

HOW TO DETERMINE THE DEBTOR'S PLACE OF RESIDENCE?

We have often in practice a problem that someone owes us money but we do not know her/his current address, and hence we cannot go against him with the claim for payment or even send a request for payment. At the same time the law requires that the first pleading contained the place of residence or registered office address of the parties. What steps should be taken in such a situation?

1. VISIT THE LAST KNOWN PLACE OF RESIDENCE

One of the simplest possibilities and often the quickest way to determine the debtor's address is to visit the last known place of residence of the person, because the person leaving the residence often leaves its current neighbors or new tenants address for the purpose of forwarding the correspondence to the address of the debtor. However, if we do not have that option, or simply the time, the law gives us some other options.

2. DEPARTMENT OF CIVIL REGISTRY

If you know the city in which a debtor should be registered (registered residence), you may visit the registered residence department to file the application or send via mail a written request (with justification) to provide current place of residence of the debtor. Note, however, that the resulting address of the debtor may be used only in the manner indicated in the justification of the application. If the officer refuses to provide specified data, covering the Law on Personal Data Protection, you must rely on art. 23 point 1 paragraph 2 of the Law on Personal Data Protection according to which sharing the personal data is permitted when it is necessary for the exercise of rights under the law.

3. DEPARTMENT OF ACCESS TO INFORMATION AT THE MINISTRY OF INTERNAL AFFAIRS

One of the bodies helpful in the search for our debtor may be also Personalization Centre at the Ministry of Internal Affairs which runs a PESEL registry and collects information on all persons domiciled (registered domicile) in Poland. To gain information, please submit an application together with the reasons and provide as much information at our disposal, of the person sought. Also in this case we need to demonstrate a legal interest, that is indicate the purpose for which the information in question we need. If we are already at the stage of judicial proceedings we may attach to the application, e.g. a court demand to indicate the address of the debtor. If not, it is worth to attach any other documents, such as copies of contracts concluded with the debtor (you may black quotas and other sensitive data) or invoices. The fee for providing the data is 31 PLN. The application may be submitted in written or electronic form and the answer we get in the same way (in writing or electronically).

4. GUARDIAN

If all of the above methods have failed a motion to the court to appoint a guardian must be submitted. It is possible, of course, only after the lawsuit (this can be done already in the lawsuit) as a guardian is appointed to the needs of the ongoing proceeding. In accordance with art. 143 of the Code of Civil Procedure, if a party whose place of stay is not known is to be served a complaint, or another pleading which involves defending the party's rights, these



may only be served on a guardian appointed at the request of the interested person by the court of trial until the party or their representative or agent appears.

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If you are planning to undertake actions to enforce a due payment from the debtor or need an advice, please contact us. Our office represent clients at a pre-trial stage (demand for payment) as well as apply for an order for payment and eventually runs a trial and enforcement proceeding.

I want to underline that information contained in this paper is true and correct when posted on my website, but it does not constitute a legal advice. Specific legal advice may be provided only in response to a specific inquiry and in relation to a specific facts.


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