

(iii) the grounds for and the amount of the statutory deposit.

2 前項の書面には、供託書正本を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by an authenticated copy of the deposit receipt.

3 差し押さえられた債権について更に差押命令、差押処分又は仮差押命令の送達を受けた場合においては、第一項の届出は、先に送達された差押命令を発した裁判所（差

押処分が先に送達された場合にあつては、当該差押処分をした裁判所書記官) に対してしなければならない。

- (3) If a claim has been seized and the person in question is further served with an order of seizure, disposition of seizure, or order of provisional seizure, the notification referred to in paragraph (1) must be filed with the court issuing the previous order of seizure (if the person was previously served with a disposition of seizure, the notification must be filed with the court clerk reaching the disposition of seizure).

(債権の評価)

(Appraisal of a Claim)

第百三十九条 執行裁判所は、法第百六十一条第一項に規定する命令を発する場合において、必要があると認めるときは、評価人を選任し、債権の評価を命ずることができる。

Article 139 (1) If the execution court issues the order prescribed in Article 161, paragraph (1) of the Act and finds it to be necessary to do so, it may appoint an appraiser and have the appraiser appraise the claim.

- 2 評価人は、債権の評価をしたときは、評価書を所定の日までに執行裁判所に提出しなければならない。

- (2) After appraising a claim, the appraiser must submit an appraisal report to the execution court by the prescribed date.

(譲渡命令に係る金銭の納付及び交付)

(Payment and Delivery of Money Under a Transfer Order)

第百四十条 譲渡命令において定めるべき価額が差押債権者の債権及び執行費用の額を超えるときは、執行裁判所は、譲渡命令を発する前に、差押債権者にその超える額に相当する金銭を納付させなければならない。

Article 140 (1) If the price to be specified by a transfer order exceeds the amount of the claim and execution costs of the obligee effecting the seizure, the execution court must have the obligee effecting the seizure pay money equivalent to the amount in excess prior to issuing the transfer order.

- 2 譲渡命令が効力を生じたときは、執行裁判所は、前項の規定により納付された金銭を債務者に交付しなければならない。

- (2) Once a transfer order becomes effective, the execution court must deliver money paid pursuant to the provisions of the preceding paragraph to the obligor.

(売却命令に基づく売却)

(Sale Based on a Sale Order)

第百四十一条 執行裁判所は、差し押さえた債権の売得金の額が手続費用及び差押債権者の債権に優先する債権の額の合計額以上となる見込みがないと認めるときは、売却

命令を発してはならない。

Article 141 (1) If the execution court finds that the amount of the proceeds from the seized claim is unlikely to be equal to or higher than the sum of the procedural expenses and the amount of the claim that takes preference over the claim of the obligee effecting a seizure, it must not issue a sale order.

2 執行官は、手続費用及び差押債権者の債権に優先する債権の額の合計額以上の価額でなければ、債権を売却してはならない。

(2) The court execution officer must not sell a claim unless its price is equal to or higher than the sum of the procedural expenses and the amount of the claim that takes preference over the claim of the obligee effecting the seizure.

3 執行官は、代金の支払を受けた後でなければ、買受人に債権証書を引き渡し、及び法第六十一条第五項の通知をしてはならない。

(3) The court execution officer must not deliver the claim deed to the purchaser and must not give the notice referred to in Article 161, paragraph (5) of the Act until after receiving payment therefor.

4 執行官は、売却の手続を終了したときは、速やかに、売得金及び売却に係る調書を執行裁判所に提出しなければならない。

(4) After finishing the sale process, the court execution officer must promptly submit the proceeds and the record of the sale to the execution court.

(航空機の引渡請求権に対する差押命令後の執行)

(Execution Against a Claim for Delivery of an Aircraft After Issuance of an Order of Seizure)

第四百二十二条 航空機の引渡しを目的とする債権に対する強制執行については、法第六十二条の規定を準用する。

Article 142 With regard to a compulsory execution against a claim for delivery of Aircraft, the provisions of Article 162 of the Act apply mutatis mutandis.

(受領調書)

(Record of Receipt)

第四百二十二条の二 執行官は、法第六十三条第一項の規定により動産の引渡しを受けたときは、速やかに、次に掲げる事項を記載した受領調書を作成し、執行裁判所に提出しなければならない。

Article 142-2 (1) If the court execution officer is delivered movables pursuant to the provisions of Article 163, paragraph (1) of the Act, the officer must promptly prepare a record of receipt stating the following matters and submit it to the execution court:

一 債権執行の申立てに係る事件の表示

(i) an indication of the case connected with the petition for execution against a claim;

二 差押債権者、債務者及び第三債務者の氏名又は名称

(ii) the names of the obligee effecting a seizure, obligor, and third party obligor;

三 引渡しを受けた動産

(iii) the movables delivered;

四 引渡しをした者の表示

(iv) an indication of the person making the delivery; and

五 引渡しに立ち会った者の表示

(v) an indication of the name of any person attending the delivery.

2 執行官は、前項の動産の引渡しが強制執行の方法により行われた場合を除き、動産の引渡しをした者に、受領調書に署名押印させなければならない。この場合においては、第十三条第二項後段の規定を準用する。

(2) Unless the delivery of movables referred to in the preceding paragraph is made through a compulsory execution, the court execution officer must have the person delivering the movables affix a signature and seal to the record of receipt. In this case, the provisions of the second sentence of Article 13, paragraph (2) apply mutatis mutandis.

3 第百二条第二項の規定は、第一項第三号の引渡しを受けた動産の記載について準用する。

(3) The provisions of Article 102, paragraph (2) apply mutatis mutandis to the statement of the movables delivered as referred to in paragraph (1), item (iii).

(自動車等の引渡請求権に対する差押命令後の執行)

(Execution Against a Claim for Delivery of an Automobile, etc. After Issuance of an Order of Seizure)

第四百三十三条 法第百六十三条第一項の規定により執行官が引渡しを受けた自動車、建設機械又は小型船舶の強制執行は、自動車執行又は建設機械若しくは小型船舶に対する強制執行の方法により行う。

Article 143 Compulsory execution involving an Automobile, Construction Machinery, or Small-sized Vessel that has been delivered to the court execution officer pursuant to the provisions of Article 163, paragraph (1) of the Act is done through Execution Against the Automobile or through compulsory execution against the Construction Machinery or Small-sized Vessel.

(移転登記等の嘱託の申立てについて提出すべき文書)

(Document to Be Submitted in Filing a Petition for Commission of Registration of Transfer, etc.)

第四百四十四条 転付命令又は譲渡命令が確定した場合において、法第百六十四条第一項の申立てをするとき、記録上明らかな場合を除き、差し押さえられた債権に関し、これらの命令が第三債務者に送達された時までには他の差押え及び仮差押えの執行がないことを証する文書を提出しなければならない。

Article 144 If an assignment order or a transfer order has become final and binding and a petition as referred to in Article 164, paragraph (1) of the Act is

filed, a document must be submitted evidencing that no other seizure or provisional seizure had been executed in connection with the seized claim before the time that the order was served upon the third party obligor, unless this is clear from the records.

(不動産執行等の規定の準用)

(Application Mutatis Mutandis of Provisions on Execution Against Real Property, etc.)

第百四十五条 第二十六条及び第二十七条の規定は債権執行について、第六十三条及び第六十五条から第七十二条までの規定は管理命令について、第百四十一条第四項中調書に係る部分の規定は執行官が法第百六十三条第二項の規定により動産を売却した場合について、第五十九条から第六十二条までの規定は債権執行につき執行裁判所が実施する配当等の手続について準用する。この場合において、第二十七条中「及び債務者」とあるのは、管理命令が発せられている場合にあつては、「、債務者及び管理人」と、第五十九条第一項中「不動産の代金が納付された」とあり、及び同条第二項中「代金が納付された」とあるのは「配当等を実施すべきこととなつた」と読み替えるものとする。

Article 145 The provisions of Articles 26 and 27 apply mutatis mutandis to an execution against a claim, the provisions of Article 63 and Articles 65 through 72 apply mutatis mutandis to an administration order, the provisions of the portion related to a record in Article 141, paragraph (4) apply mutatis mutandis when the court execution officer sells movables pursuant to the provisions of Article 163, paragraph (2) of the Act, and the provisions of Articles 59 through 62 apply mutatis mutandis to the procedure of Liquidating Distribution, etc. implemented by the execution court with regard to an execution against a claim. In this case, the phrase "and the obligor" in Article 27 is deemed to be replaced with ", the obligor, and the administrator" if an administration order has been issued, the phrase "the price for real property has been paid" in Article 59, paragraph (1) and the phrase "the price was paid" in paragraph (2) of said Article is deemed to be replaced with "implementation of Liquidating Distribution, etc. was decided on."

(電話加入権執行の申立書の記載事項及び添付書類)

(Matters to Be Stated in and Documents Accompanying a Written Petition for Execution Against a Telephone Subscription Right)

第百四十六条 電気通信事業法（昭和五十九年法律第八十六号）附則第九条第一項又は第二項に規定する権利（以下「電話加入権」という。）に対する差押命令の申立書に強制執行の目的とする財産を表示するときは、東日本電信電話株式会社又は西日本電信電話株式会社において電話に関する現業事務を取り扱う事務所で当該電話加入権に係る契約に関する事務を取り扱うもの（以下「電話取扱局」という。）、電話番号、電話加入権を有する者の氏名又は名称及び住所並びに電話の設置場所を明らかにしな

なければならない。

Article 146 (1) In indicating the property to be made subject to compulsory execution in a written petition for an order of seizure against the right prescribed in Article 9, paragraph (1) or (2) of the Supplementary Provisions of the Telecommunications Business Act (Act No. 86 of 1984) (hereinafter referred to as the "Telephone Subscription Right"), the petitioner must give a clear indication of the office that handles the business affairs of the government in respect of telephones at Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation, and that handles the affairs for contracts involving that Telephone Subscription Right (hereinafter referred to as the "Telephone Handling Bureau"), the telephone number, the name, and the address of the person having the Telephone Subscription Right, and the place of installation of the telephone.

2 前項の申立書には、執行力のある債務名義の正本のほか、東日本電信電話株式会社又は西日本電信電話株式会社の電話加入権に関する帳簿に記載した事項を証明した文書を添付しなければならない。

(2) A written petition as referred to in the preceding paragraph must be accompanied by an enforceable authenticated copy of a title of obligation, as well as a document evidencing the matters stated in the books concerning Telephone Subscription Rights of Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation.

(東日本電信電話株式会社又は西日本電信電話株式会社に対する照会等)

(Inquiry to Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation)

第四百四十七条 裁判所書記官は、電話加入権に対する差押命令を送達するときは、東日本電信電話株式会社又は西日本電信電話株式会社に対し、債務者が、その電話加入権を有する者であるときは次に掲げる事項を、電話加入権を有する者でないときはその旨を、差押命令の送達の日から一週間以内に回答すべき旨を催告しなければならない。

Article 147 (1) When serving an order of seizure against a Telephone Subscription Right, the court clerk must demand that Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation provide a response, within one week from the day of service of the order of seizure, with respect to the following matters if the obligor has a Telephone Subscription Right, or to the effect that the obligor does not have a Telephone Subscription Right if that is the case:

一 電話の種類

(i) the type of telephone;

二 差押え又は仮差押え若しくは仮処分執行がされているときは、その命令に係る事件の表示、債権者の氏名又は名称及び住所並びに送達の年月日

(ii) if a seizure, provisional seizure, or provisional disposition has been

executed, an indication of the case connected with such order, the name and address of the obligee, and the date of service;

三 滞納処分による差押えがされているときは、当該差押えをした徴収職員等の属する庁その他の事務所の名称及び所在並びに差押通知書の送達の日

(iii) if a seizure has been carried out based on a disposition of delinquency, the name and location of the government agency or other office to which the Collecting Official, etc. conducting said seizure belongs, and the date of service of the written notice of seizure;

四 質権が設定されているときは、その設定（質権の変更がされた場合にあつては、その変更）の登録を請求する書類の受理の年月日、被担保債権の額（その額が限度額であるときは、その旨及び限度額）、弁済期、利息及び違約金又は賠償額の定め並びに質権者の氏名又は名称及び住所

(iv) if a pledge has been established, the date of acceptance of the document requesting the registration of its establishment (if the pledge has been changed, the registration of such change), the amount of the secured claim (if such amount is the limit amount, an indication of this and the limit amount), the due date, interest, terms for penalties or amounts of compensation, and the name and address of the pledgee; and

五 未払電話料金があるときは、その額

(v) if there is any unpaid telephone charge, its amount.

2 前項の規定による催告に対する回答その他の資料により債務者が当該電話加入権を有する者でないことが明らかになったときは、執行裁判所は、強制執行の手続を取り消さなければならない。

(2) If it becomes clear that the obligor does not have a Telephone Subscription Right, based on the response to the demand under the provisions of the preceding paragraph or any other materials, the execution court must rescind the procedure of compulsory execution.

（電話加入権の質権者に対する通知等）

(Notice to a Pledgee of a Telephone Subscription Right, etc.)

第四百四十八条 差押えに係る電話加入権に質権が設定されているときは、裁判所書記官は、質権者に対し、差押えがされたことを通知し、かつ、その質権の被担保債権の現存額を届け出るべき旨を催告しなければならない。

Article 148 If a pledge is established on a seized Telephone Subscription Right, the court clerk must notify the pledgee of the seizure, and demand that the pledgee report the current amount of the secured claim under the pledge.

（電話加入権の売却についての囑託）

(Commission of Sale of a Telephone Subscription Right)

第四百四十九条 電話加入権について法第六十七条第一項によりその例によることとされる法第六十一条第一項に規定する命令が確定した場合において、執行裁判所と電

話取扱局の所在地を管轄する地方裁判所とが異なるときは、執行裁判所は、その地方裁判所に対し、執行官その他の者に電話加入権を売却させるよう嘱託することができる。

Article 149 If an order as prescribed in Article 161, paragraph (1) of the Act which is applicable pursuant to the provisions of Article 167, paragraph (1) of the Act becomes final and binding with regard to a Telephone Subscription Right, and the execution court and the district court having jurisdiction over the location of the Telephone Handling Bureau differ, the execution court may commission said district court to have the court execution officer or any other person sell the Telephone Subscription Right.

(権利移転について登記等を要するその他の財産権に対する強制執行)

(Compulsory Execution Against Any Other Property Right for Which Registration, etc. Is Required in Cases of Transfer of the Right)

第四百九条の二 第五十八条の二、第四百六条第二項、第四百七条第二項及び前二条の規定は、その他の財産権（法第六十七條第一項に規定するその他の財産権をいう。以下同じ。）で権利の移転について登記又は登録を要するものに対する強制執行について準用する。この場合において、第四百八条中「質権」とあるのは「差押えの登記又は登録の前に登記又は登録がされた担保権で換価により消滅するもの」と、「質権者」とあるのは「当該担保権者」と読み替えるものとする。

Article 149-2 The provisions of Article 58-2, Article 146, paragraph (2), Article 147, paragraph (2), and the preceding two Articles apply mutatis mutandis to compulsory execution against Any Other Property Right (meaning any other property right as prescribed in Article 167, paragraph (1) of the Act; the same applies hereinafter) for which registration is required in the case of a transfer of the right. In this case, the term "pledge" in Article 148 is deemed to be replaced with "security interest which has been registered prior to the registration of the seizure and which will be extinguished through realization," and the term "the pledgee" in said Article is deemed to be replaced with "the security interest holder."

第二目 少額訴訟債権執行

Division 2 Execution Against a Claim Relating to an Action on Small Claim

(裁判所書記官の執行処分を告知すべき者の範囲等)

(Scope of Persons That Must Be Notified of a Disposition of Execution by the Court Clerk)

第四百九条の三 少額訴訟債権執行の手続において裁判所書記官が行う執行処分のうち、次に掲げるものは、少額訴訟債権執行の申立人及び相手方に対して告知しなければならない。

Article 149-3 (1) Among the dispositions of execution to be made by the court clerk in the procedure of execution against a claim relating to an action on small claim, the petitioner and the opposite party to an execution against a claim relating to an action on small claim must be notified of the following dispositions:

一 移送の処分

(i) a disposition of transfer; and

二 少額訴訟債権執行の手続を取り消す旨の処分

(ii) a disposition to rescind the procedure of execution against a claim relating to an action on small claim.

2 少額訴訟債権執行の手続において裁判所書記官が行う執行処分のうち、前項各号に掲げるもの以外のもので申立てに係るものは、その申立人に対して告知しなければならない。

(2) Among the dispositions of execution made by the court clerk in the procedure of execution against a claim relating to an action on small claim, notice of any disposition which is other than as set forth in the items of the preceding paragraph but which is connected with the petition must be given to the petitioner.

3 裁判所書記官は、少額訴訟債権執行の手続における執行処分の告知をしたときは、その旨及び告知の方法を事件の記録上明らかにしなければならない。

(3) When the court clerk gives notice of a disposition of execution in the procedure of execution against a claim relating to an action on small claim, the court clerk must make this clear and indicate the means of notice clearly in the case record.

(差押処分の原本及び送達)

(Original and Service of a Disposition of Seizure)

第四百九条の四 差押処分の原本には、当該差押処分をした裁判所書記官が記名押印しなければならない。

Article 149-4 (1) The court clerk issuing a disposition of seizure must affix the name and seal thereof to the original of the disposition of seizure.

2 差押処分の債務者及び第三債務者に対する送達は、その正本によつてする。

(2) Service of the obligor and third party obligor in a disposition of seizure is effected via an authenticated copy of the disposition.

(債権執行の手続への移行の手続)

(Procedure of Transfer to the Procedure of Execution Against a Claim)

第四百九条の五 法第六十七条の十第一項の申立ては、書面でしなければならない。

Article 149-5 (1) A petition as referred to in Article 167-10, paragraph (1) of the Act must be filed in writing.

2 法第六十七条の十第二項、法第六十七条の十一第一項、第二項、第四項若しく

は第五項又は法第百六十七条の十二第一項の規定による決定が効力を生じたときは、裁判所書記官は、差押処分の送達を受けた第三債務者に対し、その旨を通知しなければならない。

(2) If an order under the provisions of Article 167-10, paragraph (2) of the Act, Article 167-11, paragraph (1), (2), (4), or (5) of the Act, or Article 167-12, paragraph (1) of the Act becomes effective, the court clerk must notify any third party obligor that has been served with a disposition of seizure to that effect.

3 裁判所書記官は、前項に規定する場合には、遅滞なく、法第百六十七条の十第六項（法第百六十七条の十一第七項及び法第百六十七条の十二第三項において準用する場合を含む。）の規定により差押命令の申立てがあつたものとみなされる地方裁判所の裁判所書記官に対し、事件の記録を送付しなければならない。

(3) In the case prescribed in the provisions of the preceding paragraph, the court clerk must send the case record to the court clerk of the district court with which a petition for an order of seizure is deemed to have been filed pursuant to the provisions of Article 167-10, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 167-11, paragraph (7) of the Act and Article 167-12, paragraph (3) of the Act) without delay.

（弁済金の交付の手續）

(Procedure of Delivery of Payment Money)

第百四十九条の六 裁判所書記官は、法第百六十七条の十一第三項の規定により弁済金及び剰余金を交付するときは、弁済金の交付の日を定めなければならない。

Article 149-6 (1) When delivering payment money and any surplus pursuant to the provisions of Article 167-11, paragraph (3) of the Act, the court clerk must set the day for the delivery of the payment money.

2 弁済金の交付の日は、特別の事情がある場合を除き、弁済金及び剰余金を交付すべきこととなつた日から一月以内の日としなければならない。

(2) The day for the delivery of payment money must be a day that falls within one month after the day that the delivery of the payment money and any surplus was decided, unless there are any special circumstances.

3 第五十九条第三項及び第六十条から第六十二条までの規定は、法第百六十七条の十一第三項の規定により裁判所書記官が弁済金及び剰余金を交付する場合について準用する。この場合において、第六十条中「配当期日等が定められたときは、裁判所書記官」とあるのは「裁判所書記官は、弁済金の交付の日を定めたとき」と、「配当期日等まで」とあるのは「弁済金の交付の日まで」と、「執行裁判所に提出する」とあるのは「提出する」と、第六十二条中「配当等」とあるのは「弁済金の交付」と読み替えるものとする。

(3) The provisions of Article 59, paragraph (3) and Articles 60 through 62 apply mutatis mutandis when the court clerk delivers payment money and any surplus pursuant to the provisions of Article 167-11, paragraph (3) of the Act.

In this case, the phrase "Once the Distribution Date, etc. is specified, the court clerk" in Article 60 is deemed to be replaced with "Once the court clerk specifies the day of delivery of payment money, the court clerk," the phrase "up to the Distribution Date, etc." in said Article is deemed to be replaced with "up to the day of delivery of payment money," the phrase "to submit to the execution court" in said Article is deemed to be replaced with "to submit," and the term "Liquidating Distribution, etc." in Article 62 is deemed to be replaced with "delivery of payment money."

(総則規定の適用関係)

(Application of General Provisions)

第四百四十九条の七 少額訴訟債権執行についての第一章の規定の適用については、第十四条中「執行裁判所に対する民事執行」とあるのは「少額訴訟債権執行」と、「民事執行を開始する決定」とあるのは「差押処分」とする。

Article 149-7 With regard to application of the provisions of Chapter I to execution against a claim relating to an action on small claim, the phrase "Civil Execution that has been filed with the execution court" in Article 14 is deemed to be replaced with "execution against a claim relating to an action on small claim," and the phrase "an order to commence the Civil Execution" in said Article is deemed to be replaced with "a disposition of seizure."

(不動産執行及び債権執行の規定の準用)

(Application Mutatis Mutandis of Provisions on Execution Against Real Property and Execution Against a Claim)

第五百十条 第二十六条、第二十七条及び第三百三十三条から第三百三十八条までの規定は、少額訴訟債権執行について準用する。この場合において、第三百三十三条第一項、第三百三十四条及び第三百三十六条中「差押命令」とあるのは「差押処分」と、第三百三十五条第一項第一号中「差押えに係る債権」とあるのは「差押えに係る金銭債権」と、「その債権」とあるのは「その金銭債権」と、「その種類及び額（金銭債権以外の債権にあつては、その内容）」とあるのは「その種類及び額」と、同項第三号から第五号まで中「当該債権」とあるのは「当該金銭債権」と、第三百三十六条第三項中「債権執行の手続を取り消す旨の決定がされたとき」とあるのは「少額訴訟債権執行の手続を取り消す旨の決定がされたとき、又は少額訴訟債権執行の手続を取り消す旨の処分をしたとき」と読み替えるものとする。

Article 150 The provisions of Articles 26 and 27 and Articles 133 through 138 apply mutatis mutandis to execution against a claim relating to an action on small claim. In this case, the term "order of seizure" in Article 133, paragraph (1) and Articles 134 and 136 is deemed to be replaced with "disposition of seizure," the phrase "claim subject to a seizure" in Article 135, paragraph (1), item (i) is deemed to be replaced with "monetary claim subject to a seizure," "such claim" in said item is deemed to be replaced with "such monetary claim,"

the phrase "its type and amount (if this is a claim other than a monetary claim, its contents)" in said item is deemed to be replaced with "its type and amount," the term "the claim" in items (iii) through (v) of said paragraph is deemed to be replaced with "the monetary claim," and the phrase "If an order is issued to rescind the procedure of execution against a claim" in Article 136, paragraph (3) is deemed to be replaced with "If an order is issued to rescind the procedure of execution against a claim relating to an action on small claim, or if a disposition is made to rescind the procedure of execution against a claim relating to an action on small claim."

第八款 振替社債等に関する強制執行

Subsection 8 Compulsory Execution in respect of Book-entry Transfer Company Bonds, etc.

(振替社債等執行の開始)

(Commencement of Execution Against Book-entry Transfer Company Bonds, etc.)

第百五十条の二 社債、株式等の振替に関する法律（平成十三年法律第七十五号）第二条第一項に規定する社債等であつて振替機関（同条第二項に規定する振替機関をいう。以下同じ。）が取り扱うもの（以下「振替社債等」という。）に関する強制執行（以下「振替社債等執行」という。）は、執行裁判所の差押命令により開始する。

Article 150-2 Compulsory execution in respect of company bonds, etc. as prescribed in Article 2, paragraph (1) of the Act on Book-entry Transfer of Company Bonds, Shares, etc. (Act No. 75 of 2001) which are handled by a Book-entry Transfer Institution (meaning a book-entry transfer institution as prescribed in paragraph (2) of said Article; the same applies hereinafter) (such company bonds are hereinafter referred to as "Book-entry Transfer Company Bonds, etc." and such execution is hereinafter referred to as "Execution Against Book-entry Transfer Company Bonds, etc.") commences through the issuance of an order of seizure by the execution court.

(差押命令)

(Order of Seizure)

第百五十条の三 執行裁判所は、差押命令において、振替社債等に関し、債務者に対し振替若しくは抹消の申請又は取立てその他の処分を禁止し、並びに振替機関等（社債、株式等の振替に関する法律第二条第五項に規定する振替機関等であつて債務者が口座の開設を受けているものをいう。以下同じ。）に対し振替及び抹消を禁止しなければならない。

Article 150-3 (1) In an order of seizure, the execution court must prohibit the obligor from filing an application for a book-entry transfer or cancellation of, collecting, or otherwise disposing of Book-entry Transfer Company Bonds, etc.,

and must prohibit the Book-entry Transfer Institution, etc. (meaning a Book-entry Transfer Institution, etc. as prescribed in Article 2, paragraph (5) of the Act on Book-entry Transfer of Company Bonds, Shares, etc. at which the obligor has opened an account; the same applies hereinafter) from carrying out a book-entry transfer and cancellation of the bonds.

2 差押命令は、債務者、振替機関等及び振替社債等の発行者（以下「発行者」という。）を審尋しないで発する。

(2) An order of seizure is issued without questioning the obligor, the Book-entry Transfer Institution, etc. or the issuer of the Book-entry Transfer Company Bonds, etc. (hereinafter referred to as the "Issuer").

3 差押命令は、債務者及び振替機関等に送達しなければならない。

(3) An order of seizure must be served on the obligor and the Book-entry Transfer Institution, etc.

4 差押えの効力は、差押命令が振替機関等に送達された時に生ずる。

(4) A seizure becomes effective when the order of seizure is served on the Book-entry Transfer Institution, etc.

5 振替債（社債、株式等の振替に関する法律第二百七十八条第一項に規定する振替債をいう。以下同じ。）、振替新株予約権付社債（同法第九十二条第一項に規定する振替新株予約権付社債をいう。以下同じ。）であつて社債の償還済みのものでないもの、振替転換特定社債（同法第二百五十条に規定する振替転換特定社債をいう。以下同じ。）又は振替新優先出資引受権付特定社債（同法第二百五十三条に規定する振替新優先出資引受権付特定社債をいう。以下同じ。）であつて社債の償還済みのものではないものに対する差押命令の送達を受けた振替機関等は、直ちに、発行者に対し、次に掲げる事項を通知しなければならない。

(5) If a Book-entry Transfer Institution, etc. is served with an order of seizure against Book-entry Transfer Bonds (meaning book-entry transfer bonds as prescribed in Article 278, paragraph (1) of the Act on Book-entry Transfer of Company Bonds, Shares, etc.; the same applies hereinafter), Book-entry Transfer Company Bonds with Share Options (meaning book-entry transfer company bonds with share options as prescribed in Article 192, paragraph (1) of said Act; the same applies hereinafter) for which the company bonds have yet to be redeemed, or Book-entry Transfer Convertible Specified Company Bonds (meaning book-entry transfer convertible specified company bonds as prescribed in Article 250 of said Act; the same applies hereinafter) or Book-entry Transfer Specified Company Bonds with Preferred Equity Subscription Rights (meaning book-entry transfer specified company bonds with preferred equity subscription rights as prescribed in Article 253 of said Act; the same applies hereinafter) for which the company bonds have yet to be redeemed, the Book-entry Transfer Institution, etc. must immediately notify the Issuer of the following matters:

一 事件の表示

(i) an indication of the case;

二 差押債権者及び債務者の氏名又は名称及び住所

(ii) the names and addresses of the obligee effecting a seizure and the obligor;

三 差し押さえられた振替社債等の銘柄（社債、株式等の振替に関する法律第六十八条第三項第二号（同法第百十三条、第百十五条、第百十七条、第百十八条、第百二十条、第百二十一条、第百二十二条、第百二十四条及び第百二十七条において準用する場合を含む。）、第九十一条第三項第二号又は第百九十四条第三項第二号（同法第二百五十一条第一項及び第二百五十四条第一項において準用する場合を含む。）に規定する銘柄をいう。）及び額又は数

(iii) the Issue (meaning the issue as prescribed in Article 68, paragraph (3), item (ii) of the Act on Book-entry Transfer of Company Bonds, Shares, etc. (including as applied mutatis mutandis pursuant to Articles 113, 115, 117, 118, 120, 121, 122, 124, and 127 of said Act), Article 91, paragraph (3), item (ii) of said Act, or Article 194, paragraph (3), item (ii) of said Act (including as applied mutatis mutandis pursuant to Article 251, paragraph (1) of said Act and Article 254, paragraph (1) of said Act)) of and the amount or number of the seized Book-entry Transfer Company Bonds, etc.; and

四 差押命令が送達された旨及び送達の年月日

(iv) that the order of seizure has been served and the date of the service.

6 差押命令の申立てについての裁判に対しては、執行抗告をすることができる。

(6) An appeal may be filed against the execution of a judicial decision regarding a petition for an order of seizure.

（振替機関等の届出及び振替社債等執行の手續の取消し）

(Notification by a Book-entry Transfer Institution, etc. and Rescission of the Procedure of Execution Against Book-entry Transfer Company Bonds, etc.)

第百五十条の四 差押えに係る振替社債等が振替機関によつて取り扱われなくなつたときは、振替機関等は、書面でその旨を執行裁判所に届け出なければならない。

Article 150-4 (1) If the Book-entry Transfer Company Bonds, etc. subject to a seizure cease to be handled by a Book-entry Transfer Institution, the Book-entry Transfer Institution, etc. must notify the execution court to that effect in writing.

2 差押えに係る振替社債等を取り扱う振替機関が社債、株式等の振替に関する法律第二十二條第一項の規定により同法第三条第一項の指定を取り消された場合若しくは同法第四十一条第一項の規定により当該指定が効力を失つた場合であつて当該振替機関の振替業を承継する者が存しないことが明らかとなつたとき、又は前項の規定による届出があつたときは、執行裁判所は、振替社債等執行の手續を取り消さなければならない。

(2) If the Book-entry Transfer Institution handling the Book-entry Transfer Company Bonds, etc. subject to a seizure has its designation as referred to in Article 3, paragraph (1) of the Act on Book-entry Transfer of Company Bonds,

Shares, etc. rescinded pursuant to the provisions of Article 22, paragraph (1) of said Act or if said designation ceases to be effective pursuant to the provisions of Article 41, paragraph (1) of said Act, and it becomes clear that there is no person to succeed to the book-entry transfer business of said Book-entry Transfer Institution or a notification under the provisions of the preceding paragraph has been made, the execution court must rescind the procedure of Execution Against Book-entry Transfer Company Bonds, etc.

(差押債権者の振替債等の取立て等)

(Collection of Book-entry Transfer Bonds, etc. by an Obligee Effecting a Seizure)

第百五十条の五 振替債、振替新株予約権付社債、振替転換特定社債又は振替新優先出資引受権付特定社債を差し押さえた債権者は、債務者に対して差押命令が送達された日から一週間を経過したときは、当該振替債、第二号に掲げる振替転換特定社債若しくは第三号に掲げる振替新優先出資引受権付特定社債（以下「振替債等」という。）又は第一号に掲げる振替新株予約権付社債についての社債を取り立てることができる。ただし、差押債権者の債権及び執行費用の額を超えて支払を受けることができない。

Article 150-5 (1) Once one week has passed after the service of an order of seizure on the obligor, the obligee seizing the Book-entry Transfer Bonds, Book-entry Transfer Company Bonds with Share Options, Book-entry Transfer Convertible Specified Company Bonds, or Book-entry Transfer Specified Company Bonds with Preferred Equity Subscription Rights may collect company bonds with regard to said Book-entry Transfer Bonds, the Book-entry Transfer Convertible Specified Company Bonds set forth in item (ii), or the Book-entry Transfer Specified Company Bonds with Preferred Equity Subscription Rights set forth in item (iii) (hereinafter referred to as "Book-entry Transfer Bonds, etc.") or the Book-entry Transfer Company Bonds with Share Options set forth in item (i); provided, however, that payment may not to be received beyond the amount of the claim and execution costs of the obligee effecting the seizure:

一 当該振替新株予約権付社債（新株予約権の行使により社債が消滅するものその他の新株の取得により社債を失うものについては、新株予約権が消滅したものに限る。）

(i) said Book-entry Transfer Company Bonds with Share Options (limited to ones with extinguished share options, if the company bonds have been extinguished through the exercise of share options or if the company bonds have been otherwise lost through the acquisition of new shares);

二 当該振替転換特定社債（転換を請求することができなくなったものに限る。）

(ii) said Book-entry Transfer Convertible Specified Company Bonds (limited to ones whose conversion may no longer be requested); and

三 当該振替新優先出資引受権付特定社債（新優先出資の引受権が消滅したものに限る。）

る。)

(iii) said Book-entry Transfer Specified Company Bonds with Preferred Equity Subscription Rights (limited to ones whose preferred equity subscription rights have been extinguished).

2 前項の場合において、差押債権者は、差押命令に基づいて、債務者に属する権利であつて、取立てのために必要なものを行使することができる。

(2) In the case referred to in the preceding paragraph, the obligee effecting a seizure may exercise any right that belongs to the obligor and is necessary for the collection, based on the order of seizure.

3 第一項の規定による取立ては、発行者が取立訴訟（法第百五十七条第一項に規定する取立訴訟をいう。以下同じ。）の訴状の送達を受ける時まで、振替機関等に対して、差押えに係る第一項第一号に掲げる振替新株予約権付社債（次条第二項第一号に規定する新株予約権が消滅した振替新株予約権付社債を除く。）について、その社債の額から差押債権者の債権及び執行費用の額を控除した額を超えて発せられた差押命令若しくは仮差押命令又は配当要求があつた旨を記載した文書の送達があつたときは、することができない。

(3) Collection under the provisions of paragraph (1) may not be carried out if, by the time the Issuer is served with the complaint in the Suit for Collection (meaning a suit for collection as prescribed in Article 157, paragraph (1) of the Act; the same applies hereinafter), a document has been served on the Book-entry Transfer Institution, etc., stating that, with regard to the Book-entry Transfer Company Bonds with Share Options set forth in paragraph (1), item (i) subject to a seizure (excluding Book-entry Transfer Company Bonds with Share Options that have been extinguished as prescribed in paragraph (2), item (i) of the following Article), an order of seizure or an order of provisional seizure has been issued beyond the scope of the amount of such company bonds less the amount of the claim and execution costs of the obligee effecting the seizure, or a demand for liquidating distribution has been made.

4 法第百五十五条（第一項を除く。）及び法第百五十七条並びに第百三十七条の規定は、第一項の場合について準用する。この場合において、法第百五十五条第二項並びに法第百五十七条第一項及び第四項並びに第百三十七条第二号及び第三号中「第三債務者」とあるのは「発行者」と、法第百五十七条第四項中「前条第二項」とあるのは「民事執行規則第百五十条の六第二項」と、第百三十七条中「法第百五十五条第三項」とあるのは「第百五十条の五第四項において準用する法第百五十五条第三項」と読み替えるものとする。

(4) The provisions of Article 155 of the Act (excluding paragraph (1)) and Article 157 of the Act and the provisions of Article 137 apply mutatis mutandis to the case referred to in paragraph (1). In this case, the term "third party obligor" in Article 155, paragraph (2) of the Act and Article 157, paragraphs (1) and (4) of the Act and Article 137, items (ii) and (iii) is deemed to be replaced with "Issuer," the phrase "paragraph (2) of the preceding Article" in Article 157,

paragraph (4) of the Act is deemed to be replaced with "Article 150-6, paragraph (2) of the Rules of Civil Execution," and the phrase "Article 155, paragraph (3) of the Act" in Article 137 is deemed to be replaced with "Article 155, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 150-5, paragraph (4)."

(発行者の供託)

(Statutory Deposit by an Issuer)

第五十条の六 発行者は、差押えに係る振替債等の全額又は差押えに係る第五十条の五第一項第一号に掲げる振替新株予約権付社債についての社債の全額に相当する金銭をその履行地の供託所に供託することができる。

Article 150-6 (1) An Issuer may make a statutory deposit of money equivalent to the total amount of the Book-entry Transfer Bonds, etc. subject to a seizure or to the total amount of company bonds with regard to the Book-entry Transfer Company Bonds with Share Options set forth in Article 150-5, paragraph (1), item (i) subject to a seizure, to an official depository at the place of performance thereof.

2 発行者は、次の各号に掲げる場合には、当該各号に定める金銭を当該各号に規定する振替債等又は振替新株予約権付社債の履行地の供託所に供託しなければならない。ただし、元本の償還期限が到来するまでの間は、この限りでない。

(2) In the cases set forth in the following items, the Issuer must make a statutory deposit of the money specified respectively in those items to an official depository at the place of performance of Book-entry Transfer Bonds, etc. or of Book-entry Transfer Company Bonds with Share Options as prescribed respectively in those items; provided, however, that this does not apply until the due date for redemption of the principal arrives:

一 発行者が取立訴訟の訴状の送達を受ける時まで、振替機関等に対して、差押えに係る振替債等又は差押えに係る振替新株予約権付社債であつて新株予約権が消滅したもの（以下「新株予約権が消滅した振替新株予約権付社債」という。）のうち差し押さえられていない部分を超えて発せられた差押命令又は仮差押命令の送達があつた場合 当該振替債等又は新株予約権が消滅した振替新株予約権付社債の全額に相当する金銭

(i) by the time the Issuer is served with the complaint in a Suit for Collection, an order of seizure or an order of provisional seizure issued beyond the scope of the unseized portions of the Book-entry Transfer Bonds, etc. subject to a seizure or the Book-entry Transfer Company Bonds with Share Options that are subject to a seizure and with regard to which share options have been extinguished (hereinafter referred to as "Book-entry Transfer Company Bonds with Share Options That Have Been Extinguished") is served on the Book-entry Transfer Institution, etc.: money equivalent to the total amount of said Book-entry Transfer Bonds, etc. or Book-entry Transfer Company

Bonds with Share Options That Have Been Extinguished; and

- 二 発行者が取立訴訟の訴状の送達を受ける時までに、振替機関等に対して、差押えに係る振替債等又は新株予約権が消滅した振替新株予約権付社債について配当要求があつた旨を記載した文書の送達があつた場合 当振替債等又は新株予約権が消滅した振替新株予約権付社債のうち差し押さえられた部分に相当する金銭
- (ii) by the time the Issuer is served with the complaint in a Suit for Collection, a document stating that a demand for liquidating distribution has been made with regard to the Book-entry Transfer Bonds, etc. or the Book-entry Transfer Company Bonds with Share Options That Have Been Extinguished which are subject to a seizure is served on the Book-entry Transfer Institution, etc.: money equivalent to the seized portions of the Book-entry Transfer Bonds, etc. or the Book-entry Transfer Company Bonds with Share Options That Have Been Extinguished.
- 3 発行者は、前二項の規定による供託をしたときは、当該供託をしたことを執行裁判所に届け出なければならない。この場合においては、第百三十八条の規定を準用する。
- (3) If the Issuer makes a statutory deposit under the provisions of the preceding two paragraphs, it must notify the execution court that it has made the statutory deposit. In this case, the provisions of Article 138 apply *mutatis mutandis*.
- 4 差し押さえられた振替債等又は振替新株予約権付社債について第一項又は第二項の供託があつたことを証する文書が提出されたときは、裁判所書記官は、当該供託に係る振替債等又は振替新株予約権付社債について、社債、株式等の振替に関する法律第七十一条第一項（同法第百十三条、第百十五条、第百十七条、第百十八条、第百二十条、第百二十一条、第百二十二条、第百二十四条及び第百二十七条において準用する場合を含む。）、第九十六条第一項又は第百九十九条第一項（同法第二百五十一条第一項及び第二百五十四条第一項において準用する場合を含む。）の申請をしなければならない。
- (4) Once a document is submitted evidencing that the statutory deposit referred to in paragraph (1) or (2) has been made with regard to seized Book-entry Transfer Bonds, etc. or Book-entry Transfer Company Bonds with Share Options, the court clerk must file the application referred to in Article 71, paragraph (1) of the Act on Book-entry Transfer of Company Bonds, Shares, etc. (including as applied *mutatis mutandis* pursuant to Articles 113, 115, 117, 118, 120, 121, 122, 124, and 127 of said Act), Article 96, paragraph (1) of said Act, or Article 199, paragraph (1) of said Act (including as applied *mutatis mutandis* pursuant to Article 251, paragraph (1) of said Act and Article 254, paragraph (1) of said Act) with regard to the Book-entry Transfer Bonds, etc. or Book-entry Transfer Company Bonds with Share Options related to said statutory deposit.

(振替社債等譲渡命令等)

(Order to Transfer Book-entry Transfer Company Bonds, etc.)

第百五十条の七 執行裁判所は、差押債権者の申立てにより、差押えに係る振替社債等について、次に掲げる命令を発することができる。ただし、当該振替社債等が振替債等又は新株予約権が消滅した振替新株予約権付社債である場合には、元本の償還期限前であるとき又は当該振替社債等の取立てが困難であるときに限る。

Article 150-7 (1) Upon petition by the obligee effecting a seizure, the execution court may issue the following orders with regard to the Book-entry Transfer Company Bonds, etc. subject to the seizure; provided, however, that, if said Book-entry Transfer Company Bonds, etc. are Book-entry Transfer Bonds, etc. or Book-entry Transfer Company Bonds with Share Options That Have Been Extinguished, this is limited to when the due date for redemption of the principal has yet to arrive or to when it is difficult to collect said Book-entry Transfer Company Bonds, etc.:

一 当該振替社債等を執行裁判所が定めた価額で支払に代えて差押債権者に譲渡する命令（以下「振替社債等譲渡命令」という。）

(i) an order to transfer said Book-entry Transfer Company Bonds, etc. to the obligee effecting a seizure at the price specified by the execution court, in lieu of payment (hereinafter referred to as an "Order to Transfer Book-entry Transfer Company Bonds, etc."); or

二 執行官その他の執行裁判所が相当と認める者に対して、当該振替社債等を執行裁判所の定める方法により売却することを命ずる命令（以下「振替社債等売却命令」という。）

(ii) an order directing the court execution officer or any other person that the execution court finds it to be reasonable to order to sell said Book-entry Transfer Company Bonds, etc. by the means specified by the execution court (hereinafter referred to as an "Order to Sell Book-entry Transfer Company Bonds, etc.").

2 前項の申立てについての決定に対しては、執行抗告をすることができる。

(2) An appeal may be filed against the execution of the order regarding the petition referred to in the preceding paragraph.

3 第一項の規定による決定は、確定しなければその効力を生じない。

(3) An order under the provisions of paragraph (1) is not effective until final and binding.

4 裁判所書記官は、振替社債等譲渡命令が確定したときは、社債、株式等の振替に関する法律第七十条第一項（同法百十三条、第百十五条、第百十七条、第百十八条、第百二十条、第百二十一条、第百二十二条、第百二十四条及び第百二十七条において準用する場合を含む。）、第九十五条第一項、第百二十七条の七第一項、第百三十二条第一項（同法第二百二十八条第一項、第二百三十五条第一項及び第二百三十九条第一項において準用する場合を含む。）、第百六十八条第一項（同法第二百四十九条第一項において準用する場合を含む。）又は第百九十七条第一項（同法第二百五十一条第一項及び第二百五十四条第一項において準用する場合を含む。）の申請をしなければ

ならない。

(4) Once an Order to Transfer Book-entry Transfer Company Bonds, etc. becomes final and binding, the court clerk must file the application referred to in Article 70, paragraph (1) of the Act on Book-entry Transfer of Company Bonds, Shares, etc. (including as applied mutatis mutandis pursuant to Articles 113, 115, 117, 118, 120, 121, 122, 124, and 127 of said Act), Article 95, paragraph (1) of said Act, Article 127-7, paragraph (1) of said Act, Article 132, paragraph (1) of said Act (including as applied mutatis mutandis pursuant to Article 228, paragraph (1) of said Act, Article 235, paragraph (1) of said Act, and Article 239, paragraph (1) of said Act), Article 168, paragraph (1) of said Act (including as applied mutatis mutandis pursuant to Article 249, paragraph (1) of said Act), or Article 197, paragraph (1) of said Act (including as applied mutatis mutandis pursuant to Article 251, paragraph (1) of said Act and Article 254, paragraph (1) of said Act).

5 第一項第二号に規定する者は、振替社債等売却命令による売却をし、代金の支払を受けたときは、前項の申請をしなければならない。

(5) If a person prescribed in paragraph (1), item (ii) carries out a sale based on an Order to Sell Book-entry Transfer Company Bonds, etc. and receives payment, that person must file the application referred to in the preceding paragraph.

6 第三百九条の規定は振替社債等譲渡命令及び振替社債等売却命令について、法第五十九条第二項及び第三項並びに法第六十条並びに第四十条の規定は振替社債等譲渡命令について、法第五十九条第六項の規定は振替社債等譲渡命令に対する執行抗告について、法第六十八条並びに第四十一条第一項及び第四項の規定は振替社債等売却命令について、法第六十五条の規定は振替社債等売却命令に基づく執行官の売却について準用する。この場合において、第三百九条第一項中「法第六十一条第一項」とあるのは「第五十条の七第一項」と、法第五十九条第二項及び第三項並びに法第六十条中「第三債務者」とあるのは「振替機関等」と、第四十一条第四項中「執行官」とあるのは「執行官その他の執行裁判所が相当と認める者」と、「調書」とあるのは「調書又は報告書」と読み替えるものとする。

(6) The provisions of Article 139 apply mutatis mutandis to an Order to Transfer Book-entry Transfer Company Bonds, etc. and an Order to Sell Book-entry Transfer Company Bonds, etc., the provisions of Article 159, paragraphs (2) and (3) of the Act and Article 160 of the Act and the provisions of Article 140 apply mutatis mutandis to an Order to Transfer Book-entry Transfer Company Bonds, etc., the provisions of Article 159, paragraph (6) of the Act apply mutatis mutandis to an appeal against a disposition of execution filed against an Order to Transfer Book-entry Transfer Company Bonds, etc., the provisions of Article 68 of the Act and the provisions of Article 141, paragraphs (1) and (4) apply mutatis mutandis to an Order to Sell Book-entry Transfer Company Bonds, etc., and the provisions of Article 65 of the Act apply mutatis mutandis to a sale by the court execution officer based on an Order to Sell Book-entry

Transfer Company Bonds, etc. In this case, the phrase "Article 161, paragraph (1) of the Act" in Article 139, paragraph (1) is deemed to be replaced with "Article 150-7, paragraph (1)," the term "third party obligor" in Article 159, paragraphs (2) and (3) of the Act and Article 160 of the Act is deemed to be replaced with "Book-entry Transfer Institution, etc.," the term "court execution officer" in Article 141, paragraph (4) is deemed to be replaced with "court execution officer and any other person that the execution court finds it to be reasonable," and the term "record" in said paragraph is deemed to be replaced with "record or report."

(債権執行等の規定の準用)

(Application Mutatis Mutandis of Provisions on Execution Against a Claim, etc.)

第百五十条の八 法第百四十四条（第二項ただし書を除く。）、法第百四十六条、法第百四十七条、法第百四十九条、法第百五十四条、法第百五十八条及び法第百六十六条第一項（第三号を除く。）並びに第二十六条、第二十七条、第三百三十三条から第三十六条まで及び第百四十七条第二項の規定は振替社債等執行について、第百五十条の三第五項の規定は振替機関等が配当要求があつた旨を記載した文書の送達を受けた場合について、法第八十四条、法第八十五条、法第八十八条から法第九十二条まで及び法第百六十五条（第四号を除く。）並びに第五十九条から第六十二条までの規定は振替社債等執行につき執行裁判所が実施する配当等の手続について準用する。この場合において、法第百四十四条第二項中「その債権の債務者（以下「第三債務者」という。）」とあり、並びに法第百四十七条及び法第百五十四条第二項並びに第三百三十三条第一項及び第三百三十四条から第三十六条までの規定中「第三債務者」とあるのは「振替機関等」と、法第百四十七条第一項中「差押債権者の申立てがあるときは、裁判所書記官は」とあるのは「裁判所書記官は」と、法第百六十六条第一項第一号及び法第百六十五条第一号中「第百五十六条第一項」とあるのは「民事執行規則第百五十条の六第一項」と、法第百六十六条第一項第一号中「第百五十七条第五項」とあるのは「同規則第百五十条の五第四項において準用する第百五十七条第五項」と、第三百三十五条中「法第百四十七条第一項」とあるのは「第百五十条の八において準用する法第百四十七条第一項」と、同条第一項第二号中「弁済の意思」とあるのは「振替又は抹消の申請等」と、「弁済する」とあるのは「振替若しくは抹消を行う」と、「弁済しない」とあるのは「振替若しくは抹消を行わない」と、同項第四号中「仮差押え」とあるのは「仮差押え若しくは仮処分」と、「差押命令、差押処分又は仮差押命令」とあるのは「差押命令又は仮差押命令若しくは仮処分命令」と、第百四十七条第二項中「前項」とあるのは「第百五十条の八において準用する法第百四十七条第一項」と、法第八十四条第一項中「代金の納付があつた」とあり、第五十九条第一項中「不動産の代金が納付された」とあり、及び同条第二項中「代金が納付された」とあるのは「配当等を実施すべきこととなつた」と、法第八十五条第一項中「第八十七条第一項各号に掲げる各債権者」とあるのは「民事執行規則第百五十条の八において準用する第百六十五条に規定する債権者」と、法第百六十五条第一号及び第二号中「第三債務

者」とあるのは「発行者」と、同条第三号中「執行官」とあるのは「執行官その他の執行裁判所が相当と認める者」と読み替えるものとする。

Article 150-8 The provisions of Article 144 of the Act (excluding the proviso to paragraph (2)), Articles 146, 147, 149, 154, and 158 of the Act, and Article 166, paragraph (1) of the Act (excluding item (iii)), and the provisions of Articles 26 and 27, Articles 133 through 136, and Article 147, paragraph (2) apply mutatis mutandis to Execution Against Book-entry Transfer Company Bonds, etc., the provisions of Article 150-3, paragraph (5) apply mutatis mutandis when a Book-entry Transfer Institution, etc. is served with a document stating that a demand for liquidating distribution has been made, and the provisions of Articles 84 and 85 of the Act, Articles 88 through 92 of the Act, and Article 165 of the Act (excluding item (iv)), and the provisions of Articles 59 through 62 apply mutatis mutandis to the procedure of Liquidating Distribution, etc. implemented by the execution court with regard to Execution Against Book-entry Transfer Company Bonds, etc. In this case, the phrase "obligor of such claim (hereinafter referred to as the 'third party obligor')" in Article 144, paragraph (2) of the Act and the term "third party obligor" in Article 147 of the Act, Article 154, paragraph (2) of the Act, and Article 133, paragraph (1) and Articles 134 through 136 is deemed to be replaced with "Book-entry Transfer Institution, etc.," the phrase "When a petition has been filed by the obligee effecting a seizure, the court clerk shall" in Article 147, paragraph (1) of the Act is deemed to be replaced with "The court clerk must," the term "Article 156, paragraph (1)" in Article 166, paragraph (1), item (i) of the Act and Article 165, item (i) of the Act is deemed to be replaced with "Article 150-6, paragraph (1) of the Rules of Civil Execution," the term "Article 157, paragraph (5)" in Article 166, paragraph (1), item (i) of the Act is deemed to be replaced with "Article 157, paragraph (5) as applied mutatis mutandis pursuant to Article 150-5, paragraph (4) of said Rules," the term "Article 147, paragraph (1) of the Act" in Article 135 is deemed to be replaced with "Article 147, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 150-8," the phrase "intention of performing the obligations" in paragraph (1), item (ii) of said Article is deemed to be replaced with "application for a book-entry transfer or cancellation, etc.," the phrase "of the obligation to be performed" in said item is deemed to be replaced with "of the book-entry transfer or cancellation," the term "non-performance" in said item is deemed to be replaced with "not carrying out a book-transfer or cancellation," the term "provisional seizure" in item (iv) of said paragraph is deemed to be replaced with "provisional seizure or provisional disposition," the phrase "order of seizure, disposition of seizure, or order of provisional seizure" in said item is deemed to be replaced with "order of seizure, order of provisional seizure, or order of provisional disposition," the term "the preceding paragraph" in Article 147, paragraph (2)

is deemed to be replaced with "Article 147, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 150-8," the phrase "the price has been paid" in Article 84, paragraph (1) of the Act, the phrase "the price for real property has been paid" in Article 59, paragraph (1), and the phrase "the price was paid" in paragraph (2) of said Article is deemed to be replaced with "implementation of Liquidating Distribution, etc. was decided on," the phrase "each of the obligees set forth in the items of Article 87, paragraph (1)" in Article 85, paragraph (1) of the Act is deemed to be replaced with "the obligee prescribed in Article 165 as applied mutatis mutandis pursuant to Article 150-8 of the Rules of Civil Execution," the term "third party obligor" in Article 165, items (i) and (ii) of the Act is deemed to be replaced with "Issuer," and the term "court execution officer" in item (iii) of said Article is deemed to be replaced with "court execution officer or any other person that the execution court finds it to be reasonable."

第九款 電子記録債権に関する強制執行

Subsection 9 Compulsory Execution in respect of an Electronically Recorded Monetary Claim

(電子記録債権執行の開始)

(Commencement of Execution Against an Electronically Recorded Monetary Claim)

第五十条の九 電子記録債権（電子記録債権法（平成十九年法律第百二号）第二条第一項に規定する電子記録債権をいう。以下同じ。）に関する強制執行（以下「電子記録債権執行」という。）は、執行裁判所の差押命令により開始する。

Article 150-9 Compulsory execution in respect of an Electronically Recorded Monetary Claim (meaning an electronically recorded monetary claim as prescribed in Article 2, paragraph (1) of the Electronically Recorded Monetary Claims Act (Act No. 102 of 2007); the same applies hereinafter) (such execution is hereinafter referred to as "Execution Against an Electronically Recorded Monetary Claim") commences through the issuance of an order of seizure by the execution court.

(差押命令)

(Order of Seizure)

第五十条の十 執行裁判所は、差押命令において、電子記録債権に関し、債務者に対し取立てその他の処分又は電子記録（電子記録債権法第二条第一項に規定する電子記録をいう。以下同じ。）の請求を禁止し、当該電子記録債権の債務者（以下この款において「第三債務者」という。）に対し債務者への弁済を禁止し、及び当該電子記録債権の電子記録をしている電子債権記録機関（同条第二項に規定する電子債権記録機関をいう。以下同じ。）に対し電子記録を禁止しなければならない。

Article 150-10 (1) In an order of seizure, the execution court must prohibit the obligor from collecting or otherwise disposing of any Electronically Recorded Monetary Claim or requesting an Electronic Recording (meaning an electronic recording as prescribed in Article 2, paragraph (1) of the Electronically Recorded Monetary Claims Act; the same applies hereinafter), and must prohibit the obligor of said Electronically Recorded Monetary Claim (hereinafter referred to as the "Third Party Obligor" in this Subsection) from performing the Third Party Obligor's obligation to the obligor, and prohibit the Electronic Monetary Claim Recording Institution (meaning the electronic monetary claim recording institution prescribed in paragraph (2) of said Article; the same applies hereinafter) which makes the Electronic Recordings for said Electronically Recorded Monetary Claim from making the Electronic Recording.

2 差押命令は、債務者、第三債務者及び電子債権記録機関を審尋しないで発する。

(2) An order of seizure is issued without the obligor, the Third Party Obligor, or the Electronic Monetary Claim Recording Institution being heard.

3 差押命令は、債務者、第三債務者及び電子債権記録機関に送達しなければならない。

(3) An order of seizure must be served upon the obligor, the Third Party Obligor, and the Electronic Monetary Claim Recording Institution.

4 差押えの効力は、差押命令が電子債権記録機関に送達された時に生ずる。ただし、第三債務者に対する差押えの効力は、差押命令が第三債務者に送達された時に生ずる。

(4) A seizure becomes effective when the order of seizure is served on the Electronic Monetary Claim Recording Institution; provided, however, that the seizure becomes effective against the Third Party Obligor when the order of seizure is served on the Third Party Obligor.

5 債務者は、前項の規定により差押えの効力が生じた場合であつても、次に掲げる電子記録の請求をすることができる。

(5) Even if a seizure is effective pursuant to the provisions of the preceding paragraph, the obligor may request the following Electronic Recordings:

一 支払等記録（電子記録債権法第二十四条第一号に規定する支払等であつて差押債権者に対抗することができるものに係るものに限る。）

(i) the recording of a payment, etc. (limited to the payment, etc. prescribed in Article 24, item (i) of the Electronically Recorded Monetary Claims Act which may be duly asserted against the obligee effecting a seizure);

二 変更記録

(ii) the recording of an alteration;

三 根質権の担保すべき元本の確定の電子記録

(iii) an Electronic Recording fixing the principal secured by a revolving pledge;

四 差押えに係る電子記録債権のうち差し押さえられていない部分の分割（電子記録債権法第四十三条第一項に規定する分割をいう。）をする分割記録

(iv) a division recording for the Division (meaning a division as prescribed in

Article 43, paragraph (1) of the Electronically Recorded Monetary Claims Act) of an unseized portion of the Electronically Recorded Monetary Claim subject to the seizure; and

五 前各号に掲げるもののほか、差押えに係る電子記録債権のうち差し押さえられていない部分についての電子記録

(v) in addition to what is set forth in the preceding items, an Electronic Recording for an unseized portion of the Electronically Recorded Monetary Claim subject to the seizure.

6 電子債権記録機関は、第四項の規定により差押えの効力が生じた場合であつても、次に掲げる電子記録をすることができる。

(6) Even if a seizure has become effective pursuant to the provisions of paragraph (4), an Electronic Monetary Claim Recording Institution may make the following Electronic Recordings:

一 差押債権者が第百五十条の十五第一項において準用する法第百五十五条第二項の支払を受けたことによる支払等記録

(i) the recording of a payment, etc. based on the receipt of a payment as referred to in Article 155, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1) by the obligee effecting the seizure;

二 質権の順位の変更の電子記録

(ii) the Electronic Recording of a change in the order of pledges;

三 転質の電子記録

(iii) the Electronic Recording of a sub-pledge;

四 前項第一号から第四号までに掲げる電子記録

(iv) the Electronic Recordings set forth in items (i) through (iv) of the preceding paragraph; and

五 前各号に掲げるもののほか、差押えに係る電子記録債権のうち差し押さえられていない部分についての電子記録

(v) in addition to what is set forth in the preceding items, the Electronic Recording of an unseized portion of the Electronically Recorded Monetary Claim subject to the seizure.

7 電子債権記録機関は、差押命令に抵触する電子記録がされているときは、当該電子記録の訂正をしなければならない。ただし、電子記録上の利害関係を有する第三者がある場合にあつては、当該第三者の承諾があるときに限る。

(7) If an Electronic Recording is made that conflicts with an order of seizure, the Electronic Monetary Claim Recording Institution must correct said Electronic Recording; provided, however, that, if there is a third party with an interest in the Electronic Recording, this is limited to when the third party consents to this.

8 電子記録債権法第十条第三項から第五項までの規定は、前項の規定による電子記録の訂正について準用する。

(8) The provisions of Article 10, paragraphs (3) through (5) of the Electronically Recorded Monetary Claims Act apply mutatis mutandis to the correction of an Electronic Recording under the provisions of the preceding paragraph.

9 電子債権記録機関は、第七項の規定により電子記録の訂正をするときは、当該訂正の年月日をも記録しなければならない。

(9) When correcting an Electronic Recording pursuant to the provisions of paragraph (7), the Electronic Monetary Claim Recording Institution must also record the date of the correction.

10 差押命令の申立てについての裁判に対しては、執行抗告をすることができる。

(10) An appeal may be filed against the execution of a judicial decision regarding a petition for an order of seizure.

(支払等記録の届出等)

(Notification of the Recording of a Payment, etc.)

第百五十条の十一 電子債権記録機関は、前条第六項第一号の支払等記録をしたときは、直ちに、その旨を執行裁判所に届け出なければならない。

Article 150-11 (1) If an Electronic Monetary Claim Recording Institution makes a recording of a payment, etc. as referred to in paragraph (6), item (i) of the preceding Article, it must immediately notify the execution court to that effect.

2 前項の規定による届出は、次に掲げる事項を記載した書面でしなければならない。

(2) Notification under the provisions of the preceding paragraph must be made through the submission of a document stating the following matters:

一 事件の表示

(i) an indication of the case;

二 差押債権者、債務者及び第三債務者の氏名又は名称

(ii) the names of the obligee effecting a seizure, the obligor, and the Third Party Obligor; and

三 当該支払等記録において記録されている事項

(iii) the matters recorded in the recording of the payment, etc.

3 第一項の規定による届出又は第百五十条の十五第一項において準用する法第百五十五条第三項の規定による届出により差押債権者の債権及び執行費用の総額に相当する金銭の支払があつたことが明らかになつたときは、裁判所書記官は、電子債権記録機関に対し、当該支払があつた旨を通知しなければならない。

(3) If it becomes clear from a notification under the provisions of paragraph (1) or a notification under the provisions of Article 155, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1) that money equivalent to the total amount of the claim and execution costs of the obligee effecting the seizure has been paid, the court clerk must notify the Electronic Monetary Claim Recording Institution that said payment has been made.

(第三債務者の供託)

(Statutory Deposit by a Third Party Obligor)

第百五十条の十二 第三債務者は、差押えに係る電子記録債権の全額に相当する金銭を債務の履行地の供託所に供託することができる。

Article 150-12 (1) A Third Party Obligor may make a statutory deposit of money equivalent to the total amount of the Electronically Recorded Monetary Claim subject to a seizure to an official depository at the place of performance of the obligation.

2 第三債務者は、取立訴訟の訴状の送達を受ける時までに、差押えに係る電子記録債権のうち差し押さえられていない部分を超えて発せられた差押命令又は仮差押命令の送達を受けたときはその電子記録債権の全額に相当する金銭を、配当要求があつた旨を記載した文書の送達を受けたときは差し押さえられた部分に相当する金銭を債務の履行地の供託所に供託しなければならない。ただし、電子記録債権の元本の支払期日が到来するまでの間は、この限りでない。

(2) If, before being served with the complaint in a Suit for Collection, a Third Party Obligor is served with an order of seizure or an order of provisional seizure issued beyond the scope of the unseized portion of an Electronically Recorded Monetary Claim subject to a seizure, the Third Party Obligor must make a statutory deposit of money equivalent to the total amount of such Electronically Recorded Monetary Claim, and if, before being served with the complaint in a Suit for Collection, the Third Party Obligor is served with a document stating that a demand for liquidating distribution has been made, the Third Party Obligor must make a statutory deposit of money equivalent to the seized portion, at the place of performance of the obligation; provided, however, that this does not apply before the due date for payment of the principal of the Electronically Recorded Monetary Claim arrives.

3 第三債務者は、前二項の規定による供託をしたときは、当該供託をしたことを執行裁判所に届け出なければならない。この場合においては、第百三十八条の規定を準用する。

(3) If a Third Party Obligor makes a statutory deposit under the provisions of the preceding two paragraphs, the Third Party Obligor must notify the execution court that it has made the statutory deposit. In this case, the provisions of Article 138 apply *mutatis mutandis*.

4 差押えに係る電子記録債権について第一項又は第二項の供託があつたことを証する文書が提出されたときは、裁判所書記官は、当該供託をしたことによる支払等記録を嘱託しなければならない。

(4) If a document is submitted evidencing that a statutory deposit as referred to in paragraph (1) or (2) has been made in respect of an Electronically Recorded Monetary Claim subject to a seizure, the court clerk must commission a record of payment, etc. to be made based on said statutory deposit.

(配当要求があつた旨を記載した文書の送達の通知)

(Notice of Service of Document Stating That a Demand for Liquidating Distribution Was Made)

第百五十条の十三 配当要求があつた旨を記載した文書が第三債務者に送達されたときは、裁判所書記官は、電子債権記録機関に対し、当該文書が送達された旨及びその年月日を通知しなければならない。

Article 150-13 If a Third Party Obligor is served with a document stating that a demand for liquidating distribution has been made, the court clerk must notify the Electronic Monetary Claim Recording Institution that service of said document has been effected and of the date of the service.

(電子記録債権譲渡命令等)

(Order to Transfer an Electronically Recorded Monetary Claim, etc.)

第百五十条の十四 差押えに係る電子記録債権の元本が支払期日前であるとき、又は当該電子記録債権の取立てが困難であるときは、執行裁判所は、差押債権者の申立てにより、次に掲げる命令を発することができる。

Article 150-14 (1) If the due date for payment of the principal of the Electronically Recorded Monetary Claim subject to a seizure has yet to arrive or if collection of said Electronically Recorded Monetary Claim is difficult, the execution court may issue the following order upon petition by the obligee effecting the seizure:

一 当該電子記録債権を執行裁判所が定めた価額で支払に代えて差押債権者に譲渡する命令 (以下「電子記録債権譲渡命令」という。)

(i) an order to transfer said Electronically Recorded Monetary Claim to the obligee effecting a seizure at the price specified by the execution court, in lieu of payment (hereinafter referred to as an "Order to Transfer an Electronically Recorded Monetary Claim"); or

二 執行官その他の執行裁判所が相当と認める者に対して、当該電子記録債権を執行裁判所の定める方法により売却することを命ずる命令 (以下「電子記録債権売却命令」という。)

(ii) an order directing the court execution officer or any other person that the execution court finds it to be reasonable to sell said Electronically Recorded Monetary Claim by the means specified by the execution court (hereinafter referred to as an "Order to Sell an Electronically Recorded Monetary Claim").

2 執行裁判所は、前項の規定による決定をする場合には、債務者を審尋しなければならない。ただし、債務者が外国にあるとき、又はその住所が知れないときは、この限りでない。

(2) If issuing an order under the provisions of the preceding paragraph, the execution court must hear the opinion of the obligor; provided, however, that this does not apply if the obligor is in a foreign state or the domicile of the obligor is unknown.

- 3 第一項の申立てについての決定に対しては、執行抗告をすることができる。
- (3) An appeal may be filed against the execution of the order regarding the petition referred to in paragraph (1).
- 4 第一項の規定による決定は、確定しなければその効力を生じない。
- (4) An order under the provisions of paragraph (1) is not effective until final and binding.
- 5 裁判所書記官は、電子記録債権譲渡命令が確定したときは、当該電子記録債権譲渡命令に係る電子記録債権が記録されている債権記録（電子記録債権法第二条第四項に規定する債権記録をいう。以下同じ。）に債権者として記録されている者の変更（当該電子記録債権譲渡命令による変更に係る部分に限る。）を内容とする変更記録を嘱託しなければならない。
- (5) Once an Order to Transfer an Electronically Recorded Monetary Claim becomes final and binding, the court clerk must commission a person to make a recording of an alteration (limited to the portion constituting an alteration based on said Order to Transfer an Electronically Recorded Monetary Claim) for the person recorded as the obligee in the Monetary Claims Record (meaning the monetary claims record prescribed in Article 2, paragraph (4) of the Electronically Recorded Monetary Claims Act; the same applies hereinafter) in which the Electronically Recorded Monetary Claim to which the Order to Transfer an Electronically Recorded Monetary Claim pertains is recorded.
- 6 第一項第二号に規定する者は、電子記録債権売却命令による売却をし、代金の支払を受けたときは、当該電子記録債権売却命令に係る電子記録債権が記録されている債権記録に債権者として記録されている者の変更（当該売却による変更に係る部分に限る。）を内容とする変更記録を嘱託しなければならない。
- (6) If the person prescribed in paragraph (1), item (ii) carries out a sale based on an Order to Sell an Electronically Recorded Monetary Claim and receives payment of the price, that person must commission a person to make a recording of an alteration (limited to the portion constituting an alteration based on said sale) for the person recorded as the obligee in the Monetary Claims Record in which the Electronically Recorded Monetary Claim to which said Order to Sell an Electronically Recorded Monetary Claim pertains is recorded.
- 7 第三百九条の規定は電子記録債権譲渡命令及び電子記録債権売却命令について、法第五十九条第二項及び第三項並びに法第六十条並びに第四十条の規定は電子記録債権譲渡命令について、法第五十九条第六項の規定は電子記録債権譲渡命令に対する執行抗告について、法第六十八条並びに第四十一条第一項、第二項及び第四項の規定は電子記録債権売却命令について、法第六十五条の規定は電子記録債権売却命令に基づく執行官の売却について準用する。この場合において、第三百九条第一項中「法第六十一条第一項」とあるのは「第五十条の十四第一項」と、第四十一条第二項及び第四項中「執行官」とあるのは「執行官その他の執行裁判所が相当と認める者」と、同項中「調書」とあるのは「調書又は報告書」と読み替えるものとする。

る。

(7) The provisions of Article 139 apply mutatis mutandis to an Order to Transfer an Electronically Recorded Monetary Claim and an Order to Sell an Electronically Recorded Monetary Claim, the provisions of Article 159, paragraphs (2) and (3) of the Act and Article 160 of the Act and the provisions of Article 140 apply mutatis mutandis to an Order to Transfer an Electronically Recorded Monetary Claim, the provisions of Article 159, paragraph (6) of the Act apply mutatis mutandis to an appeal against a disposition of execution filed against an Order to Transfer an Electronically Recorded Monetary Claim, the provisions of Article 68 of the Act and the provisions of Article 141, paragraphs (1), (2), and (4) apply mutatis mutandis to an Order to Sell an Electronically Recorded Monetary Claim, and the provisions of Article 65 of the Act apply mutatis mutandis to a sale by the court execution officer based on an Order to Sell an Electronically Recorded Monetary Claim. In this case, the phrase "Article 161, paragraph (1) of the Act" in Article 139, paragraph (1) is deemed to be replaced with "Article 150-14, paragraph (1)," the term "court execution officer" in Article 141, paragraphs (2) and (4) is deemed to be replaced with "court execution officer and any other person that the execution court finds it to be reasonable," and the term "record" in said paragraph is deemed to be replaced with "record or report."

(債権執行等の規定の準用等)

(Application Mutatis Mutandis of Provisions on Execution Against a Claim, etc.)

第百五十条の十五 法第百四十四条（第二項ただし書を除く。）、法第百四十六条、法第百四十七条、法第百四十九条、法第百五十条、法第百五十三条から法第百五十五条まで、法第百五十七条から法第百六十条まで、法第百六十四条及び法第百六十六条第一項（第三号を除く。）並びに第二十六条、第二十七条、第百三十三条から第百三十七条まで、第百四十四条及び第百四十七条第二項の規定は電子記録債権執行について、前条第五項の規定は転付命令が確定した場合について、法第八十四条、法第八十五条、法第八十八条から法第九十二条まで及び法第百六十五条（第四号を除く。）並びに第五十九条から第六十二条までの規定は電子記録債権執行につき執行裁判所が実施する配当等の手続について準用する。この場合において、法第百四十四条第二項中「その債権の債務者（以下「第三債務者」という。）」とあるのは「当該電子記録債権の電子記録をしている電子債権記録機関」と、法第百四十七条並びに第百三十三条第一項、第百三十五条並びに第百三十六条第一項及び第三項中「第三債務者」とあるのは「第三債務者及び電子債権記録機関」と、法第百四十七条第一項中「差押債権者の申立てがあるときは、裁判所書記官は」とあるのは「裁判所書記官は」と、法第百五十七条第四項中「前条第二項」とあるのは「民事執行規則第百五十条の十二第二項」と、法第百六十四条第一項及び第五項中「第百五十条」とあるのは「民事執行規則第百五十条の十五第一項において準用する第百五十条」と、同条第二項及び第三項並びに法第

百六十五条第三号中「執行官」とあるのは「執行官その他の執行裁判所が相当と認め
る者」と、法第百六十六条第一項第一号及び法第百六十五条第一号中「第百五十六
条第一項」とあるのは「民事執行規則第百五十条の十二第一項」と、法第百六十六
条第一項第一号中「第百五十七条第五項」とあるのは「同規則第百五十条の十五第一
項において準用する第百五十七条第五項」と、第二十七条中「差押債権者及び債務者
」とあるのは「差押債権者、債務者及び電子債権記録機関」と、第百三十四条中「債
務者及び第三債務者」とあるのは「債務者、第三債務者及び電子債権記録機関」と、
「差押債権者」とあるのは「差押債権者及び電子債権記録機関」と、第百三十五条中
「法第百四十七条第一項」とあるのは「第百五十条の十五第一項において準用する法
第百四十七条第一項」と、同条第一項中「次に掲げる事項」とあるのは「次に掲げる
事項（電子債権記録機関にあつては、第二号に掲げる事項を除く。）」と、同項第一号
中「その種類及び額（金銭債権以外の債権にあつては、その内容）」とあるのは「その
金額、支払期日及び記録番号（電子記録債権法第十六条第一項第七号に規定する記
録番号をいう。）その他当該電子記録債権を特定するために必要な事項」と、同項第
四号中「仮差押え」とあるのは「仮差押え若しくは仮処分」と、「差押命令、差押処分
又は仮差押命令」とあるのは「差押命令又は仮差押命令若しくは仮処分命令」と、
第百三十六条第二項中「第三債務者に送達された場合」とあるのは「第三債務者及び
電子債権記録機関に送達された場合」と、「差押債権者及び第三債務者」とあるのは
「差押債権者、第三債務者及び電子債権記録機関」と、「第三債務者は差し押さえら
れた債権について支払又は引渡しをしてはならない」とあるのは「第三債務者は差
し押さえられた電子記録債権について支払をしてはならず、電子債権記録機関は差
し押さえられた電子記録債権について電子記録をしてはならない」と、第百三十七
条中「法第百五十五条第三項」とあるのは「第百五十条の十五第一項において準用
する法第百五十五条第三項」と、第百四十四条中「法第百六十四条第一項」とある
のは「第百五十条の十五第一項において準用する法第百六十四条第一項」と、第百
四十七条第二項中「前項」とあるのは「第百五十条の十五第一項において準用する
法第百四十七条第一項」と、前条第五項中「電子記録債権譲渡命令」とあるのは
「第百五十条の十五第一項において準用する法第百五十九条第一項に規定する転付
命令」と、法第八十四条第一項中「代金の納付があつた」とあり、同条第三項及び
第四項中「代金の納付」とあり、第五十九条第一項中「不動産の代金が納付され
た」とあり、並びに同条第二項中「代金が納付された」とあるのは「配当等を実
施すべきこととなつた」と、法第八十五条第一項中「第八十七条第一項各号に掲
げる各債権者」とあるのは「民事執行規則第百五十条の十五第一項において準用
する第百六十五条に規定する債権者」と読み替えるものとする。

Article 150-15 (1) The provisions of Article 144 of the Act (excluding the proviso to paragraph (2)), Articles 146, 147, 149, and 150 of the Act, Articles 153 through 155 of the Act, Articles 157 through 160 of the Act, Article 164 of the Act, and Article 166, paragraph (1) of the Act (excluding item (iii)) and the provisions of Articles 26 and 27, Articles 133 through 137, Article 144, and Article 147, paragraph (2) apply mutatis mutandis to Execution Against an Electronically Recorded Monetary Claim, the provisions of paragraph (5) of the

preceding Article apply mutatis mutandis when an assignment order becomes final and binding, and the provisions of Articles 84 and 85 of the Act, Articles 88 through 92 of the Act, and Article 165 of the Act (excluding item (iv)), and the provisions of Articles 59 through 62 apply mutatis mutandis to the procedure of Liquidating Distribution, etc. implemented by the execution court with regard to Execution Against an Electronically Recorded Monetary Claim. In this case, the phrase "obligor of such claim (hereinafter referred to as the 'third party obligor')" in Article 144, paragraph (2) of the Act is deemed to be replaced with "Electronic Monetary Claim Recording Institution which makes the Electronic Recording for said Electronically Recorded Monetary Claim," the term "third party obligor" in Article 147 of the Act, and Article 133, paragraph (1), Article 135, and Article 136, paragraphs (1) and (3) is deemed to be replaced with "Third Party Obligor and the Electronic Monetary Claim Recording Institution," the phrase "When a petition has been filed by the obligee effecting a seizure, the court clerk shall" in Article 147, paragraph (1) of the Act is deemed to be replaced with "The court clerk must," the phrase "paragraph (2) of the preceding Article" in Article 157, paragraph (4) of the Act is deemed to be replaced with "Article 150-12, paragraph (2) of the Rules of Civil Execution," the term "Article 150" in Article 164, paragraphs (1) and (5) of the Act is deemed to be replaced with "Article 150 as applied mutatis mutandis pursuant to Article 150-15, paragraph (1) of the Rules of Civil Execution," the term "court execution officer" in paragraphs (2) and (3) of said Article and Article 165, item (iii) of the Act is deemed to be replaced with "court execution officer or any other person that the execution court finds it to be reasonable," the term "Article 156, paragraph (1)" in Article 166, paragraph (1), item (i) of the Act and Article 165, item (i) of the Act is deemed to be replaced with "Article 150-12, paragraph (1) of the Rules of Civil Execution," the term "Article 157, paragraph (5)" in Article 166, paragraph (1), item (i) of the Act is deemed to be replaced with "Article 157, paragraph (5) as applied mutatis mutandis pursuant to Article 150-15, paragraph (1) of said Rules," the phrase "obligee effecting a seizure and the obligor" in Article 27 is deemed to be replaced with "obligee effecting a seizure, the obligor, and the Electronic Monetary Claim Recording Institution," the phrase "obligor and the third party obligor" in Article 134 is deemed to be replaced with "obligor, the Third Party Obligor, and the Electronic Monetary Claim Recording Institution," the term "obligee effecting a seizure" in said Article is deemed to be replaced with "obligee effecting a seizure and the Electronic Monetary Claim Recording Institution," the term "Article 147, paragraph (1) of the Act" in Article 135 is deemed to be replaced with "Article 147, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1)," the term "the following matters" in paragraph (1) of said Article is deemed to be replaced

with "the following matters (excluding the matter set forth in item (ii) in the case of the Electronic Monetary Claim Recording Institution)," the phrase "its type and amount (if this is a claim other than a monetary claim, its contents)" in item (i) of said paragraph is deemed to be replaced with "its amount, the due date for payment, and the Record Number (meaning the record number prescribed in Article 16, paragraph (1), item (vii) of the Electronically Recorded Monetary Claims Act), and other information needed to identify said Electronically Recorded Monetary Claim," the term "provisional seizure" in item (iv) of said paragraph is deemed to be replaced with "provisional seizure or provisional disposition," the phrase "order of seizure, disposition of seizure, or order of provisional seizure" in said item is deemed to be replaced with "order of seizure, order of provisional seizure, or order of provisional disposition," the phrase "served upon a third party obligor" in Article 136, paragraph (2) is deemed to be replaced with "served upon the Third Party Obligor and the Electronic Monetary Claim Recording Institution," the phrase "obligee effecting a seizure and the third party obligor" in said paragraph is deemed to be replaced with "obligee effecting a seizure, the Third Party Obligor, and the Electronic Monetary Claim Recording Institution," the phrase "third party obligor may not make a payment or delivery with regard to the seized claim" in said paragraph is deemed to be replaced with "Third Party Obligor may not make a payment with regard to the seized Electronically Recorded Monetary Claim, and the Electronic Monetary Claim Recording Institution may not make an Electronic Recording for the seized Electronically Recorded Monetary Claim," the term "Article 155, paragraph (3) of the Act" in Article 137 is deemed to be replaced with "Article 155, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1)," the term "Article 164, paragraph (1) of the Act" in Article 144 is deemed to be replaced with "Article 164, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1)," the term "the preceding paragraph" in Article 147, paragraph (2) is deemed to be replaced with "Article 147, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1)," the term "Order to Transfer an Electronically Recorded Monetary Claim" in paragraph (5) of the preceding Article is deemed to be replaced with "assignment order prescribed in Article 159, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1)," the phrase "the price has been paid" in Article 84, paragraph (1) of the Act, the phrase "the payment of the price" in paragraphs (3) and (4) of said Article, the phrase "the price for real property has been paid" in Article 59, paragraph (1), and the phrase "the price was paid" in paragraph (2) of said Article is deemed to be replaced with "implementation of Liquidating Distribution, etc. was decided on," and the phrase "each of the obligees set forth in the items of

Article 87, paragraph (1)" in Article 85, paragraph (1) of the Act is deemed to be replaced with "the obligee prescribed in Article 165 as applied mutatis mutandis pursuant to Article 150-15, paragraph (1) of the Rules of Civil Execution."

2 前項において準用する法第百五十三条第一項の規定による差押命令の一部を取り消す決定が効力を生じたときは、裁判所書記官は、その旨の変更記録を嘱託しなければならない。

(2) If an order becomes effective rescinding a part of an order of seizure under the provisions of Article 153, paragraph (1) of the Act as applied mutatis mutandis pursuant to the preceding paragraph, the court clerk must commission a person to make a recording of an alteration indicating this.

(債権執行の手続への移行)

(Procedure of Transfer to the Procedure of Execution Against a Claim)

第百五十条の十六 第百五十条の十第一項の差押命令が発せられている場合において、電子記録債権法第七十七条第一項の規定により差押えに係る電子記録債権が記録されている債権記録がその効力を失ったときは、事件は、当該電子記録債権の内容をその権利の内容とする指名債権に対する債権執行の手続に移行する。

Article 150-16 (1) If an order of seizure as referred to in Article 150-10, paragraph (1) is issued and the Monetary Claims Record in which the Electronically Recorded Monetary Claim subject to the seizure has been recorded pursuant to the provisions of Article 77, paragraph (1) of the Electronically Recorded Monetary Claims Act ceases to be effective, the case must be transferred to the procedure of execution against a claim for a nominative claim having the contents of said Electronically Recorded Monetary Claim.

2 前項の規定により債権執行の手続に移行したときは、既にされた執行処分その他の行為はなお効力を有する。

(2) If a case is transferred to the procedure of execution against a claim pursuant to the provisions of the preceding paragraph, any disposition of execution that has already been made and any other acts that have already been carried out remain effective.

3 第三債務者に差押命令が送達されている場合において、電子債権記録機関に差押命令が送達されていないときは、第一項に規定する指名債権に対する差押えの効力は、同項の規定による移行の時に生ずる。

(3) If the Third Party Obligor is served with an order of seizure but the Electronic Monetary Claim Recording Institution is not so served, the seizure of the nominative claim prescribed in paragraph (1) becomes effective at the time of the transfer under the provisions of said paragraph.

第三節 金銭の支払を目的としない請求権についての強制執行

Section 3 Compulsory Execution for a Claim not Intended for Payment of Money

(不動産の引渡し等の強制執行の際に採った措置の通知)

(Notice of the Measure Taken upon Compulsory Execution of Delivery, etc. of Real Property)

第百五十一条 執行官は、不動産等（法第百六十八条第一項に規定する不動産等をいう。以下この節において同じ。）の引渡し又は明渡しの強制執行をした場合において、不動産等の中に差押え又は仮差押え若しくは仮処分執行に係る動産があつたときは、これらの執行をした執行官に対し、その旨及び当該動産について採った措置を通知しなければならない。

Article 151 If the court execution officer carries out a compulsory execution involving the delivery or surrender of Real Property, etc. (meaning real property, etc. as prescribed in Article 168, paragraph (1) of the Act; hereinafter the same applies in this Section), and there were movables that are subject to an execution in respect of a seizure, provisional seizure, or provisional disposition inside the Real Property, etc., the court execution officer carrying out the execution against the Real Property, etc. must notify the court execution officer carrying out the execution against the movables of this and of the measure taken with regard to said movables.

(職務執行区域外における不動産の引渡し等の強制執行)

(Compulsory Execution of Delivery, etc. of Real Property outside the District for Performing Duties)

第百五十二条 執行官は、所属の地方裁判所の管轄区域の内外にまたがる不動産等について引渡し又は明渡しの強制執行をするときは、所属の地方裁判所の管轄区域外で職務を行うことができる。

Article 152 If the court execution officer is carrying out a compulsory execution involving the delivery or surrender of Real Property, etc. which is located both in and outside the jurisdictional district of the district court to which the court execution officer belongs, the officer may perform duties outside the jurisdictional district of the district court to which the officer belongs.

(不動産の引渡し等の執行調書)

(Record of Execution of Delivery, etc. of Real Property)

第百五十三条 不動産等の引渡し又は明渡しの強制執行をしたときに作成すべき調書には、第十三条第一項各号に掲げる事項のほか、次に掲げる事項を記載しなければならない。

Article 153 The record that must be prepared when a compulsory execution involving the delivery or surrender of Real Property, etc. is carried out must state the matters set forth in the items of Article 13, paragraph (1) as well as

the following matters:

一 強制執行の目的物でない動産を法第百六十八条第五項前段に規定する者に引き渡したときは、その旨

(i) if movables that are not the subject matter of the compulsory execution are delivered to any of the persons prescribed in the first sentence of Article 168, paragraph (5) of the Act, an indication of this;

二 前号の動産を売却したときは、その旨

(ii) if movables as referred to in the preceding item are sold, an indication of this; or

三 第一号の動産を保管したときは、その旨及び保管した動産の表示

(iii) if movables as referred to in item (i) have been retained, an indication of this and an indication of the retained movables.

(不動産の引渡し等の執行終了の通知)

(Notice of Termination of Execution of Delivery, etc. of Real Property)

第百五十四条 前条の強制執行が終了したときは、執行官は、債務者に対し、その旨を通知しなければならない。

Article 154 Once a compulsory execution as referred to in the preceding Article ends, the court execution officer must notify the obligor to that effect.

(強制執行の目的物でない動産の売却の手續等)

(Sale Process for Movables that Are Not the Subject Matter of Compulsory Execution)

第百五十四条の二 法第百六十八条第五項後段（同条第六項後段において準用する場合を含む。）の規定による売却の手續については、この条に定めるもののほか、動産執行の例による。

Article 154-2 (1) The sale process under the provisions of the second sentence of Article 168, paragraph (5) of the Act (including as applied mutatis mutandis pursuant to the second sentence of paragraph (6) of said Article) is governed by the same rules as for execution against movables, in addition to the provisions of this Article.

2 執行官は、不動産等の引渡し又は明渡しの強制執行の申立てがあつた場合において、法第百六十八条の二第一項に規定する明渡しの催告を実施したときは、これと同時に、当該申立てに基づく強制執行の実施予定日を定めた上、当該実施予定日に強制執行の目的物でない動産であつて法第百六十八条第五項の規定による引渡しをすることができなかつたものが生じたときは、当該実施予定日にこれを同項後段の規定により強制執行の場所において売却する旨を決定することができる。この場合において、執行官は、売却すべき動産の表示の公告に代えて、当該実施予定日において法第百六十八条第五項の規定による引渡しをすることができなかつた動産を売却する旨を公告すれば足りる。

(2) If a petition is filed for compulsory execution of the delivery or surrender of

Real Property, etc. and the court execution officer makes a demand for delivery or surrender as prescribed in Article 168-2, paragraph (1) of the Act, the officer may simultaneously specify a scheduled implementation date for compulsory execution based on said petition, and if movables that are not the subject matter of the compulsory execution and that could not be delivered under the provisions of Article 168, paragraph (5) of the Act arise on said scheduled implementation date, the officer may decide to sell such movables at the place of compulsory execution pursuant to the provisions of the second sentence of said paragraph on said scheduled implementation date. In this case, it is sufficient for the court execution officer to issue public notice indicating that movables that could not be delivered under the provisions of Article 168, paragraph (5) of the Act will be sold on said scheduled implementation date, in lieu of issuing public notice indicating the movables to be sold.

3 執行官は、不動産等の引渡し又は明渡しの強制執行を行つた日（以下この項において「断行日」という。）において、強制執行の目的物でない動産であつて法第六十八条第五項の規定による引渡しをすることができなかつたものが生じ、かつ、相当の期間内に当該動産を同項前段に規定する者に引き渡すことができる見込みがないときは、即日当該動産を売却し、又は断行日から一週間未満の日を当該動産の売却の実施の日として指定することができる。この場合において、即日当該動産を売却するときは、第百十五条（第百二十条第三項において準用する場合を含む。）各号に掲げる事項を公告することを要しない。

(3) If, on the day that a compulsory execution of the delivery or surrender of Real Property, etc. was carried out (hereinafter referred to as the "Actual Implementation Date" in this paragraph), movables that are not the subject matter of the compulsory execution and that could not be delivered under the provisions of Article 168, paragraph (5) of the Act have arisen, and there is no likelihood that said movables can be delivered to any of the persons prescribed in the first sentence of said paragraph within a reasonable period, the court execution officer may sell said movables on the same day, or designate a day that falls less than one week from the Actual Implementation Date as the day of implementation of a sale of said movables. In this case, if said movables are sold on the same day, there is no requirement to issue public notice of the matters set forth in the items of Article 115 (including as applied *mutatis mutandis* pursuant to Article 120, paragraph (3)).

4 前項の規定は、高価な動産については、適用しない。

(4) The provisions of the preceding paragraph does not apply to movables of high value.

5 執行官は、不動産等の引渡し又は明渡しの強制執行の申立てをした債権者に対し、明渡しの催告の実施又は強制執行の開始の前後を問わず、債務者の占有の状況、引渡し又は明渡しの実現の見込み等についての情報の提供その他の手続の円滑な進行のために必要な協力を求めることができる。

(5) The court execution officer may request the obligee filing the petition for compulsory execution of the delivery or surrender of Real Property, etc. to provide information including the status of possession by the obligor and the probability of achieving the delivery or surrender, and to provide any other necessary cooperation for the smooth progress of the procedure, whether before or after making a demand for surrender or commencing compulsory execution.

(明渡しの催告等)

(Demand for Surrender, etc.)

第百五十四条の三 法第百六十八条の二第一項に規定する明渡しの催告は、やむを得ない事由がある場合を除き、不動産等の引渡し又は明渡しの強制執行の申立てがあつた日から二週間以内の日に実施するものとする。

Article 154-3 (1) A demand for surrender as prescribed in Article 168-2, paragraph (1) of the Act is to be made on a day that falls within two weeks after the day that the petition for compulsory execution involving the delivery or surrender of Real Property, etc. is filed, unless there is a compelling reason for this to be otherwise.

2 第二十七条の三の規定は、法第百六十八条の二第三項の規定による公示をする場合について準用する。

(2) The provisions of Article 27-3 apply mutatis mutandis when the public notice under the provisions of Article 168-2, paragraph (3) of the Act is issued.

(動産の引渡しの強制執行)

(Compulsory Execution of Delivery of Movables)

第百五十五条 執行官は、動産（法第百六十九条第一項に規定する動産をいう。以下この条において同じ。）の引渡しの強制執行の場所に債権者又はその代理人が出頭しない場合において、当該動産の種類、数量等を考慮してやむを得ないと認めるときは、強制執行の実施を留保することができる。

Article 155 (1) If the obligee or the agent thereof fails to appear at the place of compulsory execution of the delivery of Movables (meaning movables as prescribed in Article 169, paragraph (1) of the Act; hereinafter the same applies in this Article), and the court execution officer finds it to be unavoidable in consideration of the type, quantity, etc. of the Movables, the court execution officer may defer the implementation of the compulsory execution.

2 執行官は、動産の引渡しの強制執行の場所に債権者又はその代理人が出頭しなかつた場合において、債務者から動産を取り上げたときは、これを保管しなければならない。

(2) If the obligee or the agent thereof fails to appear at the place of compulsory execution for the delivery of Movables and the court execution officer confiscates Movables from the obligor, the court execution officer must retain

such Movables.

3 第一条及び第一百五十三条から第五十四条の二（同条第二項を除く。）までの規定は、動産の引渡しの強制執行について準用する。

(3) The provisions of Article 101 and Articles 153 through 154-2 (excluding paragraph (2) of said Article) apply mutatis mutandis to compulsory execution of the delivery of Movables.

（目的物を第三者が占有する場合の引渡しの強制執行）

(Compulsory Execution of Delivery When a Third Party Possesses the Subject Matter of Compulsory Execution)

第一百五十六条 第一百三十三条から第三十五条までの規定は、第三者が強制執行の目的物を占有している場合における物の引渡しの強制執行について準用する。

Article 156 The provisions of Articles 133 through 135 apply mutatis mutandis to compulsory execution of the delivery of objects if a third party possesses the subject matter of the compulsory execution.

（執行文付与の申立書の記載事項）

(Matters to Be Stated in a Written Petition for Grant of a Certificate of Execution)

第一百五十七条 法第一百七十四条第二項又は第三項の規定による執行文の付与の申立書には、第十六条第一項各号に掲げる事項のほか、これらの規定による執行文の付与を求め旨及びその事由を記載しなければならない。

Article 157 A written petition for the grant of a certificate of execution under the provisions of Article 174, paragraph (2) or (3) of the Act must state the matters set forth in the items of Article 16, paragraph (1), as well as that the petitioner is requesting the grant of a certificate of execution under these provisions and the grounds therefor.

第一百五十八条から第六十九条まで 削除

Articles 158 to 169 Deleted

第三章 担保権の実行としての競売等

Chapter III Auction, etc. for Exercise of a Security Interest

（担保権の実行の申立書の記載事項）

(Matters to Be Stated in a Written Petition to Exercise a Security Interest)

第七十条 担保権の実行（法第九十三条第一項後段の規定による担保権の行使を含む。次条及び第七十二条において同じ。）の申立書には、次に掲げる事項を記載しなければならない。

Article 170 (1) A written petition to exercise a security interest (including the extended exercise of a security interest under the provisions of the second

sentence of Article 193, paragraph (1) of the Act; the same applies in the following Article and Article 172) must state the following matters:

一 債権者、債務者及び担保権の目的である権利の権利者の氏名又は名称及び住所並びに代理人の氏名及び住所

(i) the names and addresses of the obligee, the obligor, and the holder of the right which is the subject matter of the security interest, and the names and addresses of their agents;

二 担保権及び被担保債権の表示

(ii) an indication of the security interest and the secured claim;

三 担保権の実行又は行使に係る財産の表示及び求める担保権の実行の方法

(iii) an indication of the property subject to the security interest under exercise or extended exercise and the way in which the person is requesting to exercise the security interest; and

四 被担保債権の一部について担保権の実行又は行使をするときは、その旨及びその範囲

(iv) if the security interest under exercise or extended exercise is for a part of the secured claim, an indication of this and the scope thereof.

2 担保不動産競売の申立書には、申立人が当該担保不動産に係る法第百八十七条第一項の申立てをした場合にあつては、前項各号に掲げる事項のほか、当該申立てに係る事件の表示を記載しなければならない。

(2) If a petitioner files a petition as referred to in Article 187, paragraph (1) of the Act in connection with secured property, the written petition for a secured real property auction must state the matters set forth in the items of the preceding paragraph, as well as an indication of the case connected with said petition.

3 担保不動産収益執行の申立書には、第一項各号に掲げる事項のほか、給付義務者を特定するに足りる事項及び給付請求権の内容であつて申立人に知っているものを記載しなければならない。

(3) A written petition for execution against earnings from secured real property must state the matters set forth in the items of paragraph (1), as well as any information sufficient to identify the Person Obligated to Deliver and the contents of the Delivery Claim which is known to the petitioner.

(担保権の実行が開始された後の差押債権者の承継の通知)

(Notice of Succession of the Status of the Obligee Effecting Seizure after Commencement of Exercise of a Security Interest)

第七十一条 担保権の実行が開始された後の差押債権者の承継についてこれを証する文書が提出されたときは、裁判所書記官又は執行官は、債務者及び担保権の目的である権利の権利者に対し、その旨を通知しなければならない。

Article 171 If a document is submitted evidencing the succession of the status of the obligee effecting a seizure after the commencement of the exercise of a

security interest, the court clerk or court execution officer must notify the obligor and the holder of the right which is the subject matter of the security interest to that effect.

(配当要求債権者に対する執行力のある債務名義の正本の交付)

(Issuance of an Enforceable Authenticated Copy of the Title of Obligation to an Obligee Demanding Liquidating Distribution)

第百七十二条 第六十二条の規定は、担保権の実行において執行力のある債務名義の正本により配当要求がされた場合について準用する。

Article 172 The provisions of Article 62 apply mutatis mutandis when a demand for liquidating distribution is made based on an enforceable authenticated copy of a title of obligation in the exercise of a security interest.

(担保不動産競売の開始決定前の保全処分等の申立ての方式等)

(Formalities of Filing a Petition for a Provisional Order prior to a Commencement Order for a Secured Real Property Auction, etc.)

第百七十二条の二 法第百八十七条第一項の申立ては、次に掲げる事項を記載した書面で行なければならない。

Article 172-2 (1) A petition as referred to in Article 187, paragraph (1) of the Act must be filed through the submission of a document stating the following matters:

一 第二十七条の二第一項第一号、第二号及び第四号に掲げる事項

(i) the matters set forth in Article 27-2, paragraph (1), items (i), (ii) and (iv);

二 債務者及び不動産の所有者（不動産とみなされるものにあつては、その権利者の氏名又は名称及び住所（代理人がある場合にあつては、その氏名及び住所）

(ii) the names and addresses of the obligor and the owner of real property (for what is deemed to be real property, its right holder) (when there is an agent, the name and address thereof); and

三 担保権及び被担保債権の表示

(iii) an indication of the security interest and the secured claim.

2 前項の書面には、次に掲げる文書を添付しなければならない。

(2) The document referred to in the preceding paragraph must be accompanied by the following documents:

一 担保権の目的である不動産の登記事項証明書

(i) a certificate of registered matters of real property which is the subject matter of the security interest; and

二 法第百八十七条第三項の規定による提示に係る文書（法第百八十一条第一項第三号に掲げる文書を除く。）の写し

(ii) a copy of the documents to be presented under the provisions of Article 187, paragraph (3) of the Act (excluding the document set forth in Article 181, paragraph (1), item (iii) of the Act).

3 法第百八十七条第四項の文書には、当該担保不動産競売の申立てに係る事件の表示を記載しなければならない。

(3) A document as referred to in Article 187, paragraph (4) of the Act must state an indication of the case connected with the petition for the secured real property auction.

4 第二十七条の二第二項の規定は第一項の書面について、第二十七条の三の規定は法第百八十七条第一項に規定する公示保全処分の執行について、第二十七条の四の規定は法第百八十七条第五項において準用する法第五十五条の二第一項の規定による決定を執行した場合について準用する。

(4) The provisions of Article 27-2, paragraph (2) apply mutatis mutandis to the document referred to in paragraph (1), the provisions of Article 27-3 apply mutatis mutandis to execution of the provisional order to issue public notice prescribed in Article 187, paragraph (1) of the Act, and the provisions of Article 27-4 apply mutatis mutandis to the case of having executed an order under the provisions of Article 55-2, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 187, paragraph (5) of the Act.

(不動産執行の規定の準用)

(Application Mutatis Mutandis of Provisions on Execution of Real Property)

第百七十三条 前章第二節第一款第一目の規定（次に掲げる規定を除く。）は、担保不動産競売について準用する。

Article 173 (1) The provisions of Section 2, Subsection 1, Division 1 of the preceding Chapter (excluding the following provisions) apply mutatis mutandis to a secured real property auction:

一 第二十三条中執行力のある債務名義の正本に係る部分

(i) the portion related to an enforceable authenticated copy of a title of obligation in Article 23; and

二 第六十二条

(ii) Article 62.

2 前章第二節第一款第二目の規定（次に掲げる規定を除く。）は、担保不動産収益執行について準用する。

(2) The provisions of Section 2, Subsection 1, Division 2 of the preceding Chapter (excluding the following provisions) apply mutatis mutandis to execution against earnings from secured real property:

一 第六十三条第一項

(i) Article 63, paragraph (1); and

二 第七十三条（前項各号に掲げる規定を準用する部分に限る。）

(ii) Article 73 (limited to the portion that applies mutatis mutandis the provisions set forth in the items of the preceding paragraph).

第百七十三条の二 削除

Article 173-2 Deleted.

(船舶の競売)

(Auction of a Vessel)

第百七十四条 船舶を目的とする担保権の実行としての競売の申立書には、第百七十条第一項各号に掲げる事項のほか、船舶の所在する場所並びに船長の氏名及び現在する場所を記載しなければならない。

Article 174 (1) A written petition for an auction for the exercise of a security interest in a vessel must state the matters set forth in the items of Article 170, paragraph (1), as well as the place where the vessel is located and the name and current location of the captain of the vessel.

2 執行裁判所は、競売の申立人の申立てにより、当該申立人に対抗することができる権原を有しない船舶の占有者に対し、船舶国籍証書等を執行官に引き渡すべき旨を命ずることができる。

(2) Upon petition by the petitioner for an auction, the execution court may order the possessor of a vessel without a title that may be duly asserted against said petitioner to deliver the Certificate of the Vessel's Nationality, etc. to the court execution officer.

3 前項の申立てについての裁判に対しては、執行抗告をすることができる。

(3) An appeal may be filed against the execution of a judicial decision regarding the petition referred to in the preceding paragraph.

4 第二項の規定による決定は、相手方に送達される前であつても、執行することができる。

(4) An order under the provisions of paragraph (2) may be executed even prior to its service upon the opposite party.

5 前章第二節第二款（第七十四条中申立書の記載事項及び執行力のある債務名義の正本に係る部分並びに第八十三条において準用する第六十二条を除く。）の規定は、船舶を目的とする担保権の実行としての競売について準用する。

(5) The provisions of Section 2, Subsection 2 of the preceding Chapter (excluding the portion related to the matters to be stated in a written petition and related to an enforceable authenticated copy of a title of obligation in Article 74, and Article 62 as applied mutatis mutandis pursuant to Article 83) apply mutatis mutandis to an auction for the exercise of a security interest in a vessel.

(航空機の競売)

(Auction of an Aircraft)

第百七十五条 航空機を目的とする担保権の実行としての競売については、法第八十一条から法第八十四条まで並びに前章第二節第三款（第八十四条において準用する第七十四条中申立書の記載事項及び執行力のある債務名義の正本に係る部分並びに第八十四条において準用する第八十三条において準用する第六十二条を除く。）及び前条（第五項を除く。）の規定を準用する。この場合において、同条第一項中「並びに

船長の氏名及び現在する場所を記載し」とあるのは「を記載し」と、同条第二項中「船舶国籍証書等」とあるのは「航空機登録証明書等」と読み替えるものとする。

Article 175 With regard to an auction for the exercise of a security interest in an Aircraft, the provisions of Articles 181 through 184 of the Act, Section 2, Subsection 3 of the preceding Chapter (excluding the portion related to the matters to be stated in a written petition and related to an enforceable authenticated copy of a title of obligation in Article 74 as applied mutatis mutandis pursuant to Article 84, and Article 62 as applied mutatis mutandis pursuant to Article 83 as applied mutatis mutandis pursuant to Article 84), and the preceding Article (excluding paragraph (5)) apply mutatis mutandis. In this case, the phrase " is located and the name and current location of the captain of the vessel" in paragraph (1) of said Article is deemed to be replaced with " is located," and the term "Certificate of the Vessel's Nationality, etc." in paragraph (2) of said Article is deemed to be replaced with "Aircraft registration certificate, etc."

(自動車の競売)

(Auction of an Automobile)

第百七十六条 自動車を目的とする担保権の実行としての競売の申立書には、第百七十条第一項各号に掲げる事項のほか、自動車の本拠を記載し、自動車登録ファイルに記載されている事項を証明した文書を添付しなければならない。

Article 176 (1) A written petition for an auction for the exercise of a security interest in an Automobile must state the matters set forth in the items of Article 170, paragraph (1), as well as the Principal Place of Use of the Automobile, and must be accompanied by a document evidencing the matters stated in the Automobile registration file.

2 法第百八十一条から法第百八十四条まで並びに前章第二節第四款（第八十八条及び第九十七条において準用する第六十二条を除く。）及び第百七十四条第二項から第四項までの規定は、自動車を目的とする担保権の実行としての競売について準用する。この場合において、同条第二項中「船舶国籍証書等」とあるのは、「自動車」と読み替えるものとする。

(2) The provisions of Articles 181 through 184 of the Act and the provisions of Section 2, Subsection 4 of the preceding Chapter (excluding Article 88 and Article 62 as applied mutatis mutandis pursuant to Article 97) and Article 174, paragraphs (2) through (4) apply mutatis mutandis to an auction for the exercise of a security interest in an Automobile. In this case, the term "Certificate of the Vessel's Nationality, etc." in paragraph (2) of said Article is deemed to be replaced with "Automobile."

(建設機械の競売)

(Auction of Construction Machinery)

第百七十七条 建設機械を目的とする担保権の実行としての競売については、前条の規定を準用する。この場合において、同条第一項中「自動車の本拠」とあり、及び同条第二項において準用する第八十七条第一項中「自動車の自動車登録ファイルに登録された使用の本拠の位置（以下「自動車の本拠」という。）」とあるのは、「建設機械の登記の地」と読み替えるものとする。

Article 177 With regard to an auction for the exercise of a security interest in Construction Machinery, the provisions of the preceding Article apply mutatis mutandis. In this case, the phrase "the Principal Place of Use of the Automobile" in paragraph (1) of said Article and the phrase "the principal place of use registered in the Automobile registration file of said Automobile (hereinafter referred to as the 'Principal Place of Use of the Automobile')" in Article 87, paragraph (1) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is deemed to be replaced with "the place of registration of the Construction Machinery."

(小型船舶の競売)

(Auction of a Small-sized Vessel)

第百七十七条の二 小型船舶を目的とする先取特権の実行としての競売については、第百七十六条（同条第二項において準用する法第百八十一条第一項第三号及び第二項並びに法第百八十三条第一項第四号を除く。）の規定を準用する。この場合において、第百七十六条第一項中「自動車の本拠」とあり、及び同条第二項において準用する第八十七条第一項中「自動車の自動車登録ファイルに登録された使用の本拠の位置（以下「自動車の本拠」という。）」とあるのは「小型船舶の小型船舶登録原簿に登録された船籍港」と、第百七十六条第二項において準用する法第百八十一条第一項第四号中「一般の先取特権」とあるのは「先取特権」と読み替えるものとする。

Article 177-2 With regard to an auction for the exercise of a statutory lien in a Small-sized Vessel, the provisions of Article 176 (excluding Article 181, paragraph (1), item (iii) and paragraph (2) of the Act and Article 183, paragraph (1), item (iv) of the Act as applied mutatis mutandis pursuant to paragraph (2) of Article 176) apply mutatis mutandis. In this case, the phrase "the Principal Place of Use of the Automobile" in Article 176, paragraph (1) and the phrase "the principal place of use registered in the Automobile registration file of said Automobile (hereinafter referred to as the 'Principal Place of Use of the Automobile')" in Article 87, paragraph (1) as applied mutatis mutandis pursuant to paragraph (2) of said Article is deemed to be replaced with "the port of registry registered in the Small-sized Vessel registry of the Small-sized Vessel" and the phrase "general statutory lien" in Article 181, paragraph (1), item (iv) of the Act as applied mutatis mutandis pursuant to Article 176, paragraph (2) is deemed to be replaced with "statutory lien."

(動産競売)

(Auction of Movables)

第百七十八条 動産競売の申立書には、第百七十条第一項各号に掲げる事項のほか、差し押さえるべき動産が所在する場所を記載しなければならない。

Article 178 (1) A written petition for an auction of movables must state the matters set forth in the items of Article 170, paragraph (1), as well as the place where the movables to be seized are located.

2 法第百九十条第二項の許可の申立ては、前項に規定する事項（第百七十条第一項第四号に掲げる事項を除く。）を記載した書面によらなければならない。

(2) A petition for the permission referred to in Article 190, paragraph (2) of the Act must be filed through the submission of a document stating the matters prescribed in the preceding paragraph (excluding the matters set forth in Article 170, paragraph (1), item (iv)).

3 前章第二節第六款（第九十九条、第百条及び第二百二十九条を除く。）の規定は動産競売について、第百条の規定は一般の先取特権の実行としての動産競売について準用する。

(3) The provisions of Section 2, Subsection 6 of the preceding Chapter (excluding Articles 99, 100, and 129) apply mutatis mutandis to an auction of movables, and the provisions of Article 100 apply mutatis mutandis to an auction of movables for the exercise of a general statutory lien.

(債権を目的とする担保権の実行等)

(Exercise of a Security Interest in a Claim, etc.)

第百七十九条 債権を目的とする担保権の実行又は法第百九十三条第一項後段の規定による担保権の行使の申立書には、第百七十条第一項各号に掲げる事項のほか、第三債務者の氏名又は名称及び住所を記載しなければならない。

Article 179 (1) A written petition for the exercise of a security interest in a claim or for the extended exercise of a security interest under the provisions of the second sentence of Article 193, paragraph (1) of the Act must state the matters set forth in the items of Article 170, paragraph (1), as well as the name and address of the Third Party Obligor.

2 第百三十三条（第一項を除く。）から第百四十五条（同条において準用する第六十二条を除く。）までの規定は、前項に規定する担保権の実行又は行使について準用する。

(2) The provisions of Article 133 (excluding paragraph (1)) through Article 145 (excluding Article 62 as applied mutatis mutandis pursuant to said Article) apply mutatis mutandis to the exercise or extended exercise of a security interest as prescribed in the preceding paragraph.

(その他の財産権を目的とする担保権の実行)

(Exercise of a Security Interest in Any Other Property Right)

第百八十条 電話加入権を目的とする担保権の実行の申立書には、東日本電信電話株式

会社又は西日本電信電話株式会社の電話加入権に関する帳簿に記載した事項を証明した文書を添付しなければならない。

Article 180 (1) A written petition to exercise a security interest in a Telephone Subscription Right must be accompanied by a document evidencing the matters stated in the books concerning Telephone Subscription Rights of Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation.

2 第四百四十六条（第二項を除く。）から第四百四十九条までの規定は前項の担保権の実行について、第四百四十九条の二（同条において準用する第四百四十六条第二項を除く。）及び前項の規定はその他の財産権で権利の移転について登記又は登録を要するものを目的とする担保権の実行について準用する。

(2) The provisions of Article 146 (excluding paragraph (2)) through Article 149 apply mutatis mutandis to the exercise of a security interest as referred to in the preceding paragraph, and the provisions of Article 149-2 (excluding Article 146, paragraph (2) as applied mutatis mutandis pursuant to said Article) and the preceding paragraph apply mutatis mutandis to the exercise of a security interest in Any Other Property Right for which registration is required in the case of a transfer of the right.

（振替社債等に関する担保権の実行）

(Exercise of a Security Interest in Book-entry Transfer Company Bonds, etc.)

第百八十条の二 振替社債等に関する質権の実行の申立書には、社債、株式等の振替に関する法律第二百七十七条の規定により交付を受けた当該質権に関する事項を証明した書面を添付しなければならない。

Article 180-2 (1) A written petition for the exercise of a pledge over Book-entry Transfer Company Bonds, etc. must be accompanied by a document evidencing the particulars of that pledge which has been issued pursuant to the provisions of Article 277 of the Act on Book-entry Transfer of Company Bonds, Shares, etc.

2 法第百八十二条から法第百八十四条まで、法第百九十三条第一項前段及び法第百九十四条並びに前章第二節第八款（第百五十条の八において準用する法第百四十六条第二項並びに第六十二条及び第百三十三条第一項を除く。）及び第七十九条第一項の規定は振替社債等に関する担保権の実行について、法第百四十六条第二項の規定は振替社債等に関する一般の先取特権の実行について準用する。この場合において、第七十九条第一項中「第三債務者」とあるのは、「振替機関等」と読み替えるものとする。

(2) The provisions of Articles 182 through 184 of the Act, the first sentence of Article 193, paragraph (1) of the Act, and Article 194 of the Act, and the provisions of Section 2, Subsection 8 of the preceding Chapter (excluding Article 146, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 150-8, and Article 62 and Article 133, paragraph (1)), and Article 179, paragraph (1) apply mutatis mutandis to the exercise of a security interest

with regard to Book-entry Transfer Company Bonds, etc., and the provisions of Article 146, paragraph (2) of the Act apply mutatis mutandis to the exercise of a general statutory lien with regard to Book-entry Transfer Company Bonds, etc. In this case, the term "Third Party Obligor" in Article 179, paragraph (1) is deemed to be replaced with "Book-entry Transfer Institution, etc."

(電子記録債権に関する担保権の実行等)

(Exercise of a Security Interest in an Electronically Recorded Monetary Claim, etc.)

第百八十条の三 電子記録債権に関する担保権の実行は、担保権の存在を証する文書（電子記録債権を目的とする質権については、電子記録債権法第八十七条第一項の規定により提供を受けた当該質権に関する事項を証明した書面）が提出されたときに限り、開始する。

Article 180-3 (1) The exercise of a security interest in an Electronically Recorded Monetary Claim commences only once a document evidencing the existence of the security interest (with regard to a pledge on an Electronically Recorded Monetary Claim, a document evidencing matters concerning said pledge which has been provided pursuant to the provisions of Article 87, paragraph (1) of the Electronically Recorded Monetary Claims Act) has been submitted.

2 電子記録債権を目的とする質権について承継があつた後当該質権の実行の申立てをする場合には、相続その他の一般承継にあつてはその承継を証する文書を、その他の承継にあつてはその承継を証する裁判の謄本その他の公文書を提出しなければならない。

(2) When a petition is filed for the exercise of a pledge on an Electronically Recorded Monetary Claim after said pledge has been succeeded to, a document evidencing such succession must be submitted if such succession constitutes inheritance or any other general succession, and a transcript of the judicial decision or other official document evidencing such succession must be submitted if such succession is other than a general succession.

3 法第九百九十三条第一項前段の規定は電子記録債権に対する同項後段に規定する担保権の行使について、法第八十二条から法第八十四条まで及び法第九十四条並びに前章第二節第九款（第五百五十条の十五第一項において準用する法第四百四十六条第二項及び法第五百五十三条並びに第六十二条及び第三百三十三条第一項を除く。）及び第七百七十九条第一項の規定は電子記録債権に関する担保権の実行及び電子記録債権に対する法第九百九十三条第一項後段に規定する担保権の行使について、法第四百四十六条第二項及び法第五百五十三条の規定は電子記録債権に関する一般の先取特権の実行及び電子記録債権に対する法第九百九十三条第一項後段に規定する一般先取特権の行使について準用する。この場合において、第七百七十九条第一項中「第三債務者」とあるのは「第三債務者及び電子債権記録機関」と読み替えるものとする。

(3) The provisions of the first sentence of Article 193, paragraph (1) of the Act apply mutatis mutandis to the extended exercise of a security interest as

prescribed in the second sentence of said paragraph against an Electronically Recorded Monetary Claim, the provisions of Articles 182 through 184 of the Act and Article 194 of the Act, and the provisions of Section 2, Subsection 9 of the preceding Chapter (excluding Article 146, paragraph (2) of the Act and Article 153 of the Act as applied mutatis mutandis pursuant to Article 150-15, paragraph (1) and Article 62 and Article 133, paragraph (1)) and Article 179, paragraph (1) apply mutatis mutandis to the exercise of a security interest with regard to an Electronically Recorded Monetary Claim and the extended exercise of a security interest as prescribed in the second sentence of Article 193, paragraph (1) of the Act against an Electronically Recorded Monetary Claim, and the provisions of Article 146, paragraph (2) of the Act and Article 153 of the Act apply mutatis mutandis to the exercise of a general statutory lien with regard to an Electronically Recorded Monetary Claim and the extended exercise of a general statutory lien as prescribed in the second sentence of Article 193, paragraph (1) of the Act against an Electronically Recorded Monetary Claim. In this case, the term "Third Party Obligor" in Article 179, paragraph (1) is deemed to be replaced with "Third Party Obligor and the Electronic Monetary Claim Recording Institution."

(遺産の分割のための競売における換価代金の交付)

(Delivery of the Realization Price in an Auction for Division of an Estate)

第百八十一条 家事審判法（昭和二十二年法律第百五十二号）第十五条の四第一項の規定による審判に基づいて競売が申し立てられた場合において、換価が終了したときは、執行裁判所又は執行官は、換価代金から競売の費用で必要なものを控除した金銭を、家事審判規則（昭和二十二年最高裁判所規則第十五号）第百六条第一項において準用する同規則第二十三条第一項の規定に基づいて選任された財産の管理者に交付しなければならない。

Article 181 If a petition for an auction is filed based on an adjudication under the provisions of Article 15-4, paragraph (1) of the Domestic Relations Trial Act (Act No. 152 of 1947) and the realization has ended, the execution court or court execution officer must deliver money in the amount of the realization price less the necessary auction costs to the administrator of the property that has been appointed based on the provisions of Article 23, paragraph (1) of the Rules on Domestic Relations Trial (Rules of the Supreme Court Act No. 15 of 1947) as applied mutatis mutandis pursuant to Article 106, paragraph (1) of said Rules.

第四章 財産開示手続

Chapter IV Property Disclosure Procedure

(財産開示手続の申立書の記載事項)

(Matters to Be Stated in a Written Petition for a Property Disclosure Procedure)

第百八十二条 法第百九十七条第一項又は第二項の規定による財産開示手続の申立書には、当事者の氏名又は名称及び住所、代理人の氏名及び住所並びに申立ての理由を記載しなければならない。

Article 182 (1) A written petition for a property disclosure procedure under the provisions of Article 197, paragraph (1) or (2) of the Act must state the names and addresses of the parties concerned, the names and addresses of their agents, and the reasons for the petition.

2 第二十七条の二第二項の規定は、前項の申立書について準用する。

(2) The provisions of Article 27-2, paragraph (2) apply mutatis mutandis to a written petition as referred to in the preceding paragraph.

(財産目録)

(Inventory of Property)

第百八十三条 執行裁判所は、法第百九十八条第一項の規定により財産開示期日を指定するときは、当該財産開示期日以前の日を法第百九十九条第一項に規定する開示義務者が財産目録を執行裁判所に提出すべき期限として定め、これを当該開示義務者に通知しなければならない。

Article 183 (1) When designating the property disclosure date pursuant to the provisions of Article 198, paragraph (1) of the Act, the execution court must set a day on or before said property disclosure date as the time limit for the person obliged to disclose as prescribed in Article 199, paragraph (1) of the Act to submit an inventory of property to the execution court, and must notify said person obliged to disclose thereof.

2 前項の開示義務者は、財産開示期日における陳述の対象となる債務者の財産を、財産目録に記載しなければならない。この場合においては、法第百九十九条第二項の規定を準用する。

(2) A person obliged to disclose as referred to in the preceding paragraph must state in the inventory of property the property of the obligor which will be subject to the statement on the property disclosure date. In this case, the provisions of Article 199, paragraph (2) of the Act apply mutatis mutandis.

3 第一項の開示義務者は、同項の期限までに、執行裁判所に財産目録を提出しなければならない。

(3) A person obliged to disclose as referred to in paragraph (1) must submit an inventory of property to the execution court by the time limit referred to in said paragraph.

(財産開示期日における陳述において明示すべき事項)

(Matters to Be Clearly Indicated in a Statement on the Property Disclosure Date)

第百八十四条 法第百九十九条第二項（前条第二項後段において準用する場合を含む。）の最高裁判所規則で定める事項は、次に掲げる事項とする。

Article 184 The matters specified by the Rules of the Supreme Court which are referred to in Article 199, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to the second sentence of paragraph (2) of the preceding Article) are the following matters:

一 第二章第二節第三款から第五款まで、第八款及び第九款の規定による強制執行の申立てをするのに必要となる事項

(i) matters necessary to the filing of a petition for compulsory execution under the provisions of Chapter II, Section 2, Subsections 3 through 5, and Subsections 8 and 9;

二 第百七十五条から第百七十七条の二まで、第百八十条の二及び第百八十条の三の規定による担保権の実行の申立てをするのに必要となる事項

(ii) matters necessary to the filing of a petition for the exercise of a security interest under the provisions of Articles 175 through 177-2, and Articles 180-2 and 180-3; and

三 債務者の財産が動産である場合にあつては、その所在場所ごとに、主要な品目、その数量及び価格（他から購入した動産にあつては購入時期及び購入価格を含む。）

(iii) if the property of the obligor is movables, the main property items, and their quantity and price (for movables purchased from another person, this also includes the time of purchase and the purchase price) for each location of the property.

（開示義務者の宣誓）

(Swearing In the Person Obligated to Disclose Under Oath)

第百八十五条 執行裁判所が法第百九十九条第七項において準用する民事訴訟法第二百一条第一項の規定により開示義務者に宣誓をさせる場合には、裁判長は、宣誓の前に、開示義務者に対して、宣誓の趣旨及び法第二百六条第一項第二号の規定の内容を説明しなければならない。

Article 185 (1) Before the execution court swears in a person obliged to disclose pursuant to the provisions of Article 201, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 199, paragraph (7) of the Act, the presiding judge must explain to the person obliged to disclose what it means to be sworn in and the contents of the provisions of Article 206, paragraph (1), item (ii) of the Act.

2 民事訴訟規則第百十二条第一項から第四項までの規定は、開示義務者の宣誓について準用する。

(2) The provisions of Article 112, paragraphs (1) through (4) of the Rules of Civil Procedure apply mutatis mutandis to swearing in a person obliged to disclose.

(受命裁判官等の権限)

(Powers of an Authorized Judge, etc.)

第百八十六条 法第百九十九条第七項において準用する民事訴訟法第百九十五条の規定により受命裁判官又は受託裁判官が財産開示期日における手続を実施する場合における法第二百条第一項の許可の申立てについての裁判は、執行裁判所がする。

Article 186 If an authorized judge or a commissioned judge implements the procedure on the property disclosure date pursuant to the provisions of Article 195 of the Code of Civil Procedure as applied *mutatis mutandis* pursuant to Article 199, paragraph (7) of the Act, the judicial decision regarding the petition for the permission referred to in Article 200, paragraph (1) of the Act is issued by the execution court.