

When The Bailiff Comes Knocking

BODY:

Q I HAD told my husband many times to settle whatever credit card debt he had incurred but he did not listen to me. And he has not been giving me any household support.

Recently, a court order was issued to allow a bank to seize assets in our HDB flat. I do not have anything to do with his debt. My query is what will happen to most of the things I purchased such as our TV, video recorder, washing machine and dryer?

I've found some receipts, credit card statements and bank statements. If I paste them on items belonging to me, will the bailiff still take them away? Will they also seize my bank balances, valuables, pet dog, etc? Also, what if I move out, buy a small apartment and separate from my husband? Will creditors still come after me?

Ans: A seizure of household assets by the bailiff is effected by pasting little red stickers on the items. An auction of the items usually takes place about three weeks later.

He will only seize the movable items in your house, but not tools of your husband's trade, and clothings and beddings of the family.

It is an offence to remove the items from the premises after they have been seized.

To claim the items, you must write to the bank's lawyer before the auction with copies of the receipts. If they are satisfied that you are the rightful owner, they may instruct the bailiff to release the items.

If they are not satisfied, then you have to apply to the court for it to determine who the rightful owner is.

You would be asked to produce receipts as evidence. If you do not have the receipts, you can file an affidavit giving details to show that the goods were in fact purchased by you. At the hearing, if the court is satisfied with your claim, it will order the release of the goods.

If the property you are living in is a rental unit, then after the seizure, the landlord can apply to the court to prevent an auction of the items that belong to him.

On your other question, the bailiff will not seize the money in your bank account. And if you move out, the bailiff will not come to your new apartment as you are not liable for the debt of your husband.

Vijai Parwani
Managing Partner
Parwani & Company