



## Law 1564 of 2012

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LAW 1564 OF 2012

UPDATE: AUGUST 27, 2025

*(Amended by Law 2541 of 2025).*

(July 12)

Whereby the General Code of Procedure is issued and other provisions are enacted.

THE CONGRESS OF THE REPUBLIC

DECREES:

PRELIMINARY TITLE GENERAL

PROVISIONS

Article 1. *Purpose.* This code regulates procedural activity in civil, commercial, family, and agrarian matters. It also applies to all matters of any jurisdiction or specialty and to the actions of individuals and administrative authorities when exercising jurisdictional functions, insofar as they are not expressly regulated by other laws.

Article 2. *Access to justice.* Every person or group of persons has the right to effective judicial protection for the exercise of their rights and the defense of their interests, subject to due process of reasonable duration. Procedural terms shall be observed diligently, and unjustified non-compliance shall be punished.

Article 3. *Oral proceedings and hearings.* Proceedings shall be conducted orally, publicly, and in hearings, except for those expressly authorized to be conducted in writing or covered by confidentiality.

Article 4. *Equality of the parties.* The judge must make use of the powers granted by this code to achieve real equality between the parties.

Article 5. *Concentration.* The judge shall schedule hearings and proceedings in such a way that the purpose of each one is fulfilled without interruption. The judge may not postpone or suspend a hearing or proceeding, except for reasons expressly authorized by this code.

Article 6. *Immediacy.* The judge shall personally conduct all evidence and other judicial proceedings that correspond to him or her. He or she may only commission the performance of procedural acts when expressly authorized by this code.

The foregoing is without prejudice to the provisions regarding extra-procedural evidence, transferred evidence, and other exceptions provided for by law.

Article 7. *Legality.* Judges, in their rulings, are subject to the rule of law. They must also take into account equity, custom, jurisprudence, and doctrine.

When a judge departs from probable doctrine, he or she shall be obliged to clearly and reasonably explain the legal grounds justifying his or her decision. The same shall apply when changing criteria in relation to decisions in similar cases.

The proceedings shall be conducted in the manner established by law.

Article 8. *Initiation and promotion of proceedings.* Proceedings may only be initiated at the request of a party, except for those that the law authorizes to be brought ex officio.

Except in cases expressly provided for by law, judges must conduct proceedings themselves and are responsible for any delays that occur in them if caused by their negligence.

Article 9. *Instances.* Proceedings shall have two instances unless the law establishes only one.

Article 10. *Free of charge.* The justice service provided by the State shall be free of charge, without prejudice to court fees and legal costs.

Article 11. *Interpretation of procedural rules.* When interpreting procedural law, the judge shall take into account that the purpose of the proceedings is to ensure the effectiveness of the rights recognized by substantive law. Any doubts arising in the interpretation of the rules of this code shall be clarified by applying the constitutional and general principles of procedural law, guaranteeing in all cases due process, the right to defense, the equality of the parties, and other fundamental constitutional rights. The judge shall refrain from requiring and complying with unnecessary formalities.

Article 12. *Gaps and deficiencies in the code.* Any gaps in the provisions of this code shall be filled by the rules governing similar cases. In the absence of such rules, the judge shall determine the manner in which procedural acts are to be performed in accordance with constitutional and general principles of procedural law, seeking to give effect to substantive law.

Article 13. *Observance of procedural rules.* Procedural rules are a matter of public order and, therefore, mandatory, and in no case may they be repealed, modified, or replaced by officials or private individuals, except with the express authorization of the law.

The provisions of the parties establishing the exhaustion of procedural requirements for access to any justice operator are not mandatory. Access to justice without having exhausted such conventional requirements shall not constitute a breach of the legal transaction in which they were established, nor shall it prevent the justice operator from processing the corresponding claim.

The stipulations of the parties that contradict the provisions of this article shall be deemed unwritten.

Article 14. *Due process.* Due process shall apply to all proceedings provided for in this code. Evidence obtained in violation of due process shall be null and void.

BOOK ONE SUBJECTS OF  
THE PROCESS SECTION  
ONE  
JUDICIAL BODIES AND THEIR AUXILIARIES TITLE I  
JURISDICTION AND COMPETENCE  
CHAPTER I  
Competence

Article 15. *General or residual clause of competence.* Ordinary jurisdiction shall have jurisdiction over all matters not expressly attributed by law to another jurisdiction.

Ordinary civil jurisdiction shall have jurisdiction over all matters not expressly attributed by law to another ordinary jurisdiction.

Civil circuit judges shall have jurisdiction over all matters not expressly assigned by law to another civil judge.

Article 16. *Extendibility and non-extendibility of jurisdiction and competence.* Jurisdiction and competence based on subjective and functional factors are non-extendible. When a lack of jurisdiction or competence based on subjective or functional factors is declared, either ex officio or at the request of a party, the proceedings shall remain valid, except for any judgment that may have been rendered, which shall be null and void, and the case shall be immediately referred to the competent judge. Any proceedings conducted after the declaration of lack of jurisdiction or competence shall be null and void.

Lack of competence due to factors other than subjective or functional factors may be extended when it is not claimed in time, and the judge shall continue to hear the case. When it is claimed in a timely manner, the proceedings shall remain valid and the case shall be referred to the competent judge.

Article 17. *Jurisdiction of municipal civil judges in sole instance.* Municipal civil judges hear cases in sole instance:

1. Minor contentious proceedings, including those arising from agricultural relations, except those falling within the jurisdiction of the contentious-administrative courts.

They shall also hear contentious proceedings involving small claims for medical liability, of any nature and origin, regardless of the parties involved, except those that fall under the jurisdiction of the contentious-administrative courts.

2. Small claims inheritance proceedings, without prejudice to the jurisdiction attributed by law to notaries.
3. Civil marriage ceremonies, without prejudice to the jurisdiction attributed to notaries.
4. Conflicts arising between co-owners or holders of the building or complex or between them and the administrator, the board of directors, or any other management or control body of the legal entity, due to the application or interpretation of the law and the condominium regulations.
5. Cases covered by Articles 913, 914, 916, 918, 931, 940, first paragraph, 1231, 1469, and 2026 of the Commercial Code.
6. Matters assigned to the family court judge in sole instance, when there is no family court judge or mixed family court judge in the municipality.
7. All requests and various proceedings, regardless of the status of the persons concerned.
8. Those which, in accordance with special provisions, must be resolved by the judge with full knowledge of the facts, or briefly and summarily, or at his or her discretion, or in the manner of an arbitrator.
9. Disputes arising in insolvency proceedings involving natural persons who are not merchants and in the liquidation of their assets, without prejudice to the jurisdictional functions granted to administrative authorities.
10. Any others assigned to them by law.

Paragraph. Where there is a municipal judge for small claims and multiple jurisdictions, the matters set forth in paragraphs 1, 2, and 3 shall fall within the jurisdiction of that judge.

Article 18. *Jurisdiction of municipal civil judges in the first instance.* Municipal civil judges hear cases in the first instance:

1. *Amended by Article 1, National Decree 1736 of 2012. Contentious proceedings of minor importance, including those arising from agricultural relations, except those falling within the jurisdiction of the contentious-administrative courts.*

2. Special possessory actions regulated by the Civil Code.
3. Special proceedings for the regularization of real estate titles covered by Law 1182 of 2008, or any law that modifies or replaces it.
4. Of succession proceedings involving minor amounts, without prejudice to the jurisdiction attributed by law to notaries.
5. The opening and publication of sealed wills, or those executed before five (5) witnesses, and the reduction to writing of oral wills, without prejudice to the powers conferred by law on notaries.
6. The correction, replacement, or addition of civil status or name entries or the annotation of pseudonyms in civil registry records or folios, without prejudice to the jurisdiction attributed by law to notaries.
7. Prevention, with the civil judges of the circuit, of requests for extra-procedural evidence, regardless of the status of the persons concerned or the authority before which they are to be adduced.

Article 19. *Jurisdiction of civil circuit judges in sole instance.* Civil circuit judges have sole jurisdiction over:

1. Proceedings relating to intellectual property provided for in special laws as a single instance.
2. Insolvency proceedings not assigned to the Superintendency of Companies and, in conjunction with the latter, insolvency proceedings involving natural persons who are merchants.
3. Proceedings for the appointment of arbitrators, when their appointment could not be made by mutual agreement between the interested parties and they have not delegated it to a third party.

Article 20. *Jurisdiction of civil circuit judges in the first instance.* Civil circuit judges hear the following matters in the first instance:

1. *Amended by Article 2, National Decree 1736 of 2012. Disputes involving larger sums, including those arising from agricultural relations, except those falling within the jurisdiction of the contentious-administrative courts.*

2. Those relating to intellectual property that are not attributed to the contentious-administrative jurisdiction, without prejudice to the jurisdictional functions that this code attributes to the administrative authorities.
3. Those relating to unfair competition, without prejudice to the jurisdictional functions attributed to administrative authorities.
4. All disputes arising from partnership agreements or from the application of the rules governing other legal entities under private law, as well as disputes concerning the nullity, dissolution, and liquidation of such entities, unless otherwise provided.

5. Those relating to expropriation.
6. Those attributed to family judges in the first instance, when there is no family judge or promiscuous family judge in the circuit.
7. Popular and group actions not attributed to the jurisdiction of the contentious-administrative courts.
8. Challenges to acts of assemblies, boards of directors, shareholders' meetings, or any other governing body of legal entities subject to private law, without prejudice to the jurisdiction attributed to administrative authorities in the exercise of jurisdictional functions.
9. Amended by Article 3, National Decree 1736 of 2012. Regarding proceedings related to the exercise of consumer rights.

Provisionally suspends (the effects) [Judgment of the Council of State AUTO 110010324000 2012 00369 00 of 2016](#) Declared partially null and void [Judgment of the Council of State JUDGMENT 110010324000 2012 00369 00 of 2018](#)

10. Prevention with municipal civil judges of requests for extra-procedural evidence, without consideration of the status of the persons concerned or the authority where they are to be adduced.
11. Other proceedings or matters not assigned to another judge.

Article 21. *Jurisdiction of family judges in sole instance.* Family judges have sole jurisdiction over the following matters:

1. The protection of the names of natural persons.
2. The suspension and restoration of the spouses' life together and the separation of bodies and property by mutual agreement, without prejudice to the powers conferred on notaries.
3. Custody, personal care, and visitation rights for children and adolescents, without prejudice to the jurisdiction attributed to notaries.
4. Authorization to cancel the family's unattachable assets, without prejudice to the powers conferred on notaries.
5. Of the court summons for the recognition of a child born out of wedlock, as provided for by law.
6. Permits for minors to leave the country, when there is disagreement on this matter between their legal representatives or between them and those who have custody and personal care.
7. The setting, increase, decrease, and exemption of alimony, the offer and execution thereof, and the restitution of alimony payments.
8. Child protection measures in cases of domestic violence, when there is no family commissioner in the area, and legal proceedings for the restoration of the rights of children and adolescents.
9. Disputes arising between parents or spouses, or between them and their minor children, regarding the exercise of parental authority, and disputes of a similar nature in which the family advocate acts on behalf of the children.
10. Differences arising between spouses regarding the establishment and management of the family home, the right to be received therein, and the obligation to live together.
11. The review of the declaration of adoptability.
12. The establishment, modification, or lifting of restrictions on family housing, without prejudice to the jurisdiction attributed to notaries.
13. Licenses to dispose of or encumber property, in the cases provided for by law.
14. Family matters in which, by law, the intervention of a judge is required or in which the judge must decide with full knowledge of the facts, either briefly and summarily, or with prudent judgment or in the manner of an arbitrator.
15. Of divorce by mutual consent, without prejudice to the jurisdiction attributed to notaries.
16. Conflicts of jurisdiction in family matters arising between family defenders, family commissioners, notaries, and police inspectors.
17. The legal protection of persons with mental disabilities, without prejudice to the jurisdiction attributed by law to notaries.
18. Approval of decisions issued by other authorities in family matters, in the cases provided for by law.
19. Review of administrative decisions issued by the family advocate, family commissioner, and police inspector in cases provided for by law.
20. Deciding on the restoration of children's rights when the family advocate or family commissioner has lost jurisdiction.

Article 22. *Jurisdiction of family judges in the first instance.* Family judges hear the following matters in the first instance:

1. Contentious proceedings for annulment, divorce from civil marriage, cessation of the civil effects of religious marriage, and separation of bodies and property.
2. The investigation and contestation of paternity and maternity and other matters relating to civil status that modify or alter it.
3. The liquidation of marital or patrimonial partnerships for reasons other than the death of the spouses, or when the dissolution has been declared before a notary public or by a judge other than a family judge, without prejudice to the jurisdiction attributed by law to notaries public.
4. On the loss, suspension, and restoration of parental authority and the administration of children's property.
5. The appointment and removal of guardians and determination of their responsibilities.

(Repealed by Article 61 of Law 1996 of 2019)

6. Approval of accounts rendered by the guardian, advisor, or administrator of the property of a person with mental disability or by the executor, and accountability for the administration of the ward's property.

7. The award, modification, and termination of judicially awarded support (Amended by Art. 35 of Law 1996 of 2019)

8. Adoption.
9. Of succession proceedings involving large sums, without prejudice to the jurisdiction attributed by law to notaries.
10. The nullity, amendment, and validity of wills.
11. Of unworthiness or incapacity to inherit and of disinheritance.
12. Petition for inheritance.
13. Disputes over inheritance rights by will or intestate succession or due to the incapacity of the beneficiaries.
14. Actions relating to the expiry, non-existence, or nullity of marriage settlements.
15. Revocation of a donation due to marriage.
16. Litigation over ownership of property, when it is disputed whether such property belongs to the spouse or permanent partner or whether it belongs to the marital or patrimonial partnership.
17. Disputes over the subrogation of property or compensation with respect to the spouse or permanent partner and payable by the marital or patrimonial partnership or in favor of the latter or payable by the former in the event of dissolution and liquidation of the marital or patrimonial partnership.
18. Claims by heirs on inherited property or by spouses or permanent partners on social assets.
19. The rescission of the partition due to injury or nullity in successions due to death and the liquidation of marital or patrimonial partnerships between permanent partners.
20. Proceedings concerning the declaration of the existence of a de facto marital union and of a property partnership between permanent partners, without prejudice to the jurisdiction attributed to notaries.
21. From the declaration of absence and the declaration of death due to disappearance, without prejudice to the jurisdiction attributed to notaries.
22. The penalty provided for in Article 1824 of the Civil Code.
23. The international return of children and adolescents and the return of minors within the country.

Article 23. *Jurisdiction.* When the succession being processed involves a large amount, the judge hearing the case shall, without the need for distribution, have jurisdiction to hear all proceedings concerning the nullity and validity of the will, amendment of the will, disinheritance, unworthiness or incapacity to inherit, inheritance claims, claims by heirs on inherited property, disputes over rights to succession by will or intestate succession or due to the incapacity of the assignees, as well as proceedings concerning the economic regime of marriage and the property partnership between permanent partners, relating to the rescission of the partition due to

damage and its nullity, actions resulting from the expiration, non-existence, or nullity of marriage settlements, revocation of donations due to marriage, disputes over the ownership of property when it is disputed whether it belongs to the individual or to the marital partnership, and disputes over the subrogation of property or compensation with respect to the spouses and payable by the marital partnership or in favor of the latter or payable by the former in the event of dissolution and liquidation of the marital partnership or partnership between permanent partners.

The request and implementation of extra-procedural precautionary measures authorized by law shall be the responsibility of the judge who is competent to hear the case for which they are intended. The claim may be filed with the same judge who ordered and implemented the precautionary measure, in which case it shall not be subject to distribution. Administrative authorities exercising jurisdictional functions may also order and implement extra-procedural precautionary measures authorized by law.

Unless otherwise provided, within twenty (20) days after the precautionary measure has been implemented, the applicant must file the corresponding lawsuit, under penalty of its immediate lifting. In any case, the affected party retains the right to claim, by means of an incidental proceeding, compensation for the damages that have been caused. The compensation for damages shall be subject to the provisions of Article 283.

Article 24. *Exercise of jurisdictional functions by administrative authorities.* The administrative authorities referred to in this article shall exercise jurisdictional functions in accordance with the following rules:

1. The Superintendency of Industry and Commerce in proceedings concerning:

a) Violation of consumer rights established in the Consumer Statute.

b) Violation of the rules relating to unfair competition.

2. The Financial Superintendency of Colombia shall hear disputes arising between financial consumers and supervised entities related exclusively to the execution and fulfillment of contractual obligations assumed in connection with financial, stock market, insurance, and any other activities related to the management, use, and investment of funds raised from the public.

3. The competent national authorities in the field of intellectual property:

a) The Superintendency of Industry and Commerce in cases of infringement of industrial property rights.

b) The National Copyright Directorate in proceedings related to copyright and related rights.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling C-436 of 2013, provided that the structure and functioning of the National Copyright Directorate guarantees impartiality and independence in the exercise of its assigned jurisdictional functions.

c) The Colombian Agricultural Institute in proceedings for infringement of plant variety rights.

4. The Ministry of Justice and Law, or whoever acts on its behalf, through the agency determined for such purposes by its internal structure, may, under the principle of gradualism in supply, operate justice services in all jurisdictional matters that, in accordance with the provisions of Law 446 of 1998 on decongestion, efficiency, and access to justice, have been attributed to the Superintendency of Industry and Commerce, the Financial Superintendency, and the Superintendency of Companies, as well as in jurisdictional matters related to the insolvency proceedings of non-commercial individuals and the matters provided for in Law 1098 of 2006 concerning the knowledge of family defenders and commissioners. It may also advise and provide legal representation to persons who initiate legal proceedings for a declaration of ownership with a view to the reorganization of their properties.

NOTE: The underlined paragraph was declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-156 of 2013, M.P. Luis Ernesto Vargas Silva.

5. The Superintendency of Companies shall have jurisdictional powers in corporate matters, referring to:

a) Disputes related to compliance with shareholder agreements and the specific execution of the obligations agreed upon in the agreements.

b) The resolution of corporate conflicts, differences that arise between shareholders, or between shareholders and the company or between shareholders and their administrators, in the performance of the articles of association or unilateral act.

c) The challenge of acts of assemblies, boards of directors, shareholders' meetings, or any other governing body of persons subject to its supervision. However, any action for compensation for possible damages arising from the act or decision declared null and void shall be the exclusive competence of the judge.

d) The declaration of nullity of fraudulent acts and the dismissal of the legal personality of companies subject to their supervision, when the company is used in fraud against the law or to the detriment of third parties, the shareholders and administrators who have carried out, participated in, or facilitated the fraudulent acts shall be jointly and severally liable for the obligations arising from such acts and for the

damages caused. Likewise, the judge shall hear the action for compensation for any damages arising from the fraudulent acts.

e) The declaration of absolute nullity of the decision adopted in abuse of rights due to the illegality of the object and the award of damages, in cases of abuse of majority, as in those of minority and parity, when shareholders do not exercise their right to vote in the interest of the company with the purpose of causing damage to the company or other shareholders or of obtaining an unjustified advantage for themselves or for a third party, as well as any vote that may result in damage to the company or other shareholders.

Paragraph 1. The jurisdictional functions referred to in this article generate preventive jurisdiction and, therefore, do not exclude the jurisdiction granted by law to judicial and administrative authorities in these specific matters.

When administrative authorities exercise jurisdictional functions, the principle of immediacy is fulfilled by the performance of the act by officials who, in accordance with the internal structure of the entity, are authorized to do so, their delegate, or their commissioner.

Paragraph 2. Administrative authorities that, on the date of enactment of this law, are not exercising jurisdictional functions in the specific matters attributed to them herein, shall administer justice under the principle of gradualism. In accordance with the foregoing, these authorities shall report the conditions and the date from which they will exercise such jurisdictional functions.

Paragraph 3. Administrative authorities shall process cases through the same procedural channels provided for judges by law.

The decisions issued by administrative authorities in the exercise of jurisdictional functions are not subject to appeal before the contentious-administrative jurisdiction.

Appeals against rulings issued by administrative authorities in the first instance in the exercise of jurisdictional functions shall be resolved by the higher judicial authority functional to the judge who would have been competent if the first instance had been heard before a judge and the ruling were appealable.

When the judge could have exercised jurisdiction in a single instance, matters attributed to administrative authorities shall be processed in a single instance.

Paragraph 4. The parties may appear directly in proceedings before administrative authorities exercising jurisdictional functions without the need for a lawyer, only in those cases where, had the matter been brought before the courts, it would not have been necessary to appear through a lawyer.

Paragraph 5. Decisions made in bankruptcy and reorganization proceedings, liquidation proceedings, and proceedings for the validation of out-of-court reorganization agreements shall be final and shall follow the time limits set forth in the respective proceedings.

Paragraph 6. The powers set forth in this article do not exclude those granted by other special laws due to the nature of the matter. Article 25. *Amount.*

When jurisdiction is determined by the amount, the proceedings are of greater, lesser, and minimum amount.

They are of minimal amount when they deal with property claims that do not exceed the equivalent of forty current legal monthly minimum wages (40 smlmv).

They are minor when they involve property claims exceeding the equivalent of forty current legal monthly minimum wages (40 smlmv) without exceeding the equivalent of one hundred and fifty current legal monthly minimum wages (150 smlmv).

They are of greater amount when they concern property claims exceeding the equivalent of one hundred and fifty times the current legal monthly minimum wage (150 smlmv).

The legal minimum monthly wage referred to in this article shall be that in force at the time the claim is filed.

When compensation for non-pecuniary damages is claimed, only for the purposes of determining jurisdiction based on the amount, the maximum jurisprudential parameters at the time the claim is filed shall be taken into account.

Paragraph. The Administrative Chamber of the Superior Council of the Judiciary, with the prior approval of the National Government, may modify the amounts provided for in this article when circumstances so warrant.

NOTE: Paragraph declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-507 of 2014. Article 26.

*Determination of the amount.* The amount shall be determined as follows:

1. By the value of all claims at the time of the lawsuit, without taking into account any fruits, interest, fines, or damages claimed as accessories that may arise after its filing.
2. In boundary demarcation and marking proceedings, by the cadastral appraisal of the property held by the plaintiff.
3. In proceedings concerning ownership, title clearance, and other matters relating to the ownership or possession of property, by the cadastral valuation of the property.

4. In division proceedings concerning real estate, by the cadastral appraisal value, and when concerning movable property, by the value of the property subject to partition or sale.
5. In succession proceedings, by the value of the estate, which in the case of real estate shall be the cadastral appraisal.
6. In leasehold proceedings, the current value of the rent during the term initially agreed in the contract, and if the term is indefinite, the value of the rent for the twelve (12) months prior to the filing of the claim. When the rent is to be paid with the natural fruits of the leased property, the value of those fruits for the last twelve (12) months. In other tenancy proceedings, the amount shall be determined by the value of the property, which in the case of real estate shall be the cadastral appraisal.
7. In easement proceedings, by the cadastral appraisal of the servient estate.

*Article 27. Preservation and alteration of jurisdiction.* Jurisdiction shall not vary due to the subsequent intervention of persons who have special jurisdiction or because they cease to be a party to the proceedings, except in the case of a foreign state or a diplomatic agent accredited to the Government of the Republic, over which the Civil Chamber of the Supreme Court of Justice has jurisdiction.

Jurisdiction based on the amount in dispute may be modified only in contentious proceedings before a municipal judge, due to an amendment to the complaint, a counterclaim, or the joinder of proceedings or complaints.

When jurisdiction is altered in accordance with the provisions of this article, the proceedings conducted up to that point shall remain valid and the judge shall refer the case to the competent authority.

Jurisdiction shall be altered when the Administrative Chamber of the Superior Council of the Judiciary has ruled that, once the judgment has become final, the files must be referred to the support offices or offices responsible for the enforcement of declaratory or executive judgments. In this case, the judicial officials and employees assigned to those offices shall carry out the jurisdictional and administrative actions necessary to proceed with the enforcement ordered in the judgment.

*Article 28. Territorial jurisdiction.* Territorial jurisdiction is subject to the following rules:

1. In contentious proceedings, unless otherwise provided by law, the judge of the defendant's domicile shall have jurisdiction. If there are several defendants or the defendant has several domiciles, the plaintiff may choose the domicile of any of them. When the defendant has no domicile in the country, the judge of his or her residence shall have jurisdiction. When the defendant also has no residence in the country or his or her residence is unknown, the judge of the plaintiff's domicile or residence shall have jurisdiction.
2. In proceedings concerning alimony, annulment of civil marriage and divorce, cessation of civil effects, separation of bodies and property, declaration of the existence of a de facto marital union, liquidation of marital or patrimonial partnership, and in precautionary measures concerning persons or property related to such proceedings or to the annulment of Catholic marriage, the judge corresponding to the previous common domicile shall also have jurisdiction, as long as the plaintiff retains it.
- In proceedings concerning alimony, loss or suspension of parental authority, investigation or contestation of paternity or maternity, custody, personal care and visitation rights, permission to leave the country, precautionary measures concerning persons or property related to such proceedings, in which the child or adolescent is the plaintiff or defendant, jurisdiction shall lie exclusively with the judge of the domicile or residence of the child or adolescent.
3. In proceedings arising from a legal transaction or involving enforceable titles, the judge of the place of performance of any of the obligations shall also have jurisdiction. The stipulation of a contractual domicile for judicial purposes shall be deemed unwritten.
4. In proceedings for the annulment, dissolution, and liquidation of companies, and in those arising from disputes between partners in relation to the company, whether civil or commercial, even after its liquidation, the judge of the company's principal domicile shall have jurisdiction.
5. In proceedings against a legal entity, the judge of its principal domicile shall have jurisdiction. However, in matters relating to a branch or agency, the judge of the branch or agency and the judge of the principal domicile shall have jurisdiction, as a precautionary measure.
6. In proceedings arising from non-contractual liability, the judge of the place where the event occurred also has jurisdiction.
7. In proceedings involving rights in rem, boundary disputes, demarcation and marking of boundaries, expropriation, easements, possessory rights of any kind, restitution of possession, declaration of ownership, and vacant and ownerless property, the judge of the place where the property is located shall have exclusive jurisdiction, and if they are located in different territorial districts, the judge of any of them, at the plaintiff's choice.
8. In bankruptcy and insolvency proceedings, the judge of the debtor's domicile shall have exclusive jurisdiction.
9. In proceedings in which the nation is the plaintiff, the judge corresponding to the judicial district of the defendant's domicile shall have jurisdiction, and in those in which the nation is the defendant, the judge corresponding to the judicial district of the plaintiff's domicile shall have jurisdiction.

When one party is made up of the nation and any other entity, the territorial jurisdiction of the former shall prevail.

10. In contentious proceedings involving a territorial entity, a decentralized entity providing services, or any other public entity

public entity is a party, the judge of the domicile of the respective entity shall have exclusive jurisdiction.

When the party is made up of a territorial entity, a decentralized service entity, or any other public entity and any other subject, the territorial jurisdiction of the former shall prevail.

11. In intellectual property and unfair competition proceedings, the judge of the place where the right was violated or the act was committed, or where it has its effects if it was committed abroad, or the judge of the place where the company, premises, or establishment operates, or where the defendant carries out its activity, shall also have jurisdiction when the violation or act is linked to these places.

12. In succession proceedings, the judge of the last domicile of the deceased in the national territory shall have jurisdiction, and if at the time of death the deceased had several domiciles, the judge of the principal place of business shall have jurisdiction.

13. In non-contentious proceedings, jurisdiction shall be determined as follows:

a) In cases involving the guardianship of children or adolescents, interdiction, and guardianship of persons with mental disabilities or deaf-mutes, the judge of the place of residence of the incapacitated person shall have jurisdiction.

b) In cases of declaration of absence or death due to disappearance of a person, the judge of the last domicile that the absent or disappeared person had in the national territory shall have jurisdiction.

c) In all other cases, the judge of the domicile of the person bringing the action shall have jurisdiction.

14. For the taking of extrajudicial evidence, summonses, and various proceedings, the judge of the place where the evidence is to be taken or of the domicile of the person with whom the act is to be performed shall have jurisdiction, as the case may be.

Article 29. *Priority of jurisdiction.* The jurisdiction established in consideration of the status of the parties shall prevail. The rules of jurisdiction based on territory are subordinate to those established by subject matter and value.

Article 30. *Jurisdiction of the Civil Cassation Chamber of the Supreme Court of Justice.* The Supreme Court of Justice hears the following in the Civil Cassation Chamber:

1. Appeals.
2. Appeals for review that are not attributed to the higher courts.
3. Appeals for review when cassation is denied.
4. The enforcement of judgments rendered in foreign countries, without prejudice to the provisions of international treaties.
5. The enforcement of arbitral awards rendered abroad, in accordance with the rules governing the matter.
6. Contentious proceedings involving a foreign State, a diplomatic agent accredited to the Government of the Republic, in cases provided for by international law.
7. Appeals for review against arbitral awards that do not fall within the jurisdiction of the contentious-administrative courts.
8. Requests for a change of venue in civil, commercial, agricultural, or family proceedings, involving their transfer from one judicial district to another.

The change of venue may be ordered exceptionally when circumstances exist in the place where the proceedings are being conducted that could affect public order, the impartiality or independence of the administration of justice, procedural guarantees, or the safety or integrity of the parties involved. The request for a change of venue shall be accompanied by the evidence to be presented and shall be decided outright by an order that is not subject to appeal. The request for a change of venue does not suspend the proceedings.

Additionally, a change of venue may be ordered when deficiencies in the management and speed of the proceedings are noted, subject to the opinion of the Administrative Chamber of the Superior Council of the Judiciary.

Paragraph. The Attorney General of the Nation or the Director of the National Agency for Legal Defense of the State are also entitled to request the change of venue provided for in paragraph 8.

Article 31. *Jurisdiction of the civil chambers of the superior courts.* The superior courts of the judicial district hear, in civil chambers:

1. The second instance of proceedings heard in the first instance by civil circuit judges.
2. The second instance of proceedings heard in the first instance by administrative authorities exercising jurisdictional functions, when the judge displaced in his jurisdiction is the civil circuit judge. In these cases, the superior court of the judicial district of the main headquarters of the administrative authority or of the regional headquarters corresponding to the place where the decision was adopted shall hear the case, as the case may be.

3. Appeals against orders denying appeals of rulings issued by the authorities mentioned in the preceding paragraphs.
4. Appeals for review against judgments handed down by civil circuit judges, municipal civil judges, and small claims judges, and by administrative authorities when exercising jurisdictional functions.
5. An appeal for annulment against arbitration awards that do not fall within the jurisdiction of the contentious-administrative courts.
6. Requests for a change of venue for a proceeding or action, involving its transfer within the same judicial district, in accordance with the provisions of paragraph 8 of Article 30.

Paragraph. The Attorney General of the Nation or the Director of the National Agency for Legal Defense of the State are also entitled to request the change of venue provided for in paragraph 6.

Article 32. *Jurisdiction of the family courts of the superior courts.* The superior courts of the judicial district hear, in family court:

1. The second instance of proceedings heard in the first instance before family and civil judges of the circuit in family matters.
2. Appeals against rulings denying appeals of decisions handed down by family court judges.
3. Appeals for review against judgments handed down in family matters by family and civil judges.
4. The lifting of the confidentiality of administrative or judicial adoption proceedings.
5. Requests for a change of venue in a family proceeding or action, involving its transfer within the same judicial district, in accordance with the provisions of paragraph 8 of Article 30.
6. Other family matters assigned to it by law in the second instance.

Paragraph. The Attorney General of the Nation or the Director of the National Agency for Legal Defense of the State are also entitled to request the change of venue provided for in paragraph 5.

Article 33. *Functional jurisdiction of circuit civil judges.* Circuit civil judges shall hear appeals in the following cases:

1. Cases assigned in the first instance to municipal judges, including family matters, when there is no family judge in the respective circuit.
2. Cases assigned in the first instance to administrative authorities exercising jurisdictional functions, when the judge displaced in his or her jurisdiction is the municipal civil judge. In these cases, the civil judge of the circuit of the main headquarters of the administrative authority or of the regional headquarters corresponding to the place where the decision was made shall hear the case, as appropriate.
3. Appeals against orders denying appeals of decisions issued by the authorities mentioned in the preceding paragraphs.

Article 34. *Functional jurisdiction of family judges.* Family judges shall hear, in the second instance, small claims inheritance proceedings assigned in the first instance to the municipal judge, other family matters heard in the first instance by the municipal judge, and appeals against all of them.

## CHAPTER II

### How the Court and the Tribunals exercise their powers

Article 35. *Powers of the decision-making chambers and the presiding judge.* The decision-making chambers are responsible for issuing judgments and orders that decide on appeals against the rejection of the motion to settle damages imposed in abstract terms or the rejection of the opposition to the delivery proceedings or decide on it. The presiding judge shall issue all other orders that do not fall within the jurisdiction of the decision-making chamber.

Orders resolving appeals, issued by the chamber or the presiding judge, are not subject to appeal.

At the request of the presiding judge, the full specialized or single chamber may decide on appeals filed against orders or judgments in cases of national importance, or when it is necessary to unify case law or establish a legal precedent.

Article 36. *Hearings and proceedings.* Hearings and proceedings conducted by collegiate judges shall be presided over by the rapporteur, and all judges comprising the Chamber must attend, under penalty of nullity.

## TITLE II

COMMISSION

Article 37. *General rules.* The commission may only be conferred for the taking of evidence in cases authorized by Article 171, for other proceedings that must be carried out outside the seat of the trial judge, and for the seizure and delivery of property at said seat, as necessary. It may not be commissioned for the implementation of extra-procedural precautionary measures.

The commission may consist of a request, by any expeditious means, for assistance from another public servant to carry out the necessary proceedings to facilitate the taking of evidence by videoconference, teleconference, or any other suitable means of simultaneous communication.

When precautionary measures are ordered to be taken before notification of the order admitting the claim or the executive order, at the request and expense of the plaintiff and without the need for the judge to order it, a copy of the order admitting the claim or the executive order shall be attached to the commission order for the purpose of the commissioner making personal notification.

The withdrawal and delivery of copies of the complaint and its attachments, as well as the date from which the term for transferring the complaint shall be calculated, shall be subject to the provisions of Article 91 of this code.

When the referring court and the commissioner have enabled the Digital Justice Plan, it shall not be necessary for the referring party to physically send said documents.

Article 38. *Jurisdiction.* The Court may commission other judicial authorities. Higher courts and judges may commission judicial authorities of equal or lower rank.

Administrative authorities exercising jurisdictional or administrative functions in relation to that specialty may be commissioned.

When it is not a matter of receiving or taking evidence, mayors and other police officials may be commissioned, without prejudice to the assistance they must provide, in the manner indicated in the previous article.

The commissioner shall have jurisdiction in the place where the proceedings are delegated, but when these concern real estate located in different territorial jurisdictions, any of the aforementioned authorities of those territories may be commissioned, which shall exercise jurisdiction in them for that purpose.

A commissioner who lacks territorial jurisdiction for the proceeding shall immediately return the dispatch to the principal. The nullity due to lack of territorial jurisdiction of the commissioner may be alleged until the moment the proceeding begins.

PARAGRAPH 1. When mayors or other police officials are commissioned or sub-commissioned for the purposes established in this article, they shall execute the commission directly or may sub-commission an authority that has jurisdiction and competence in the respective municipality, who shall temporarily act as the administrative police authority. Collegiate police bodies may not be commissioned.

PARAGRAPH 2. When mayors or other authorities are commissioned for the purposes established in this article, they shall execute the commission in exactly the same order in which they were received for that purpose.

PARAGRAPH 3. The subcommittee on jurisdictional or administrative proceedings of mayors to police inspectors shall only proceed when sufficient institutional capacities for the development of the new workload that the subcommittee implies already exist or are created.

(Paragraphs 1, 2, and 3, added by Article 1 of Law 2030 of 2020)

Article 39. *Granting and practice of the commission.* The ruling granting a commission shall indicate its purpose precisely and clearly. The dispatch issued shall include a reproduction of the content of the ruling, the documents ordered by the commissioning party, and any others requested by the parties, provided that they pay the costs at the time of the request. Under no circumstances shall the original file be sent to the commissioner.

When the commissioning court and the commissioner have enabled the Digital Justice Plan, the commission order shall be communicated to the commissioner without the need to issue a commission order, and the commissioner shall be given access to the entire file.

When the purpose of the commission is to take evidence, the commissioning party shall indicate the deadline for its completion, taking into account the provisions of Article 121. In all other cases, the commissioner shall set the earliest possible date and time for its commencement in an order that shall be notified by the court clerk.

Once the commission has been completed, the office shall be returned to the principal, and the agent shall not be permitted to take any further action.

The agent who fails to comply with the term set by the principal or unjustifiably delays the fulfillment of the commission shall be punished with a fine of five (5) to ten (10) times the current legal monthly minimum wage (smlmv), which shall be imposed by the principal.

Article 40. *Powers of the agent.* The agent shall have the same powers as the principal in relation to the task delegated to him,

including the power to resolve appeals and grant appeals against the orders issued, which are subject to such remedies. The granting of any appeals filed shall be decided at the end of the proceedings.

Any action by the commissioner that exceeds the limits of his powers shall be null and void. The nullity may be alleged no later than five (5) days after notification of the order to add the completed proceedings to the file. The request for nullity shall be decided outright by the principal, and the order deciding it shall only be subject to reconsideration.

Article 41. *Commission abroad.* When the proceeding is to be carried out in foreign territory, the judge, depending on the nature and urgency of the proceeding, and in accordance with international treaties and agreements on judicial cooperation, may:

1. Send a letter rogatory, through the Ministry of Foreign Affairs, to one of the judicial authorities of the country where the proceeding is to be carried out, so that it may be carried out and returned through the diplomatic or consular agent of Colombia or that of a friendly country.
2. Directly commission the Colombian consul or diplomatic agent in the respective country to carry out the proceedings in accordance with national laws and return them directly. Colombian consuls and diplomatic agents abroad are empowered to carry out all judicial proceedings for which they are commissioned.

For bankruptcy and insolvency proceedings, the coordination, communication, and cooperation mechanisms provided for in the cross-border insolvency regime shall apply.

### TITLE III

#### DUTIES AND POWERS OF JUDGES

Article 42. *Duties of the judge.* The duties of the judge are:

1. To direct the proceedings, ensure their prompt resolution, preside over hearings, take appropriate measures to prevent the proceedings from being stalled or delayed, and seek the greatest procedural economy.
2. To ensure the equality of the parties in the proceedings, using the powers granted to him or her by this code.
3. To prevent, remedy, punish, or report, by the means established in this code, any acts contrary to the dignity of justice, loyalty, probity, and good faith that must be observed in the proceedings, as well as any attempt at procedural fraud.
4. Use the powers granted by this code in matters of ex officio evidence to verify the facts alleged by the parties.
5. Adopt the measures authorized in this code to remedy or prevent procedural defects, integrate the necessary joinder of parties, and interpret the claim in a manner that allows for a decision on the merits of the case. This interpretation must respect the right to adversarial proceedings and the principle of consistency.
6. Decide even if there is no law that is exactly applicable to the case in question, or if it is unclear or incomplete, applying the laws that regulate similar situations or matters, and failing that, constitutional doctrine, case law, custom, and the general principles of substantive and procedural law.
7. Give reasons for the judgment and other orders, except for mere procedural orders.

The reasoning behind the orders must also take into account the provisions of Article 7 on probable doctrine.

8. Issue rulings within the legal terms, schedule hearings and proceedings at the appropriate legal time, and attend them.
9. Maintain confidentiality regarding decisions to be issued in proceedings. The same duty applies to court employees.
10. Preside over the distribution of cases when appropriate.
11. Verify with the clerk any questions relating to the proceedings and refrain from requesting an official report on facts contained in the case file.
12. Check the legality of the proceedings once each stage of the process has been completed.
13. Wear a robe during hearings.
14. Use the Digital Justice Plan when it is implemented in your court office.
15. Any others established by law.

Article 43. *Powers of order and instruction.* The judge shall have the following powers of order and instruction:

1. To resolve proceedings in equity if they concern available rights, the parties so request and are capable, or the law so authorizes.
2. To reject any request that is manifestly inadmissible or that involves a clear delay.

3. Order the parties to provide clarifications and explanations regarding the positions and requests they submit.
4. Require authorities or individuals to provide information that, despite having been requested by the interested party, has not been provided, provided that it is relevant to the purposes of the proceedings. The judge shall also use this power to identify and locate the assets of the defendant.
5. To ratify, by the most expeditious means possible, the authenticity and veracity of the excuses presented by the parties or their representatives or third parties to justify their failure to attend hearings or proceedings. In the event of inconsistencies or irregularities, in addition to rejecting the excuse and applying the corresponding legal consequences within the proceedings or action, the judge shall certify copies for any criminal or disciplinary investigations that may be necessary.
6. Any others established by law.

Article 44. *Corrective powers of the judge.* Without prejudice to any disciplinary action that may be taken, the judge shall have the following corrective powers:

1. To punish with imprisonment for up to five (5) days those who fail to show due respect in the exercise of their functions or because of them.
2. To punish with imprisonment for up to fifteen (15) days anyone who prevents or obstructs the conduct of any hearing or proceeding.
3. To impose fines of up to ten (10) times the current legal monthly minimum wage (smlmv) on his employees, other public employees, and private individuals who, without just cause, fail to comply with the orders he issues in the exercise of his functions or delay their execution.
4. Impose fines of up to ten (10) times the current legal monthly minimum wage (smlmv) on employers or legal representatives who prevent their employees or representatives from appearing in court to give testimony or respond to any other summons issued to them.
5. Expel from hearings and proceedings those who disrupt their course.
6. Order the return of disrespectful documents against officials, parties, or third parties.
7. Any others established by law.

Paragraph. To impose the penalties provided for in the first five paragraphs, the judge shall follow the procedure set forth in Article 59 of the Statutory Law on the Administration of Justice. The judge shall apply the appropriate penalty, taking into account the seriousness of the offense.

When the offender is not present, the sanction shall be imposed by means of an incidental proceeding that shall be conducted independently of the main proceedings.

Only an appeal for reconsideration may be filed against corrective penalties, which shall be resolved outright.

#### TITLE IV

#### PUBLIC PROSECUTOR'S OFFICE

Article 45. *Public Prosecutor's Office.* The functions of the Public Prosecutor's Office are exercised:

1. Before the Supreme Court of Justice and the superior courts of the judicial district, by the respective deputy prosecutor.
2. Before circuit, municipal, and family judges, by the deputy prosecutors. They may also do so through the municipal representatives of the respective municipality, as their delegates and under their direction.
3. Before administrative authorities exercising jurisdictional functions, through whoever is competent if the proceedings have been brought before a judge or court.
4. Before arbitration tribunals, in accordance with the special rules governing the matter. In the absence of an express rule, through whoever is competent if the proceedings have been brought before a judge or court.

Prosecutors must recuse themselves when they, their spouse or permanent partner, or relatives within the fourth degree of consanguinity or civil relationship, or second degree of affinity, have an interest in the proceedings. When recusing themselves, they shall state the facts on which their recusal is based. Disqualifications and recusals must be resolved by the superior of the official acting as an agent of the Public Prosecutor's Office, and if they are declared valid, the superior shall designate a replacement.

Paragraph. The duties assigned to deputy prosecutors may be performed by judicial prosecutors acting under their delegation and direction.

Article 46. *Functions of the Public Prosecutor's Office.* Without prejudice to the provisions of special laws, the Public Prosecutor's Office shall exercise the following functions:

1. Intervene in all types of proceedings in defense of the legal system and fundamental, social, economic, cultural, or collective rights and guarantees.
2. To bring class actions, compliance actions, and guardianship actions in defense of the legal system, in defense of fundamental, social, economic, cultural, or collective guarantees and rights, as well as actions aimed at the recovery and protection of the assets of the nation and other public entities.
3. Act as defender of incapacitated persons in cases determined by law.
4. In addition to the above functions, the Public Prosecutor's Office shall exercise the following functions in the ordinary jurisdiction on a mandatory basis:
  - a) Intervene in proceedings involving the nation or a territorial entity.
  - b) To give an opinion, which shall not be mandatory, in cases of acquiescence to the claim, withdrawal, or settlement by the nation or a territorial entity.
  - c) To issue an opinion in the processing of consular letters rogatory.

Paragraph. The Public Prosecutor's Office shall intervene as a special procedural party with broad powers, including the power to file appeals, issue opinions, request annulments, request, contribute, and contest evidence.

When performing a specific function of the Public Prosecutor's Office, it may request the implementation of precautionary measures.

#### TITLE V

#### AUXILIARIES OF JUSTICE

Article 47. *Nature of the positions.* The positions of court officers are occasional public offices that must be held by suitable, impartial individuals of impeccable conduct and excellent reputation. Each office shall require suitability and experience in the respective field and, where applicable, a guarantee of responsibility and compliance. The court officer shall be required to hold a valid license, registration, or professional card issued by the competent body provided for by law, according to the profession, art, or activity necessary in the matter in which he or she is to act, where applicable.

The respective fees shall constitute equitable remuneration for the service and shall not place an excessive burden on those who have access to the administration of justice.

Article 48. *Appointment.* The following rules shall be observed for the appointment of court officers:

1. The appointment of receivers, partitioners, liquidators, trustees, interpreters, and translators shall be made by the presiding magistrate or by the trial judge from the official list of court officers. The appointment shall be on a rotating basis, so that the same person may not be appointed a second time until the list has been exhausted.

The order appointing the partitioner, liquidator, trustee, interpreter, or translator shall include three (3) names, but the position shall be held by the first person to appear to be notified of the order appointing them and of the admission of the claim or the payment order, if applicable, whereby the appointment shall be deemed accepted. The other two nominees shall retain their place on the list. If, within five (5) days of notification of the appointment, none of the nominees has appeared to be notified, they shall be replaced in accordance with the same rule.

The sequestrator shall be appointed by the trial judge, and the commissioner may only relieve him or her for the reasons set forth in this article. Only natural or legal persons who have obtained a license in accordance with the regulations issued by the Superior Council of the Judiciary, which shall establish the conditions for its renewal, may be appointed as sequestrators. The license shall be granted to those who have previously proven their suitability and have guaranteed the fulfillment of their duties and compensation for any damages that may be caused by the improper administration of the assets under their care, through the guarantees determined by the regulations issued by the Superior Council of the Judiciary.

The suitability requirements determined by the Superior Council of the Judiciary for each judicial district shall include parameters of solvency, liquidity, experience, technical capacity, administrative and accounting organization, and physical infrastructure.

2. For the appointment of experts, the parties and the judge shall turn to specialized institutions, whether public or private, or to professionals of recognized standing and competence. The director or legal representative of the respective institution shall appoint the person or persons who are to render the opinion, who, if summoned, shall attend the hearing.
3. If, at the beginning or during the course of proceedings, the appointed assistants are absent, they shall be replaced by any of those appearing on the corresponding list who are qualified to perform the duties immediately. This rule shall not apply to experts.
4. The parties may, by mutual agreement, appoint or replace the court officer at any time.
5. The lists of court officers shall be binding on magistrates, judges, and police authorities. When the official list of the

district does not include the required assistant, one may be appointed from the list of a nearby district.

6. The judge may not appoint as a court officer the spouse, permanent partner, or any relative within the fourth degree of consanguinity, second degree of affinity, or fourth degree of civil relationship of the official hearing the case, of the employees of the office, of the parties, or of the attorneys acting in the case. Nor may a person who has a direct or indirect interest in the management or decision that is the subject of the proceedings be appointed as an assistant to the court. The same rules shall apply with respect to the natural person through whom a legal entity acts as an assistant to the court.

7. The appointment of the curator ad litem shall fall to a lawyer who regularly practices the profession, who shall perform the duties free of charge as a public defender. The appointment is mandatory, unless the appointee can prove that he or she is acting as a public defender in more than five (5) proceedings. Consequently, the appointee must immediately take office, under penalty of disciplinary sanctions, for which copies will be certified by the competent authority.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Rulings C-083 and C-369 of 2014.

Paragraph. The provisions of this article shall not affect the competence of the administrative authorities to draw up lists, make appointments, and exclude persons, in accordance with the provisions of the law.

*Article 49. Notification of appointment, acceptance of office, and replacement of the court officer.* The appointment of the court officer shall be communicated by telegram sent to the address appearing on the official list, or by other more expeditious means, or preferably by data message. This shall be recorded in the file. The communication shall indicate the date and time of the proceeding to which the appointed assistant must attend. Any other communication shall be made in the same manner.

The position of court assistant must be accepted by those who are registered on the official list. If the appointed assistant does not accept the position within five (5) days of being notified of their appointment, refuses to perform the service, fails to attend the proceedings, fails to complete the task within the specified time frame, or incurs grounds for removal from the list, they will be immediately relieved of their duties.

*Article 50. Exclusion from the list.* The Superior Council of the Judiciary shall exclude from the lists of court officers:

1. Those who have been convicted by final judgment for crimes against the administration of justice or the public administration, or who have been sanctioned by the Disciplinary Jurisdictional Chamber of the Superior Council of the Judiciary or its branches.
2. Those whose registration or license has been suspended or canceled.
3. Those who have entered into public office.
4. Those who have died or become physically or mentally incapacitated.
5. Those who are permanently absent from the respective judicial district.
6. Legal entities that are dissolved.
7. Those who, as receivers, liquidators, or administrators of assets, have not rendered account of their management in a timely manner, or deposited the monies held on behalf of the court, or covered the balance for which they are responsible, or returned the assets entrusted to them, or have used them for their own benefit or that of third parties, or are found to be responsible for negligent administration.
8. Those who have not fully carried out the activity entrusted to them or have not fulfilled the assignment within the time limit granted.
9. Those who, without just cause, refuse to accept the position or fail to attend the proceedings for which they were appointed.
10. Those who have agreed to, requested, or improperly received compensation from any of the parties.
11. To receivers whose performance guarantee has expired and who have not renewed it in a timely manner.

In the cases provided for in paragraphs 7 and 10, once the determining fact of the exclusion has been established, the trial judge shall notify the Superior Council of the Judiciary, which may impose penalties of up to twenty (20) times the current legal monthly minimum wage (smlmv). The same shall apply in the cases referred to in paragraphs 8 and 9, if within five (5) days following the expiration of the term or the date of the proceeding, the assistant does not demonstrate force majeure or unforeseeable circumstances that prevented him or her from fulfilling his or her duty. This rule shall apply to legal entities whose administrators or delegates incur the causes set forth in paragraphs 7, 8, 9, and 10.

Paragraph 1. Legal entities may not act as assistants to the court through persons who have incurred the grounds for exclusion provided for in this article.

Paragraph 2. Whenever a sequestrator is removed from the list, they shall be deemed relieved of their duties in all proceedings in which they have been appointed and shall immediately proceed to deliver the assets entrusted to them. Failure to comply with this duty shall be punishable by a fine of five (5) times the current legal monthly minimum wage (smlmv) in each proceeding. This rule shall also apply when, having completed his duties, the sequestrator refrains from delivering the property entrusted to him.

In the events provided for in this paragraph, the judge shall, at the request of the interested party, proceed to deliver the property to the appropriate person.

Paragraph 3. A person who has incurred any of the grounds for exclusion provided for in this article may not be appointed as an expert.

Article 51. *Custody of property and money.* Court officials who, as depositaries, receivers, or administrators of property, receive its proceeds in money, or receive in money the proceeds from the sale of the property or its fruits, shall immediately issue a certificate of deposit to the court.

The judge may authorize the payment of taxes and expenses with the deposited money; likewise, in the case of industrial, commercial, or agricultural enterprises, he may authorize the administrator to deposit the money in a bank account in his name, under his responsibility. The respective bank shall send a copy of the monthly statements to the court.

In any case, the depositary or administrator shall provide the court with a monthly report on his management, without prejudice to his duty to render accounts.

Article 52. *Functions of the receiver.* The receiver shall, as custodian, have custody of the assets entrusted to him, and in the case of a company or income-producing assets, the powers provided for the agent in the Civil Code, without prejudice to the powers and duties of his office. Under his responsibility and with prior judicial authorization, he may appoint the employees he requires for the proper performance of his duties and assign them functions. Their remuneration shall be authorized by the judge.

When the seized assets are consumable and are exposed to deterioration or loss, and in the case of movable property whose depreciation over time is inevitable, the receiver shall dispose of them under normal market conditions, shall constitute a certificate of deposit at the court's request with the money proceeds from the sale, and shall immediately report to the judge.

## SECTION TWO

### PARTIES, REPRESENTATIVES, AND ATTORNEYS-AT-

#### LAW SOLE TITLE

#### PARTIES, THIRD PARTIES, AND

#### ATTORNEYS-IN-FACT CHAPTER I

#### Capacity and representation Article

53. *Capacity to be a party.* The following may be parties to proceedings:

1. Natural and legal persons.
2. Autonomous estates.
3. The unborn child, for the defense of its rights.
4. Others as determined by law.

Article 54. *Appearance in proceedings.* Persons who can exercise their rights have the capacity to appear in person in proceedings. All others must appear through their representatives or persons duly authorized by them, subject to substantive rules.

When parents exercising parental authority disagree on the legal representation of their child, or when there are several guardians of the same ward who disagree, the judge shall appoint a guardian ad litem, at the request of any of them or ex officio.

Legal entities and autonomous estates shall appear in the proceedings through their representatives, in accordance with the provisions of the Constitution, the law, or the statutes. In the case of autonomous estates constituted through trust companies, they shall appear through the legal representative or attorney-in-fact of the respective trust company, who shall act as their spokesperson.

When the defendant legal entity has several representatives or attorneys-in-fact other than those mentioned above, any of them may be summoned, even if they are not authorized to act separately. Legal entities may also appear through legal representatives for judicial matters or duly registered attorneys-in-fact.

When the legal entity is in liquidation, it shall be represented by its liquidator. Groups of persons shall appear in the proceedings in accordance with the provisions of the law governing them.

Unborn children shall appear through those who would represent them if they had already been born.

Article 55. *Appointment of guardian ad litem.* The guardian ad litem shall be appointed as follows:

1. When an incapacitated person is required to appear in proceedings in which the family defender is not required to intervene and lacks legal representation due to

any reason or has a conflict of interest with the latter, the judge shall appoint a guardian ad litem, at the request of the Public Prosecutor's Office, one of the relatives, or ex officio.

When the family defender is involved, he or she shall act on behalf of the incapacitated person.

2. When a child of the family has to litigate against one of his or her parents and is represented by the other, the authorization of the judge shall not be necessary. Nor shall such authorization be necessary when the family defender acts in the interest of the child.

Article 56. *Functions and powers of the guardian ad litem.* The guardian ad litem shall act in the proceedings until the person he or she represents, or a representative of that person, appears. The guardian ad litem is empowered to perform all procedural acts that are not reserved to the party itself, but may not receive or dispose of the right in dispute.

Article 57. *Informal procedural agency.* A lawsuit may be filed or answered on behalf of a person for whom no power of attorney has been granted, provided that the person is absent or unable to do so; it shall suffice to affirm this circumstance under oath, which shall be deemed to have been given by the filing of the lawsuit or the answer.

The informal agent of the plaintiff must provide security within ten (10) days of notification to the plaintiff of the order admitting the claim. If the party does not ratify it within thirty (30) days, the proceedings shall be declared terminated and the official agent shall be ordered to pay the costs and damages caused to the defendant. If ratification occurs before the expiration of the term for posting the bond, the official agent shall be exempt from such procedural burden.

The proceedings shall be suspended once the defendant has been notified of the order admitting the claim, and shall include the enforcement period and the transfer period. Once the claim has been duly ratified by the party, the proceedings shall resume upon notification of the order lifting the suspension. If the claim is not ratified or is ratified late, the proceedings shall be declared terminated.

Anyone who intends to act as an unofficial agent for a defendant must respond to the complaint within the transfer period, stating that they are doing so as an unofficial agent.

Once the transfer period has expired, the judge shall order the suspension of the proceedings for a period of thirty (30) days and shall set a bond that must be provided within ten (10) days.

If the ratification of the response to the complaint occurs before the expiration of the period for providing the bond, the informal agent shall be exempt from such procedural burden.

If the bond is not provided or the agent's actions are not ratified in a timely manner, the complaint shall be deemed unanswered and the proceedings shall resume.

The official agent shall act through a lawyer, except in cases exempted by law.

Article 58. *Representation of foreign legal entities and non-profit non-governmental organizations.* The representation of foreign companies with permanent businesses in Colombia shall be governed by the provisions of the Commercial Code.

Other legal entities under private law and non-profit non-governmental organizations domiciled abroad that establish businesses or wish to carry out their corporate purpose in Colombia shall appoint attorneys-in-fact with the capacity to represent them in court. To this end, they shall file with a notary public of the respective circuit suitable proof of the existence and representation of said legal entities and of the corresponding power of attorney. In addition, an extract of the notarized documents shall be registered with the corresponding public office.

Foreign legal entities that do not have permanent businesses in Colombia shall be represented in proceedings by the representative they appoint in accordance with the formalities provided for in this code. Until such time as they appoint a representative, they shall be represented by those who manage their businesses in the country.

Article 59. *Agencies and branches of domestic companies.* Companies domiciled in Colombia must appoint representatives with the authority to represent them in the places where agencies are established, as indicated in paragraph 2 of the preceding article, but registration shall be carried out at the respective Chamber of Commerce. If they do not appoint representatives, the person in charge of the respective agency shall act as their representative.

In the case of a company domiciled in Colombia that does not have a representative in any of its branches, it shall be represented by the person in charge of the branch.

## CHAPTER II

### Co-litigants and Other Parties

Article 60. *Optional co-litigants.* Unless otherwise provided, optional co-litigants shall be considered separate litigants in their relations with the opposing party. The actions of each of them shall not benefit or prejudice the others, without affecting the unity of the proceedings.

Article 61. *Necessary joinder and integration of the adversarial process.* When the proceedings concern legal relationships or acts which, due to their nature or legal provisions, must be resolved in a uniform manner and it is not possible to decide on the merits without the appearance of the persons who are subject to such relationships or who participated in such acts, the claim must be filed by all or directed against all; if this is not done, the judge, in the order admitting the claim, shall order that it be notified and served on those who are missing in order to integrate the adversarial process, in the manner and with the term of appearance provided for the defendant.

If service has not been ordered when the claim is admitted, the judge shall order the summons of the aforementioned persons, either ex officio or at the request of a party, until a first instance judgment has been handed down, and shall grant the summoned persons the same time limit to appear. The proceedings shall be suspended during that time limit.

If any of the parties summoned requests evidence in the statement of intervention, the judge shall rule on it and, if he or she orders it, shall set a hearing to examine it.

The appeals and, in general, the actions of each co-litigant shall benefit the others. However, acts involving the disposition of the right in dispute shall only be effective if they emanate from all of them.

When any of the necessary co-litigants of the plaintiff does not appear in the complaint, their inclusion may be requested, accompanied by proof of said co-litigation.

Article 62. *Quasi-necessary co-litigants.* Those who have a certain substantial relationship to which the legal effects of the judgment extend, and who were therefore entitled to sue or be sued in the proceedings, may intervene in a proceeding as co-litigants of one party and with the same powers as that party.

They may request evidence if they intervene before the evidence requested by the parties is ordered; if they intervene later, they shall take over the proceedings in the state in which they are at the time of their intervention.

Article 63. *Exclusive intervention.* Any party to declaratory proceedings who claims, in whole or in part, the disputed item or right may intervene by filing a claim against the plaintiff and defendant, up until the initial hearing, in order to be recognized in the same proceedings.

The intervention shall be processed jointly with the main proceedings and a separate file shall be created for it. The judgment shall first rule on the intervener's claim.

Article 64. *Third-party proceedings.* Anyone who claims to have a legal or contractual right to demand compensation from another party for damages suffered or full or partial reimbursement of payments made as a result of a judgment handed down in proceedings brought by or against them, or who, in accordance with substantive law, has the right to relief for eviction, may request, in the complaint or within the time limit for responding to it, that a decision on such a relationship be made in the same proceedings.

Article 65. *Requirements for the call.* The complaint by which the guarantee is called must comply with the same requirements set forth in Article 82 and other applicable rules.

The party summoned may in turn bring a third-party claim.

Article 66. *Procedure.* If the judge finds the summons admissible, he shall order that the summoned party be personally notified and that the initial complaint be forwarded to him. If notification is not achieved within six (6) months, the summons shall be ineffective. The same rule shall apply in the case contemplated in the second paragraph of the previous article.

The third party may respond to the complaint and the summons in a single document and request the evidence it intends to present.

The judgment shall decide, where appropriate, on the substantive relationship alleged and on the compensation or restitution to be paid by the third party.

Paragraph. It shall not be necessary to personally notify the order admitting the third-party claim when the third party is acting in the proceedings as a party or as a representative of one of the parties.

Article 67. *Summons to the possessor or holder.* Anyone who has an item in the name of another and is sued as the possessor thereof must state this in the summons, indicating the place where the possessor can be notified, under penalty of being ordered in the same proceedings to pay the damages caused to the plaintiff by their silence and a fine of fifteen (15) to thirty (30) times the legal minimum monthly wage. The judge shall order that the designated possessor be notified.

If the summoned person appears and acknowledges that he is the possessor, he shall be considered a party in place of the defendant, who shall be excluded from the proceedings. In this case, by means of an order to be notified by the court clerk, the judge shall order the transfer of the lawsuit to the possessor.

If the person summoned does not appear or denies their status as possessor, the proceedings shall continue with the defendant, but the judgment shall have effect with respect to the defendant and the possessor designated by the defendant.

The provisions of this article shall apply to anyone who is sued as the holder of an item, if the possession lies with another person.

When the file contains evidence that the true possessor or holder is a person other than the defendant or the summoned party, the judge of first instance shall, ex officio, order their involvement. In such a case, the summoned party shall have the same time limit as the defendant to respond to the claim.

Article 68. *Procedural succession.* If a litigant dies or is declared absent, the proceedings shall continue with the spouse, the executor with possession of the property, the heirs, or the corresponding guardian.

(paragraph modified by Article 59 of Law 1996 of 2019)

If, in the course of the proceedings, a legal entity that is a party to the proceedings is dissolved, merged, or split, the successors in the disputed right may appear in order to have their status recognized. In any case, the judgment shall have effect with respect to them even if they do not appear.

The purchaser of the disputed item or right, regardless of the title, may intervene as a co-defendant of the previous owner. They may also replace them in the proceedings, provided that the opposing party expressly agrees to this.

Disputes arising from the exercise of the right enshrined in Article 1971 of the Civil Code shall be decided as an incidental proceeding.

Article 69. *Intervention in incidental proceedings or for special procedures.* When the intervention is limited to an incidental proceeding or procedure, the intervening party shall only be a party to those proceedings.

Article 70. *Irreversibility of the proceedings.* The intervening parties and successors referred to in this code shall take over the proceedings in the state in which they are at the time of their intervention.

### CHAPTER III

#### Third Parties

Article 71. *Intervening party.* Any person who has a substantial relationship with one of the parties to which the legal effects of the judgment do not extend, but which may be affected if that party is defeated, may intervene in the proceedings as an intervening party, as long as no judgment has been rendered in the first or second instance.

The intervener shall take over the proceedings in the state in which they are at the time of their intervention and may perform the procedural acts permitted to the party they are assisting, provided that they do not conflict with those of the latter and do not involve the disposition of the right in dispute.

Intervention is only admissible in declaratory proceedings. The request for intervention shall contain the facts and legal grounds on which it is based and shall be accompanied by the relevant evidence.

If the judge considers the intervention to be appropriate, he or she shall accept it outright and consider the requests made by the intervening party. Intervention prior to the transfer of the claim shall be resolved after the transfer has been made.

Article 72. *Ex officio summons.* At any stage of the proceedings, whenever the judge observes collusion, fraud, or any other similar situation in the proceedings, he or she shall order the summons of the persons who may be harmed, so that they may assert their rights.

The aforementioned may request evidence if they intervene before the preliminary hearing and trial.

### CHAPTER IV

#### Attorneys

Article 73. *Right to representation.* Persons who are required to appear in the proceedings must do so through a legally authorized attorney, except in cases where the law allows for their direct intervention.

Article 74. *Powers of attorney.* General powers of attorney for all types of proceedings may only be conferred by public deed. Special powers of attorney for one or more proceedings may be conferred by private document. In special powers of attorney, the matters must be determined and clearly identified.

Special powers of attorney may be conferred verbally at a hearing or proceeding or by means of a brief addressed to the judge hearing the case. Special powers of attorney for judicial purposes must be presented in person by the principal before a judge, judicial support office, or notary. Substitutions of power of attorney are presumed to be authentic.

Powers of attorney may be issued abroad, before a Colombian consul or an official authorized to do so by local law; in the latter case, their authentication shall be carried out in the manner established in Article 251.

When the person granting the power of attorney is a company, if the consul who authenticates it or before whom it is granted certifies that he has seen proof of the existence of the company and that the person granting it is its representative, these circumstances shall be deemed to have been established. The same procedure shall be followed when the person granting the power of attorney is the representative of a person.

Special power of attorney may be granted by means of a digitally signed data message. Powers of attorney may be accepted expressly or by their exercise.

Article 75. *Appointment and replacement of attorneys-in-fact.* Power of attorney may be conferred on one or more attorneys.

Power of attorney may also be granted to a legal entity whose main corporate purpose is the provision of legal services. In this case, any legal professional registered in its certificate of existence and legal representation may act in the proceedings. The foregoing is without prejudice to the legal entity's ability to grant or replace power of attorney to other attorneys outside the firm. The Chambers of Commerce shall proceed with the registration referred to in this paragraph.

In no case may more than one legal representative of the same person act simultaneously. The special power of attorney for a proceeding prevails over the general power of attorney conferred by the same party.

In the case of multiple proceedings and where one party has different attorneys in each proceeding, the attorney who exercised power in the oldest proceeding shall continue to do so, unless the principal decides otherwise.

The power of attorney may be replaced provided that this is not expressly prohibited.

A power of attorney conferred by public deed may be replaced for a specific transaction by means of a memorandum. The person replacing a power of attorney may resume it at any time, thereby revoking the replacement.

Article 76. *Termination of power of attorney.* The power of attorney shall terminate upon filing with the court clerk's office of the document revoking it or appointing another attorney-in-fact, unless the new power of attorney has been granted for specific appeals or proceedings within the case.

The order admitting the revocation shall not be subject to appeal. Within thirty (30) days following notification of said order, the attorney whose power of attorney has been revoked may request the judge to regulate his or her fees by means of an incidental proceeding to be conducted independently of the proceedings or subsequent action. To determine the amount of the fees, the judge shall base his or her decision on the respective contract and the criteria set forth in this code for the determination of legal fees. Once the indicated term has expired, the regulation of fees may be requested before the labor judge.

The heirs and surviving spouse of the deceased attorney-in-fact shall have the same right.

The resignation does not terminate the power of attorney until five (5) days after the resignation memorandum has been filed with the court, accompanied by the communication sent to the principal to that effect.

The death of the principal or the dissolution of legal entities does not terminate the power of attorney if the lawsuit has already been filed, but the power of attorney may be revoked by the heirs or successors.

Nor does the power terminate upon the cessation of the functions of the person who conferred it as representative of a natural or legal person, unless it is revoked by the appropriate person.

Article 77. *Powers of the attorney-in-fact.* Unless otherwise stipulated, the power of attorney to litigate is understood to be conferred to request extra-procedural precautionary measures, extra-procedural evidence, and other preparatory acts for the proceedings, to carry out all the proceedings, to request precautionary measures, to file ordinary appeals, cassation appeals, and annulment appeals, and to carry out the subsequent actions that are a consequence of the judgment and are complied with in the same file, and to enforce the sentences imposed therein.

The attorney-in-fact may make all claims deemed appropriate for the benefit of the principal.

The power to act in a proceeding enables the attorney-in-fact to receive notification of the order admitting the complaint or the writ of execution, to take an oath of estimation, and to confess spontaneously. Any restriction on such powers shall be deemed null and void. The power of attorney also enables the attorney-in-fact to counterclaim and represent the principal in all matters relating to the counterclaim and the intervention of other parties or third parties.

The attorney-in-fact may not perform acts reserved by law to the party itself, nor may he or she receive, acquiesce to, or dispose of the right in dispute, unless the principal has expressly authorized it.

When power of attorney is conferred on a legal entity to appoint or replace legal representatives, the legal entity shall indicate the powers that the representative shall have, without exceeding those granted by the principal to the legal entity.

## CHAPTER V

### Duties and Responsibilities of the Parties and Their Attorneys Article 78.

*Duties of the parties and their attorneys.* The duties of the parties and their attorneys are:

1. To act with loyalty and good faith in all their actions.

2. Act without recklessness in their claims or defenses and in the exercise of their procedural rights.
3. Refrain from obstructing the progress of hearings and proceedings.
4. Refrain from using offensive language in their written and oral statements, and show due respect to the judge, the judge's employees, the parties, and the officers of the court.
5. Communicate in writing any change of address or of the place designated for receiving personal notifications, in the complaint or in the answer or in the statement of objections in the enforcement proceedings, under penalty of these being validly served at the previous address.
6. Take the necessary steps and measures to ensure that the adversarial process is completed in a timely manner.
7. Appear in court when summoned by the judge and comply with his or her orders at hearings and proceedings.
8. Assist the judge in the taking of evidence and other proceedings.
9. Refrain from making marginal or interlinear notes, underlining, or drawings of any kind in the file, under penalty of incurring a fine of one minimum monthly wage (1 smlmv).
10. Refrain from requesting the judge to obtain documents that could have been obtained directly or through the exercise of the right of petition.
11. Inform your client of the date and time set by the judge for questioning of the parties, examination of documents, judicial inspection or exhibition, in general, of any hearing and its purpose, and immediately inform them of the waiver of power of attorney.

Summon witnesses whose testimony has been ordered at your request, by any effective means, and attach proof of the summons to the file.

12. Take measures to keep in his possession the evidence and information contained in data messages related to the proceedings and produce it when required by the judge, in accordance with the procedures established in this code.
13. Inform the client in a timely manner about the scope and consequences of the oath of estimation, the counterclaim, and the involvement of other parties to the proceedings.
14. Send a copy of the briefs submitted in the proceedings to the other parties to the proceedings after they have been notified, when they have provided an email address or equivalent means for the transmission of data. Requests for precautionary measures are exempt. This obligation shall be fulfilled no later than the day following the submission of the brief. Failure to comply with this duty does not affect the validity of the action, but the affected party may request the judge to impose a fine of up to one current legal minimum monthly wage (1 smlmv) for each violation.
15. Limit transcriptions or reproductions of minutes, decisions, concepts, doctrinal and jurisprudential citations to those that are strictly necessary for the proper substantiation of the request.

Article 79. *Recklessness or bad faith.* Recklessness or bad faith is presumed to have existed in the following cases:

1. When the lack of legal basis for the claim, exception, appeal, opposition, or incident is evident, or when facts contrary to reality are knowingly alleged.
2. When non-existent qualities are alleged.
3. When the proceeding, incidental proceeding, or appeal is used for clearly illegal purposes or for malicious or fraudulent purposes.
4. When the taking of evidence is obstructed, by action or omission.
5. When the normal and expeditious conduct of the proceedings is hindered by any other means.
6. When deliberately inaccurate transcriptions or quotations are made.

Article 80. *Financial liability of the parties.* Each party shall be liable for any damages caused to the other party or to third parties involved as a result of reckless or bad faith procedural actions. When evidence of such conduct appears in the proceedings or incidental proceedings, the judge, without prejudice to any costs that may be incurred, shall impose the corresponding penalty in the judgment or in the order deciding the matter. If it is not possible to determine the amount therein, the judge shall order that it be settled by incidental proceedings.

Third parties involved in the proceedings or incident shall be subject to the same liability and consequent penalty.

If several litigants are liable for the damages, they shall be sentenced in proportion to their interest in the proceedings or incident.

Article 81. *Financial liability of attorneys-in-fact and principals.* An attorney-in-fact who acts recklessly or in bad faith shall be subject to the penalty referred to in the previous article, namely, payment of the costs of the proceedings, incidental proceedings, or appeal, and a fine of ten (10) to fifty (50) minimum monthly wages

. This penalty shall be joint and several if the principal also acted recklessly or in bad faith.

A copy of the relevant information shall be sent to the appropriate authority so that it may proceed with a disciplinary investigation of the attorney for breaches of professional ethics.

BOOK TWO  
PROCEDURAL ACTS  
SECTION ONE  
PURPOSE OF THE  
PROCEEDINGS SINGLE  
TITLE  
PLAINTIFF'S STATEMENT OF CLAIM AND  
DEFENDANT'S ANSWER CHAPTER I  
Complaint

Article 82. *Requirements of the complaint.* Unless otherwise provided, the complaint initiating any proceeding must meet the following requirements:

1. The designation of the judge to whom it is addressed.
2. The name and address of the parties and, if they are unable to appear in person, those of their legal representatives. The identification number of the plaintiff and their representative and that of the defendants, if known, must be indicated. In the case of legal entities or autonomous estates, this shall be the tax identification number (NIT).
3. The name of the plaintiff's legal representative, if applicable.
4. The precise and clear statement of the claim.
5. The facts on which the claims are based, duly determined, classified, and numbered.
6. The request for the evidence to be presented, indicating the documents in the defendant's possession, so that they may be provided.
7. The oath of affirmation, when necessary.
8. The legal grounds.
9. The amount involved in the proceedings, when an estimate is necessary to determine jurisdiction or procedure.
10. The location, physical address, and email address that the parties, their representatives, and the plaintiff's attorney have or are required to maintain, where they will receive personal notifications.
11. Any other information required by law.

Paragraph one. When the address of the defendant or their legal representative is unknown, or the place where they will receive notifications, this circumstance must be stated.

Paragraph two. Lawsuits filed by data message shall not require the digital signature defined by Law 527 of 1999. In these cases, it shall be sufficient for the subscriber to identify themselves with their name and identification document in the data message.

Article 83. *Additional requirements.* Lawsuits concerning real estate shall specify its location, current boundaries, nomenclature, and other circumstances that identify it. A transcription of boundaries shall not be required when they are contained in any of the documents attached to the lawsuit.

When the claim concerns rural properties, the claimant must indicate their location, current boundaries, and the name by which the property is known in the region.

Claims relating to movable property shall be determined by their quantity, quality, weight, or measurement, or shall be identified, as the case may be.

In declaratory proceedings seeking, directly or indirectly, all or part of the assets, it shall suffice to claim in general the assets comprising them or the part or share sought.

In lawsuits requesting precautionary measures, the persons or assets subject to such measures shall be identified, as well as their location.

Article 84. *Annexes to the claim.* The claim must be accompanied by:

1. The power of attorney to initiate the proceedings, when acting through a representative.
2. Proof of the existence and representation of the parties and the capacity in which they will participate in the proceedings, in accordance with the terms of Article 85.
3. Extra-procedural evidence and documents that are intended to be used and are in the possession of the plaintiff.
4. Proof of payment of court fees, where applicable.
5. Any other evidence required by law.

Article 85. *Proof of the existence, legal representation, or capacity in which the parties act.* Proof of the existence and representation of private legal entities may only be required when such information is not contained in the databases of the public and private entities responsible for certifying it. When the information is available through this means, no certificate shall be necessary.

In all other cases, the complaint must be accompanied by proof of the existence and legal representation of the plaintiff and the defendant, of their constitution and administration, in the case of autonomous estates, or of the capacity of heir, spouse, permanent partner, guardian of property, executor, or administrator of the community or autonomous estate in which they will be involved in the proceedings.

When the complaint states that it is not possible to prove the above circumstances, the following procedure shall be followed:

1. If the office where the evidence can be found is indicated, the judge shall order that an official letter be issued to certify the information and, if necessary, send a copy of the corresponding documents at the plaintiff's expense within five (5) days. Once a response has been obtained, a decision shall be made on the admissibility of the claim.

The judge shall refrain from issuing the aforementioned official letter when the plaintiff could obtain the document directly or through the right of petition, unless it is proven that this right has been exercised without the request being granted.

2. When the name of the defendant's legal representative is known, the judge shall order the latter, with the provisions of the following paragraph, to submit the respective evidence when responding to the claim. If the defendant fails to do so or remains silent, the proceedings shall continue. If the defendant does not have representation but knows who the true representative is, he or she must inform the judge. The defendant must also report the non-existence of the legal entity summoned if he or she has been required to represent it.

Failure to comply with any of the duties set forth in the preceding paragraph shall result in a fine of ten (10) to twenty (20) times the current legal minimum monthly wage (smlmv) and liability for any damages caused to the plaintiff by their silence.

When the person summoned affirms that they do not have representation and do not know who does, the judge shall require the plaintiff to indicate who has representation within five (5) days, under penalty of dismissal of the lawsuit.

3. When the existence of the legal entity or autonomous patrimony being sued cannot be proven during the proceedings, the proceedings shall be terminated.
4. When the representative of the defendant is unknown, they shall be summoned in the manner indicated in this code.

Article 86. *Penalties for false information.* If it is proven that the plaintiff or their representative, or both, misrepresented the information provided, in addition to forwarding the necessary copies for any criminal and disciplinary investigations that may be warranted, they shall be fined between ten (10) and fifty (50) times the minimum monthly wage and ordered to pay compensation for any damages they may have caused, without prejudice to the other consequences provided for in this code.

Article 87. *Lawsuit against specific and unspecified heirs, other administrators of the estate, and the spouse.* When seeking to bring a declaratory or enforcement action against the heirs of a person whose succession process has not begun and whose names are unknown, the action shall be brought against all those who have that status, and the order of admission shall order them to be summoned in the manner and for the purposes provided for in this code. If any of the heirs are known, the lawsuit shall be brought against them and the undetermined heirs.

The lawsuit may be brought against those who appear as intestate or testamentary heirs, even if they have not accepted the inheritance. In this case, if the defendants or executed parties who have been personally notified of the order admitting the claim or the writ of execution do not express their repudiation of the inheritance within the time limit for responding to the claim or for proposing exceptions in the enforcement proceedings, they shall be deemed to have accepted it for procedural purposes.

When there is a succession process, the plaintiff, in declaratory or enforcement proceedings, must bring the claim against the heirs recognized in that process, the other known heirs, and the undetermined heirs, or only against the latter if the former do not exist, against the executor with possession of the assets or the administrator of the estate, if applicable, and against the spouse in the case of social assets or debts.

In enforcement proceedings, when only undetermined heirs are sued, the judge shall appoint a provisional administrator of the estate's assets.

This provision also applies in paternity or maternity investigation proceedings.

Article 88. *Joinder of claims.* The plaintiff may join several claims against the defendant in the same lawsuit, even if they are not related, provided that the following requirements are met:

1. The judge has jurisdiction to hear all of them, regardless of the amount involved.
2. The claims do not exclude each other, unless they are proposed as principal and subsidiary claims.
3. That all may be processed using the same procedure.

In a claim for periodic payments, the defendant may be ordered to pay those that arise between the filing of the claim and the enforcement of the final judgment.

Claims may also be made in a lawsuit by one or more plaintiffs or against one or more defendants, even if their interests differ, in any of the following cases:

- a) When they arise from the same cause.
- b) When they concern the same subject matter.
- c) When they are interdependent.
- d) When they must use the same evidence.

In enforcement actions, the claims of several persons seeking, in whole or in part, the same assets of the defendant may be joined.

Article 89. *Filing of the claim.* The claim shall be delivered, without the need for personal presentation, to the clerk of the court to which it is addressed or to the respective court office, who shall record the date of receipt.

The claim must be accompanied by a copy for the court file and as many copies of it and its annexes as there are persons to whom it must be served. In addition, the claim must be attached as a data message for the court file and for service on the defendants. Where the Digital Justice Plan has been implemented, it will not be necessary to submit a physical copy of the claim.

At the time of filing, the clerk shall verify the accuracy of the attachments announced, and if they do not conform to the original, they shall be returned for correction.

Paragraph. Depending on the particular circumstances of the case, the judge may excuse the plaintiff from filing the complaint as a data message in accordance with the provisions of this article.

Article 90. *Admission, inadmissibility, and dismissal of the claim.* The judge shall admit the claim that meets the legal requirements and shall proceed with it in accordance with the law, even if the claimant has indicated an inappropriate procedural route. In the same order, the judge shall integrate the necessary joinder of parties and order the defendant to provide, during the transfer of the claim, the documents in his possession that have been requested by the plaintiff.

The judge shall reject the claim when he lacks jurisdiction or competence or when the limitation period for filing it has expired. In the first two cases, he shall order that it be sent with its annexes to the court he considers competent; in the latter case, he shall order that the annexes be returned without the need for a breakdown.

By means of an order not subject to appeal, the judge shall declare the claim inadmissible only in the following cases:

1. When it does not meet the formal requirements.
2. When the annexes required by law are not included.
3. When the claims brought together do not meet the legal requirements.
4. When the plaintiff is incapacitated and does not act through his or her representative.
5. When the person filing the claim lacks the right to bring the respective proceedings.
6. When the oath of estimation is not included, where necessary.
7. When it is not proven that pre-trial conciliation has been exhausted as a requirement for procedural admissibility.

In these cases, the judge shall specify the defects in the claim so that the plaintiff may remedy them within five (5) days, under penalty of rejection. Once the deadline for remedy has expired, the judge shall decide whether to admit or reject the claim.

Appeals against the order dismissing the claim shall include the order refusing to admit it. The appeal shall be granted suspensive effect

and shall be resolved outright.

In any case, within thirty (30) days following the date of filing of the claim, the plaintiff or enforcing party shall be notified of the order of admission or the payment order, as the case may be, or the order rejecting the claim. If, upon expiration of said term, the respective order has not been notified, the term indicated in Article 121 for the purposes of loss of jurisdiction shall be calculated from the day following the date of filing of the claim.

Claims that are rejected shall not be taken into account as court filings or as dismissals for the purposes of evaluating the judge's performance. Each week, the judge shall send a list of rejected claims to the distribution office for compensation in the next distribution.

Paragraph one. The existence of an arbitration agreement shall not give rise to the inadmissibility or rejection of the claim, but shall result in the termination of the proceedings when the respective preliminary objection is declared proven.

Paragraph two. In the case of the cause provided for in paragraph 4, the judge shall refer it to the public defender for the disabled, so that they may provide advice; if this entity verifies that the person is unable to afford a lawyer, it shall appoint one ex officio.

Article 91. *Transfer of the claim.* The order admitting the claim or the writ of execution shall order its transfer to the defendant, unless otherwise provided.

The transfer shall be effected by delivering, in physical form or as a data message, a copy of the complaint and its annexes to the defendant, his representative or attorney-in-fact, or the curator *ad litem*. When the notification of the order admitting the complaint or the payment order is effected by conclusive conduct, by notice, or by a commissioned agent, the defendant may request the clerk's office to provide a copy of the complaint and its attachments within three (3) days, after which the term for enforcement and transfer of the complaint shall begin to run.

If there are several defendants, the transfer shall be made to each one for the respective term, but if they are represented by the same person, the transfer shall be common.

Article 92. *Withdrawal of the complaint.* The plaintiff may withdraw the complaint as long as none of the defendants have been notified. If precautionary measures have been taken, an order authorizing the withdrawal shall be required, in which the lifting of those measures shall be ordered and the plaintiff shall be ordered to pay damages, unless otherwise agreed by the parties.

The proceedings for the regulation of such damages shall be subject to the provisions of Article 283 and shall not prevent the withdrawal of the claim.

Article 93. *Correction, clarification, and amendment of the complaint.* The plaintiff may correct, clarify, or amend the complaint at any time from the date of filing until the date of the initial hearing.

The amendment of the complaint may be made only once, in accordance with the following rules:

1. An amendment to the complaint shall only be considered to exist when there is a change in the parties to the proceedings, or in the claims or the facts on which they are based, or when new evidence is requested or submitted.
2. It shall not be possible to replace all of the plaintiffs or defendants or all of the claims made in the complaint, but it shall be possible to dispense with some or include new ones.
3. In order to amend the claim, it must be duly submitted in a single document.
4. In the event of an amendment after notification of the defendant, the order admitting it shall be notified by the court and shall order that it be served on the defendant or his attorney within half the initial term, which shall run three (3) days after notification. If new defendants are included, they shall be notified personally and served in the manner and within the term specified for the initial complaint.
5. Within the new transfer, the defendant may exercise the same powers as during the initial transfer.

Article 94. *Interruption of the statute of limitations, ineffectiveness of the expiration, and default.* The filing of the lawsuit interrupts the statute of limitations and prevents expiration from occurring, provided that the order admitting the lawsuit or the writ of execution is served on the defendant within one (1) year from the day following the notification of such orders to the plaintiff. After this period, the aforementioned effects will only occur upon notification to the defendant.

The notification of the order admitting the claim or the writ of execution has the effect of a court order to place the debtor in default, when required by law for that purpose, and notification of the assignment of the claim, if this has not been done previously. The effects of default shall only take effect from the date of notification.

The notification of the order declaring the succession process open to the assignees also constitutes a court order to declare them in default if they accept or reject the assignment that has been granted to them.

If there are several defendants and there is optional joinder between them, the effects of the notification referred to in this article shall

apply to each of them separately, unless otherwise provided by substantive or procedural law. If the joinder is necessary, notification to all of them shall be essential for those effects to apply.

The limitation period shall also be interrupted by a written demand made directly to the debtor by the creditor. This demand may only be made once.

Article 95. *Ineffectiveness of the interruption of the statute of limitations and effectiveness of the expiration.* The statute of limitations shall not be considered interrupted and the expiration shall take effect in the following cases:

1. When the plaintiff withdraws the claim.
2. When the proceedings are terminated due to the successful assertion of the defense of non-existence of the plaintiff or defendant; or of incapacity or improper representation of the plaintiff or defendant; or when no proof has been presented of the status of heir, spouse or permanent partner, guardian of property, community administrator, executor, and in general of the status in which the plaintiff acts or the defendant is summoned, when applicable; or of a pending lawsuit between the same parties and on the same matter.
3. When the proceedings end with a judgment acquitting the defendant.
4. When the proceedings end because the arbitration clause or agreement has been upheld, unless the respective arbitration proceedings are initiated within twenty (20) business days following the enforcement of the order terminating the proceedings.
5. When the nullity of the proceedings includes the notification of the order admitting the claim or the writ of execution, provided that the cause of the nullity is attributable to the plaintiff.

The order declaring nullity shall expressly indicate its effects on the interruption or non-interruption of the statute of limitations and the ineffectiveness or effectiveness of the expiration.

6. When the proceedings are terminated by tacit withdrawal.
7. When the proceedings are terminated due to the unjustified failure of the parties to attend the initial hearing.

## CHAPTER II

### Answer Article 96.

*Answer to the complaint.* The answer to the complaint shall contain:

1. The name of the defendant, their address, and those of their representative or attorney if they do not appear in person. It shall also indicate the identification number of the defendant and their representative. In the case of legal entities or autonomous estates, the Tax Identification Number (NIT) shall be indicated.
2. An express and specific statement on the claims and facts of the complaint, indicating those that are admitted, those that are denied, and those that are not known. In the latter two cases, the reasons for the response shall be stated precisely and unambiguously. Failure to do so shall result in the respective fact being presumed true.
3. Any objections of merit that may be raised against the plaintiff's claims, stating their factual basis, the oath of affirmation, and the assertion of the right of retention, if applicable.
4. The request for evidence that the defendant intends to present, if it is not already included in the case file.
5. The location, physical address, and email address that the defendant, their representative, or attorney-in-fact has or is required to maintain, where they will receive personal notifications.

The response to the complaint must be accompanied by the power of attorney of the person signing on behalf of the defendant, proof of their existence and representation, if applicable, the documents in their possession that have been requested by the plaintiff, or a statement that they do not have them, and the evidence they intend to present.

Article 97. *Failure to respond or inadequate response to the complaint.* Failure to respond to the complaint or to make an express statement on the facts and claims contained therein, or statements or denials contrary to reality, shall give rise to a presumption that the facts susceptible to confession contained in the complaint are true, unless the law attributes another effect to them.

Failure to take the oath of admission shall prevent the defendant's claim from being considered, unless the defendant takes the oath of admission within five (5) days of notification of the request made by the judge for that purpose.

Article 98. *Acquiescence to the claim.* In the answer or at any time prior to the first instance judgment, the defendant may expressly acquiesce to the claims in the complaint, acknowledging their factual basis, in which case a judgment shall be rendered in accordance with the request. However, the judge may reject the acquiescence and order evidence ex officio when he or she detects fraud, collusion, or any other similar situation.

When the defendant is the Nation, a department, or a municipality, the acquiescence must come from the representative of the Nation, the governor, or the respective mayor.

When the admission does not refer to all of the claims in the lawsuit or does not come from all of the defendants, the judge shall issue a partial judgment and the proceedings shall continue with respect to the claims that were not admitted and the defendants who did not admit them.

Article 99. *Ineffectiveness of the admission.* The admission shall be ineffective in the following cases:

1. When the defendant does not have the capacity to dispose of the matter.
2. When the right is not subject to disposition by the parties.
3. When the admitted facts cannot be proven by confession.
4. When it is made through a representative who lacks the authority to acquiesce.
5. When the judgment must have res judicata effect with respect to third parties.
6. When there is necessary joinder of parties but not all defendants are included.

### CHAPTER III

#### Preliminary Objections

Article 100. *Preliminary objections.* Unless otherwise provided, the defendant may raise the following preliminary objections within the time limit for service of the complaint:

1. Lack of jurisdiction or competence.
2. Arbitration agreement or clause.
3. Non-existence of the plaintiff or defendant.
4. Incapacity or improper representation of the plaintiff or defendant.
5. Inadmissibility of the claim due to lack of formal requirements or improper joinder of claims.
6. Failure to provide proof of status as heir, spouse or permanent partner, guardian of property, community administrator, executor, and in general of the capacity in which the plaintiff is acting or the defendant is being summoned, where applicable.
7. Having given the claim a different procedural treatment than that which it warrants.
8. Pending litigation between the same parties and on the same matter.
9. Failure to include all necessary co-defendants in the lawsuit.
10. Failure to order the summons of other persons whom the law requires to be summoned.
11. The order admitting the lawsuit having been served on a person other than the defendant.

Article 101. *Timing and procedure for preliminary objections.* Preliminary objections shall be filed within the time limit for service of the complaint in a separate document stating the reasons and facts on which they are based. The document shall be accompanied by all the evidence to be relied upon that is in the possession of the defendant.

The judge shall refrain from ordering other types of evidence, except when the lack of jurisdiction is alleged due to the domicile of a natural person or the place where the events occurred, or the lack of integration of the necessary joint litigation, in which cases up to two testimonies may be taken.

Preliminary objections shall be processed and decided as follows:

1. The document containing them shall be forwarded to the plaintiff for a period of three (3) days in accordance with Article 110, so that he may rule on them and, if necessary, correct the defects noted.
2. The judge shall rule on preliminary objections that do not require the taking of evidence before the initial hearing, and if any such objection is upheld that prevents the proceedings from continuing and cannot be remedied or has not been remedied in a timely manner, the judge shall declare the proceedings terminated and order the complaint to be returned to the plaintiff.

When evidence is required, the judge shall summon the parties to the initial hearing, where he or she shall take evidence and rule on the preliminary objections.

If the exception of lack of jurisdiction or competence is upheld, the case file shall be referred to the appropriate judge and the proceedings shall remain valid.

If the objection of arbitration agreement or clause is upheld, the proceedings shall be terminated and the complaint and its annexes shall be returned to the plaintiff.

If the claim of improper procedure is upheld, the judge shall order that the claim be processed in accordance with the law.

When any of the exceptions provided for in paragraphs 9, 10, and 11 of Article 100 are upheld, the judge shall order the respective summons.

3. If the complaint has been corrected, clarified, or amended, it shall only be processed once the transfer has expired. If the defects alleged in the exceptions are remedied, this shall be declared.

Within the transfer of the amendment, the defendant may propose new preliminary objections provided that they arise from said amendment. These and the previous ones that have not been corrected shall be processed jointly once said transfer has expired.

4. When, as a result of a successful objection, the initial claim or counterclaim is returned, the proceedings shall continue with respect to the other.

Article 102. *Subsequent unenforceability of the same facts.* The facts that constitute preliminary objections may not be alleged as grounds for nullity by the plaintiff or by the defendant who had the opportunity to raise such objections.

## SECTION TWO

### GENERAL RULES OF PROCEDURE TITLE I

#### PROCEEDINGS

##### CHAPTER I

###### Miscellaneous Provisions

Article 103. *Use of information and communications technologies.* In all judicial proceedings, the use of information and communications technologies shall be sought in the management and processing of judicial proceedings, in order to facilitate and expedite access to justice, as well as to expand its coverage.

Judicial proceedings may be conducted through data messages. The judicial authority shall have mechanisms in place to generate, archive, and communicate data messages.

Insofar as they are compatible with the provisions of this code, the provisions of Law 527 of 1999, any laws that replace or modify it, and its regulations shall apply.

Paragraph one. The Administrative Chamber of the Superior Council of the Judiciary shall take the necessary measures to ensure that, upon the entry into force of this code, all judicial authorities have the technical conditions necessary to generate, archive, and communicate data messages.

The Digital Justice Plan will consist of all processes and tools for managing judicial activity through information and communications technologies, enabling the creation and management of digital files and online litigation. The plan will provide for the mandatory use of these technologies on a gradual basis, by judicial offices or geographical areas of the country, in accordance with the availability of technical conditions for this purpose.

Paragraph two. Notwithstanding the provisions of Law 527 of 1999, briefs and other communications exchanged between the judicial authorities and the parties or their attorneys shall be presumed authentic when they originate from the email address provided in the complaint or in any other act of the proceedings.

Paragraph three. When this code refers to the use of email, electronic address, magnetic media, or electronic media, it shall be understood that other systems for sending, transmitting, accessing, and storing data messages may also be used, provided that they guarantee the authenticity and integrity of the exchange or access to information. The Administrative Chamber of the Superior Council of the Judiciary shall establish the systems that comply with the above requirements and shall regulate their use.

Article 104. *Language.* The Spanish language shall be used in the proceedings.

Judicial officials who are fluent in the languages and dialects of the ethnic groups that are official in their territories may conduct hearings using such linguistic expressions, at the request of the parties. The judge shall appoint a court official, court assistant, or private individual to serve as interpreter, who shall take office for that assignment at the same hearing. When necessary, either ex officio or at the request of a party, the corresponding translation shall be provided.

Article 105. *Signatures.* Judicial officials and employees shall use, in all their written acts, a signature accompanied by an initialed signature. They may use an electronic signature, in accordance with the regulations issued by the Superior Council of the Judiciary.

Article 106. *Judicial proceedings.* Judicial proceedings, hearings, and formalities shall be conducted on business days and during business hours, except in cases where the law or the judge orders them to be conducted outside of business hours.

Hearings and proceedings commenced during business hours may continue outside business hours without the need for express authorization. Article 107. *Hearings and proceedings.* Hearings and proceedings shall be subject to the following rules:

1. Commencement and attendance. All hearings shall be presided over by the judge and, where appropriate, by the magistrates hearing the case. The absence of the judge or magistrates shall render the proceedings null and void.

However, the hearing may be held with the presence of the majority of the magistrates who make up the Chamber, when the absence is due to an event constituting force majeure or unforeseeable circumstances. The minutes shall expressly record the event constituting such force majeure or unforeseeable circumstances.

Hearings and proceedings shall commence at the first minute of the time set for them, even if none of the parties or their representatives are present.

The parties, intervening third parties, or their representatives who arrive after the hearing or proceeding has begun shall assume the proceedings in the state in which they are at the time of their arrival.

When there is a change of judge who is to deliver a judgment in the first or second instance, the replacement judge shall convene a special hearing for the sole purpose of repeating the opportunity to argue. After hearing the arguments, a judgment shall be delivered in accordance with the general rules.

2. Concentration. All hearings or proceedings shall be conducted without interruption. The judge shall reserve sufficient time to exhaust the subject matter of each hearing or proceeding.

Failure to comply with this duty shall constitute a serious offense punishable under the disciplinary regime.

3. Interventions. The interventions of the parties to the proceedings shall not exceed twenty (20) minutes, unless otherwise provided. However, the judge, either ex officio or at the request of one of the parties, may authorize a longer time, taking into account the circumstances of the case and ensuring equality. No appeal may be lodged against this decision.

4. Recording. The proceedings of a hearing or proceeding shall be recorded on audio, audiovisual, or any other media that provides security for the recording of the proceedings.

5. Publicity. Hearings and proceedings shall be public, unless the judge, for justified reasons, considers it necessary to limit the attendance of third parties.

The Superior Council of the Judiciary shall provide the necessary technical resources for the recording of hearings and proceedings.

6. Prohibitions. Oral statements may not be replaced by written statements.

The minutes shall be limited to recording the names of the persons who participated as parties, attorneys, witnesses, and court officials, the list of documents that have been submitted, and, where applicable, the operative part of the judgment.

Only in the case of hearings or proceedings that must be conducted outside the courtroom, or when there are failures in the recording equipment, may the judge order that the proceedings be recorded in minutes that replace or supplement the recording system referred to in paragraph 4 above.

The minutes shall be signed by the judge and shall include the attendance control form for those who participated.

Any interested party may request a copy of the recordings or the minutes, providing the necessary means to do so. Under no circumstances shall the court make a written reproduction of the recordings.

A duplicate of the recordings shall be kept as part of the court file, under the direct custody of the clerk, until the conclusion of the proceedings.

Paragraph one. The parties and other participants may participate in the hearing via videoconference, teleconference, or any other technical means, provided that the judge authorizes it for justified reasons.

Paragraph two. The Administrative Chamber of the Superior Council of the Judiciary may assign a coordinating judge or magistrate the task of setting the dates for hearings in the various proceedings handled by the judges or magistrates of the respective district, circuit, or municipality to which they belong.

Article 108. *Summons.* When the summons of specific or unspecified persons is ordered, the name of the summoned person, the parties, the type of proceeding, and the court that requires it shall be included in a list that shall be published once in a widely circulated national or local print media outlet or in any other mass media outlet, at the discretion of the judge, who shall indicate at least two (2) media outlets for this purpose.

Once the summons has been ordered, the interested party shall arrange for its publication through one of the media expressly indicated by the judge.

If the judge orders publication in a print medium, it shall be done on Sunday; in all other cases, it may be done on any day between six (6) in the morning and eleven (11) at night.

The interested party shall submit an informal copy of the respective page where the list was published, and if the publication was made in a medium other than print, they shall submit proof of its broadcast or transmission, signed by the administrator or official.

Once the publication referred to in the preceding paragraphs has been made, the interested party shall send a communication to the National Registry of Summoned Persons including the name of the summoned person, their identification number, if known, the parties to the proceedings, its nature, and the court that requires it.

The National Registry of Summoned Persons shall publish the information submitted, and the summons shall be deemed to have been served fifteen (15) days after the information is published in said registry.

Once the summons has been served, a guardian *ad litem* shall be appointed, if applicable.

Paragraph one. The Superior Council of the Judiciary shall maintain the National Registry of Summoned Persons and shall determine the manner in which it shall be publicized. The Superior Council of the Judiciary shall guarantee access to the National Registry of Summoned Persons via the Internet and shall establish a database that shall allow the information in the registry to be consulted for at least one (1) year from the date of publication of the summons.

The Superior Council of the Judiciary may order that this register be published in a unified manner with the National Register of Proceedings for Membership, the National Register of Proceedings for Succession, and any other databases that it is required to administer by law or regulation.

Paragraph two. The publication must include the permanence of the content of the summons on the website of the respective media outlet for the duration of the summons.

Article 109. *Submission and processing of briefs and incorporation of writings and communications.* The clerk shall record the date and time of submission of the briefs and communications received and shall add them to the respective file; they shall be entered immediately into the office only when the judge must rule on them outside of the hearing. However, in the case of the exercise of a remedy or a power that has a common term, the clerk shall wait until this term has elapsed in relation to all parties.

Briefs may be submitted and communications transmitted by any suitable means.

The judicial authorities shall keep a strict record of the messages received, including the date and time of receipt. They shall also maintain an email inbox with sufficient capacity to receive data messages.

Briefs, including data messages, shall be deemed to have been submitted in a timely manner if they are received before the close of business on the day the deadline expires.

Paragraph. The Administrative Chamber of the Superior Council of the Judiciary shall regulate the manner of filing briefs in administrative centers, support centers, joint secretariats, filing centers, or similar entities, destined for a specific judicial office. In such cases, the filing shall be deemed to have been made on the day the brief was filed in one of these offices.

Article 110. *Transfers.* Any transfer that must be made at a hearing shall be carried out by allowing the respective party to speak.

Unless otherwise specified, any transfer that must be made outside of a hearing shall be made at the clerk's office within three (3) days and shall not require an order or record in the file. These transfers shall be included in a list that shall be made available to the parties at the court clerk's office for one (1) day and shall take effect on the following day.

Article 111. *Communications.* Courts and judges shall communicate with each other, with the authorities, and with private individuals by means of dispatches and official letters, which shall be sent by the fastest means and with the necessary security measures. Official letters and dispatches shall be signed only by the clerk. The communications referred to in this article may be sent by data messages.

The judge may also communicate with the authorities or private individuals by any technical means of communication at his disposal, which shall be recorded.

## CHAPTER II

### Search and Seizure in Judicial Proceedings

Article 112. *Grounds for search.* The judge may search rooms, establishments, offices, and real estate in general, as well as merchant ships and aircraft, and enter them even against the will of those who inhabit or occupy them, when a precautionary measure, delivery, judicial inspection, exhibition, or examination by experts must be carried out on them or on property found inside them.

The order decreeing any such proceedings implicitly contains the order to search, if necessary. The search may be decreed either by the judge hearing the case or by the commissioner.

The offices or rooms of diplomatic agents accredited to the Government of Colombia may not be searched.

Article 113. *Conduct of the search.* The judge shall inform the person found on the premises of the purpose of the proceeding. If access is not granted, the search shall be carried out with the assistance of law enforcement, if necessary. For such purposes, law enforcement shall act under the direction of the judge.

The search shall be carried out during business hours, but if there is fear that the proceedings will be frustrated, the judge shall order the police to take surveillance measures to prevent the removal of the items that are the subject of the proceedings and may secure with locks the warehouses, rooms, and other premises where furniture, furnishings, or documents are located, affix seals, and take measures to ensure their preservation.

A record of the proceedings shall be made in the minutes.

### CHAPTER III

#### Copies, Certifications, and Breakdowns

Article 114. *Copies of court proceedings.* Unless there is a restriction, copies of the file may be requested and obtained, subject to the following rules:

1. Upon verbal request, the clerk shall issue copies without the need for an authorizing order.
2. Copies of court orders intended to be used as enforceable instruments shall require proof of their enforceability.
3. Copies issued by the clerk shall be authenticated when required by law or requested by the interested party.
4. Whenever it is necessary to reproduce all or part of the file for the processing of an appeal or any other proceeding, the available technical means shall be used. If these are not available, the interested party shall be responsible for paying the cost of reproduction within five (5) days following notification of the order, under penalty of the appeal being declared void or the respective proceeding being terminated.
5. When copies must be issued at the request of another authority, they may be added ex officio or at the request of a party.

Article 115. *Certifications.* The clerk may, upon verbal or written request, issue certifications regarding the existence of proceedings, their status, and the enforcement of judicial orders, without the need for an order to that effect. The judge shall issue certifications regarding events that occurred in his or her presence and in the exercise of his or her duties that are not recorded in the file, and in other cases authorized by law.

Article 116. *Disclosures.* Documents may be disclosed from the file and delivered to the person who submitted them, once the opportunity to challenge them as false has expired or the challenge has been dismissed, all subject to the following rules and by order of the judge:

1. Documents adduced by creditors as enforceable titles may be removed:
  - a) When they contain a claim other than that being collected in the proceedings, for which purpose the clerk shall state on each document what claim is being demanded therein;
  - b) When they contain mortgages or pledges that guarantee other obligations;
  - c) Once the process is complete, in which case each document will state whether the obligation has been extinguished in whole or in part; and,
  - d) When requested by a criminal judge in proceedings concerning material falsification of the document.
2. In all other proceedings, when a document containing an obligation is broken down, the clerk shall record the total or partial extinction of the obligation, indicating the manner in which it occurred and other relevant circumstances.
3. In all cases where the obligation has been fulfilled in full by the debtor, the document containing the obligation may only be broken down at the debtor's request, to whom it shall be delivered with proof of cancellation.
4. A copy of the removed document shall be kept in the file.

### TITLE II

#### TERMS

Article 117. *Peremptory nature of procedural terms and opportunities.* The terms set forth in this code for the performance of procedural acts by the parties and the officers of the court are peremptory and non-extendable, unless otherwise provided.

The judge shall strictly comply with the terms set forth in this code for the performance of his or her acts. Failure to comply with the terms shall have the effects provided for in this code, without prejudice to any other consequences that may arise.

In the absence of a legal term for an act, the judge shall set the term he or she deems necessary for its performance in accordance with the circumstances, and may extend it once, provided that he or she considers the cause invoked to be fair and the request is made before the expiration date.

Article 118. *Calculation of time limits.* The time limit granted at a hearing to those who were required to attend shall run from the date of its granting. Otherwise, it shall run from the day following the notification of the order granting it.

The term granted outside of a hearing shall run from the day following notification of the order granting it. If the term is common to several parties, it shall begin to run from the day following notification to all of them.

When appeals are lodged against the ruling granting the term, or against the order from which a term must run by operation of law, the term shall be interrupted and shall begin to run from the day following the notification of the order resolving the appeal.

Notwithstanding the provisions of the preceding paragraph, while a term is running, the file may not be entered into the office, except in the case of requests related to the same term or requiring urgent processing, after verbal consultation between the clerk and the judge, which shall be recorded. In such cases, the term shall be suspended and shall resume on the day following the notification of the ruling issued.

While the file is in the office, the terms shall not run, without prejudice to the taking of evidence and proceedings ordered by orders that are not pending the decision on the appeal for reconsideration. The terms shall resume on the day following the notification of the ruling issued, or from the third day following its date if it is to be complied with.

When the term is in months or years, it shall expire on the same day that it began to run in the corresponding month or year. If that day does not exist, the term shall expire on the last day of the respective month or year. If its expiration occurs on a non-business day, it shall be extended until the next business day.

In terms of days, judicial vacations or days on which the court is closed for any reason shall not be taken into account.

Article 119. *Waiver of terms.* The terms may be waived in whole or in part by the interested parties in whose favor they are granted. The waiver may be made verbally at a hearing, in writing, or at the time of personal notification of the order indicating it.

Article 120. *Deadlines for issuing court orders outside of hearings.* In proceedings that take place outside of hearings, judges and magistrates must issue orders within ten (10) days and judgments within forty (40) days, counted from the date the file is transferred to the office for that purpose.

A list of the cases that are in the office for judgment shall be posted in a visible place in the clerk's office, indicating the date of filing and the date of the ruling.

However, when a special provision authorizes a decision on the merits due to the absence of opposition from the defendant, the judge shall immediately issue the respective ruling.

Article 121. *Duration of the proceedings.* Except in the event of interruption or suspension of the proceedings for legal reasons, no more than one (1) year may elapse before a judgment is rendered in the first or only instance, counted from the notification of the order admitting the claim or the writ of execution to the defendant or the party against whom the execution is sought. Similarly, the period for resolving the second instance may not exceed six (6) months, counted from the receipt of the file by the clerk of the court or tribunal.

If the respective term provided for in the previous paragraph expires without the corresponding ruling having been issued, the official shall automatically lose jurisdiction to hear the case, for which reason, the following day, he or she must inform the Administrative Chamber of the Superior Council of the Judiciary and forward the file to the judge or magistrate who is next in line, who will assume jurisdiction and issue the ruling within a maximum period of six (6) months. The file shall be forwarded directly, without the need for distribution or involvement by the judicial support offices. The judge or magistrate who receives the case shall inform the Administrative Chamber of the Superior Council of the Judiciary of the receipt of the file and the issuance of the ruling.

The Administrative Chamber of the Superior Council of the Judiciary, for reasons of congestion, may previously instruct judges in certain municipalities or judicial circuits that the referral of files should be made to the Superior Council of the Judiciary itself, or to a specific judge.

When there is no other judge of the same category and specialty in the locality, the case shall be transferred to the judge designated by the governing chamber of the respective higher court.

Exceptionally, the judge or magistrate may extend the term for resolving the respective case once, for up to six (6) additional months, with an explanation of the need to do so, by means of an order that is not subject to appeal.

Any subsequent action taken by a judge who has lost jurisdiction to issue the respective ruling shall be null and void.

In order to comply with the terms set forth in this article, the judge or magistrate shall exercise the powers of order and instruction, disciplinary and correctional powers established by law.

The expiration of the terms referred to in this article shall be taken into account as a mandatory criterion for evaluating the performance of the various judicial officials.

Paragraph. The provisions of this article shall also apply to administrative authorities when they exercise jurisdictional functions. When the administrative authority loses jurisdiction, it shall immediately refer the matter to the displaced judicial authority.

(Part crossed out 'by operation of law' declared UNCONSTITUTIONAL, and the rest of this paragraph CONDITIONALLY CONSTITUTIONAL, by the Constitutional Court in Ruling C-443-19 of September 25, 2019)

TITLE III

FILES

CHAPTER I

Formation and Examination of Files

Article 122. *Creation and archiving of files.* A file shall be created for each ongoing proceeding, which shall contain the complaint, the response thereto, and any other relevant documents. The file shall include a record of the data identifying the recordings of the hearings and proceedings.

In courts where the Digital Justice Plan has been implemented, the file shall consist entirely of data messages.

Briefs or other documents sent as data messages, by email or similar technological means, shall be incorporated into the file when they have been sent to the court's account from an email address registered by the respective party to the proceedings.

When the proceedings are recorded in a physical file, the aforementioned documents shall be incorporated into it in printed form, with a note from the clerk regarding the date and time they were received in the office's email account and the information of the account from which the data message was sent. The office shall keep the message received in its email account at least until the next time the judge exercises control of legality, unless, due to the nature of the information sent, the party requires the incorporation of the document in another medium that allows the message to be preserved in the same format in which it was generated. The expenses generated by the printouts shall be included in the settlement of costs.

The file for each concluded proceeding shall be archived in accordance with the regulations established for such purposes by the Superior Council of the Judiciary, and in all cases the court of first instance shall be informed of the location of the archive. The archive office shall order the issuance of the required copies and shall make the necessary breakdowns.

Article 123. *Examination of files.* Files may only be examined:

1. By the parties, their representatives, and their authorized agents in general and in writing, without the need for a court order recognizing them, but only in relation to matters in which they are involved.
2. By registered lawyers who are not representatives of the parties. They may examine the file once the defendant has been notified.
3. By court officials in cases where they are acting in their official capacity.
4. For public officials in their official capacity.
5. By persons authorized by the judge for teaching or scientific research purposes.
6. By directors and members of duly accredited legal clinics, in cases where they are acting.

If any notification that must be made personally to a party or their representative is pending, they may only examine the file after the notification has been made.

CHAPTER II

Withdrawal and Forwarding of Files

Article 124. *Removal of files.* While proceedings are ongoing, files may not be removed from the court.

The report required by the competent authority on a judicial proceeding may not be replaced by the transfer of the file.

Article 125. *Forwarding of files, official letters, and dispatches.* Files, official letters, and dispatches shall be forwarded by any means that offers sufficient security.

The judge may impose costs related to the transfer of files, official letters, and dispatches on the parties or the interested party.

In offices where the Digital Justice Plan is in place, referrals shall be made through the authorization to access the digital file.

### CHAPTER III

#### Reconstruction of Files

Article 126. *Procedure for reconstruction.* In the event of total or partial loss of a file, the following procedure shall be followed:

1. The representative of the interested party shall submit a request for reconstruction and describe the status of the proceedings and the actions taken therein. Reconstruction shall also proceed ex officio.
2. The judge shall set a date for a hearing in order to verify the actions taken and the status of the proceedings, for which purpose he shall order the parties to provide any recordings and documents in their possession. At the same hearing, he shall rule on the reconstruction.
3. If only one of the parties or their representative attends the hearing, the file shall be declared reconstructed on the basis of the sworn statement and other evidence adduced therein.
4. In the event of total loss of the file and the parties do not attend the hearing or reconstruction is not possible, or in the event of partial loss that prevents the continuation of the proceedings, the judge shall declare the proceedings terminated, without prejudice to the plaintiff's right to bring them again.
5. Once the file has been fully reconstructed, or partially reconstructed in a manner that does not prevent the proceedings from continuing, the proceedings shall go ahead, even without the lost or destroyed material.

### TITLE IV

#### INCIDENTS

##### CHAPTER I

#### General Provisions

Article 127. *Incidents and other ancillary matters.* Only matters expressly indicated by law shall be dealt with as incidents; all others shall be resolved outright and, if there are facts to be proven, the request shall be accompanied by at least summary evidence thereof.

Article 128. *Preclusion of incidents.* The incident must be proposed on the basis of all the grounds existing at the time of its initiation, and no similar incident shall be admitted thereafter, unless it concerns events that occurred subsequently.

Article 129. *Proposal, processing, and effect of incidental proceedings.* Whoever initiates an incidental proceeding must state what they are requesting, the facts on which it is based, and the evidence they intend to present.

The parties may only raise motions during the hearing, except when a judgment has been rendered. The motion raised by one party shall be forwarded to the other party for a response, and the necessary evidence shall then be ordered and taken.

In cases where the incidental proceeding may be brought outside of a hearing, the brief shall be forwarded for three (3) days, after which the judge shall convene a hearing by means of an order in which he or she shall order the evidence requested by the parties and that which he or she considers relevant ex officio.

Incidents do not suspend the course of the proceedings and will be resolved in the judgment, unless otherwise provided by law.

When the incident is not related to the subject matter of the hearing in which it is raised, it shall be dealt with outside of it in the manner indicated in the third paragraph.

Article 130. *Rejection of incidents.* The judge shall reject outright any incidents that are not expressly authorized by this code and those that are raised after the deadline or in contravention of the provisions of Article 128. The judge shall also reject the incident when it does not meet the formal requirements.

Article 131. *Ancillary issues arising in the course of an incidental proceeding.* Any ancillary issue arising in the course of an incidental proceeding shall be resolved within that proceeding, for which purpose the judge may order the taking of evidence.

### CHAPTER II

#### Procedural Nullities

Article 132. *Legality review.* Once each stage of the proceedings has been completed, the judge shall conduct a legality review to correct or remedy any defects that constitute nullities or other irregularities in the proceedings, which, except in the case of new facts, may not be alleged in subsequent stages, without prejudice to the provisions on appeals for review and cassation.

Article 133. *Grounds for nullity.* The proceedings shall be null and void, in whole or in part, only in the following cases:

1. When the judge acts in the proceedings after declaring lack of jurisdiction or competence.
2. When the judge proceeds against an enforceable ruling of a higher court, revives a legally concluded proceeding, or completely disregards the respective instance.
3. When it is brought after any of the legal grounds for interruption or suspension have occurred, or if, in such cases, it is resumed before the appropriate time.
4. When the representation of any of the parties is improper, or when the person acting as their legal representative lacks full power of attorney.
5. When opportunities to request, order, or conduct evidence are omitted, or when the conduct of evidence that is mandatory under the law is omitted.
6. When the opportunity to argue a conclusion or to support an appeal or dismiss its transfer is omitted.
7. When the judgment is handed down by a judge other than the one who heard the closing arguments or the appeal.
8. When the notification of the order admitting the claim to specific persons, or the summons of other persons, even if they are undetermined, who must be summoned as parties, or those who must succeed any of the parties in the proceedings, is not carried out in a legal manner, when the law so requires, or the Public Prosecutor's Office or any other person or entity that should have been summoned in accordance with the law is not duly summoned.

When, in the course of the proceedings, it is noted that a ruling other than the order admitting the claim or the payment order has not been notified, the defect shall be corrected by making the omitted notification, but any subsequent action depending on that ruling shall be null and void, unless it has been remedied in the manner established in this code.

Paragraph. Other irregularities in the proceedings shall be deemed to have been remedied if they are not challenged in a timely manner through the mechanisms established in this code.

Article 134. *Timeliness and procedure.* Nullities may be alleged at any stage before a judgment is rendered or after it is rendered, if they occur therein.

Nullity due to improper representation or lack of notification or summons in legal form, or that arising from a judgment against which no appeal is possible, may also be alleged in the delivery proceedings or as an exception in the enforcement of the judgment, or by means of an appeal for review, if it could not be alleged by the party on previous occasions.

These grounds may be invoked in the enforcement proceedings, even after the order to proceed with enforcement has been issued, as long as it has not been terminated by full payment to the creditors or for any other legal reason.

The judge shall rule on the request for nullity after transfer, decree, and examination of the necessary evidence.

Nullity due to improper representation, notification, or summons shall only benefit the party who has invoked it. When there is necessary joinder and a judgment has been rendered, it shall be annulled and the adversarial proceedings shall be integrated.

Article 135. *Requirements for claiming nullity.* The party claiming nullity must have standing to do so, state the grounds invoked and the facts on which it is based, and provide or request the evidence it intends to assert.

The nullity may not be alleged by anyone who gave rise to the fact that caused it, or who failed to allege it as a prior exception when they had the opportunity to do so, or who, after the cause occurred, acted in the proceedings without proposing it.

Nullity due to improper representation or lack of notification or summons may only be claimed by the person concerned.

The judge shall reject outright any request for nullity based on grounds other than those specified in this chapter or on facts that could have been raised as preliminary objections, or any request made after the nullity has been remedied or by a person lacking standing.

Article 136. *Rectification of nullity.* Nullity shall be considered rectified in the following cases:

1. When the party that could have alleged it did not do so in a timely manner or acted without proposing it.
2. When the party that could have raised it expressly validated it before the annulled action was renewed.
3. When it arises from the interruption or suspension of the proceedings and is not alleged within five (5) days following the date on which

the cause ceased.

4. When, despite the defect, the procedural act fulfilled its purpose and the right of defense was not violated.

Paragraph. Nullities for proceeding against an enforceable ruling of a higher court, reviving a legally concluded proceeding, or completely pretermittting the respective instance are irremediable.

Article 137. *Notice of nullity. Amended by Article 4, National Decree 1736 of 2012.* At any stage of the proceedings, the judge shall order that the affected party be notified of any nullities that have not been remedied. When they arise from grounds 4, 6, and 7 of Article 133, the order shall be notified to the affected party in accordance with the general rules set forth in Articles 291 and 292. If, within three (3) days following notification, said party does not allege nullity, it shall be remedied and the proceedings shall continue; otherwise, the judge shall declare it null and void.

Article 138. *Effects of a declaration of lack of jurisdiction or competence and of a declaration of nullity.* When a lack of jurisdiction or competence is declared on functional or subjective grounds, the proceedings shall remain valid and the case shall be immediately referred to the competent judge; however, if a judgment has been handed down, it shall be invalidated.

The nullity shall only cover the proceedings subsequent to the reason that caused it and that are affected by it. However, the evidence presented in those proceedings shall remain valid and shall be effective with respect to those who had the opportunity to contest it, and the precautionary measures taken shall be maintained.

The order declaring nullity shall indicate the proceedings that must be renewed.

## TITLE V

### CONFLICTS OF JURISDICTION, IMPEDIMENTS AND CHALLENGES, JOINDER OF PROCEEDINGS, LEGAL AID FOR THE INDIGENT, INTERRUPTION AND SUSPENSION OF PROCEEDINGS

#### CHAPTER I

##### Conflicts of jurisdiction

Article 139. *Procedure.* Whenever the judge declares his lack of jurisdiction to hear a case, he shall order it to be referred to the judge he deems competent. When the judge who receives the file declares himself incompetent, he shall request that the conflict be decided by the judicial official who is the common superior of both, to whom he shall send the proceedings. These decisions are not subject to appeal.

The judge may not declare his lack of jurisdiction when jurisdiction has been extended by the silence of the parties, except for subjective and functional factors.

The judge who receives the file may not declare himself incompetent when the proceedings are referred to him by one of his functional superiors.

The judge or court with jurisdiction shall resolve the conflict outright and, in the same order, shall order the file to be forwarded to the judge who is to hear the case. No appeal may be lodged against this order.

When the conflict of jurisdiction arises between administrative authorities performing jurisdictional functions, or between one of these and a judge, it shall be resolved by the superior of the displaced judicial authority.

A declaration of lack of jurisdiction shall not affect the validity of the proceedings carried out up to that point.

#### CHAPTER II

##### Impediments and recusals

Article 140. *Declaration of impediments.* Magistrates, judges, and associate judges who are subject to any cause for recusal shall declare themselves impeded as soon as they become aware of its existence, stating the facts on which it is based.

The disqualified judge shall pass the file to the person who is to replace him or her, who, if he or she finds that the grounds for disqualification are valid, shall assume jurisdiction. Otherwise, he or she shall refer the file to the superior for a decision.

If the superior finds the impediment to be valid, he shall send the file to the judge who is to replace the impeded judge. If he considers it to be invalid, he shall return it to the judge who had been hearing the case.

The magistrate or associate judge who considers himself impeded shall bring the facts to the attention of the next in line in the respective court, stating the grounds invoked and the facts on which they are based, so that he may rule on the impediment and, if he accepts it, pass the file on to the person who is to replace him or set a date and time for the drawing of an associate judge, if necessary.

The order stating the impediment, the decision, and the order to send the file are not subject to appeal.

When several or all of the judges of the same chamber of the court or of the Court declare themselves disqualified, all disqualifications shall be

shall be processed jointly and resolved in a single act by the panel of associate judges. Article

141. *Grounds for recusal.* The following are grounds for recusal:

1. The judge, his or her spouse, permanent partner, or any of his or her relatives within the fourth degree of consanguinity or civil relationship, or second degree of affinity, has a direct or indirect interest in the proceedings.
2. The judge, his or her spouse, permanent partner, or any of his or her relatives indicated in the preceding paragraph having been aware of the proceedings or having taken any action in a previous instance.
3. Being the spouse, permanent partner, or relative of any of the parties or their representative or attorney-in-fact, within the fourth degree of consanguinity or civil relationship, or second degree of affinity.
4. Being the judge, his or her spouse, permanent partner, or any of his or her relatives indicated in paragraph 3, guardian, advisor, or administrator of the assets of any of the parties.
5. Being one of the parties, their representative or attorney-in-fact, dependent, or agent of the judge or administrator of their business.
6. There is a pending lawsuit between the judge, his or her spouse, permanent partner, or any of his or her relatives indicated in paragraph 3, and any of the parties, their representative, or attorney-in-fact.
7. If any of the parties, their representative or attorney-in-fact has filed a criminal or disciplinary complaint against the judge, their spouse or permanent partner, or first-degree relative by blood or civil relationship, before or after the proceedings began, provided that the complaint refers to facts unrelated to the proceedings or the enforcement of the judgment, and that the defendant is involved in the investigation.
8. The judge, their spouse, permanent partner, or first-degree relative by blood or marriage has filed a criminal or disciplinary complaint against one of the parties or their representative or attorney, or they are entitled to intervene as a civil party or victim in the respective criminal proceedings.
9. There is serious enmity or close friendship between the judge and any of the parties, their representative, or attorney.
10. Being the judge, their spouse, permanent partner, or any of their relatives within the second degree of consanguinity or civil relationship, or first degree of affinity, creditor or debtor of any of the parties, their representative or attorney-in-fact, except in the case of a person governed by public law, credit institution, corporation, or public service company.
11. Being the judge, their spouse, permanent partner, or any of their relatives indicated in the previous paragraph, a partner of any of the parties, or their representative or attorney-in-fact in a partnership.
12. The judge has given advice or an opinion outside of judicial proceedings on the matters at issue in the proceedings, or has intervened in the proceedings as an attorney, agent of the Public Prosecutor's Office, expert witness, or witness.
13. The judge, their spouse, permanent partner, or any of their relatives indicated in paragraph 1, is an heir or legatee of any of the parties prior to the commencement of the proceedings.
14. The judge, his or her spouse, permanent partner, or any of his or her relatives in the second degree of consanguinity or civil relationship has a pending lawsuit in which the same legal issue that he or she must rule on is in dispute.

Article 142. *Timing and admissibility of recusal.* Recusal may be requested at any time during the proceedings, the enforcement of the judgment, the completion of the specific sentence, or the taking of evidence or extra-procedural precautionary measures.

A challenge may not be made by anyone who, without making the challenge, has taken any action in the proceedings after the judge has assumed jurisdiction, if the grounds invoked are prior to such action, or by anyone who has acted after the event giving rise to the challenge. In such cases, the challenge must be rejected outright.

There shall be no grounds for recusal when the grounds arise from a change of representative of one of the parties, unless it is made by the opposing party. In this case, if the recusal is successful, the same ruling shall impose a fine of five (5) to ten (10) minimum monthly wages on the person who made the appointment and the appointee, jointly and severally.

The magistrates or judges responsible for hearing the challenge, those who must settle conflicts of jurisdiction, and commissioned officials shall not be subject to challenge or declared disqualified.

When the challenge is based on grounds other than those provided for in this chapter, the judge must reject it outright by means of an order that is not subject to appeal.

Article 143. *Formulation and processing of the challenge.* The challenge shall be brought before the trial judge or the presiding judge, stating the alleged grounds, the facts on which it is based, and the evidence to be presented.

If the alleged grounds are those set forth in paragraph 7 of Article 141, the corresponding evidence must be provided.

When the challenged judge accepts the facts and the validity of the grounds for recusal, he or she shall declare in the same ruling that he or she is recused from the proceedings or process, order that the case be sent to the person who is to replace him or her, and apply the provisions of Article 140. If he does not accept as true the facts alleged by the challenging party or considers that they are not covered by any of the grounds for recusal, he shall refer the file to his superior, who shall decide outright whether he considers that no evidence needs to be taken; otherwise, he shall order the evidence he deems appropriate and set a date and time for a hearing to take it, after which he shall announce his decision.

The recusal of a judge or associate judge shall be resolved by the next judge in line in the respective court, in accordance with the provisions of the preceding paragraph, as applicable.

If two or more judges in a courtroom are challenged simultaneously, each of them shall act as indicated in paragraph 3, as appropriate. The judge who was not challenged shall be responsible for processing and deciding on the challenge.

If all the magistrates of a decision-making chamber are challenged, each of them shall proceed as indicated in paragraph 3, following the alphabetical order of surnames. Once this has been done, it shall be incumbent upon the magistrate of the next decision-making chamber, in alphabetical order of surnames, to process and decide on the challenge.

If there is no other decision-making chamber, the judge from a chamber of another specialty, who is assigned by distribution, shall be responsible for hearing the recusal.

When grounds for recusal exist at the same time against several judges of the superior court or the Supreme Court of Justice, the recusal of all of them must be formulated simultaneously, and if this is not done, subsequent recusals will be rejected outright. All recusals will be resolved in the same order.

Whenever the recusal of a judge is declared admissible, the same order shall order that he or she be replaced by the person who is to replace him or her.

In the recusal process, the recused party is not a party to the proceedings, and the rulings issued are not subject to appeal.

*Article 144. Judge or magistrate who must replace the disqualified or challenged judge.* A judge who must recuse himself from a case due to disqualification or challenge shall be replaced by the judge of the same branch and category who follows him in numerical order, and in the absence of such a judge, by a judge of the same category, promiscuous or of another specialty determined by the respective corporation.

A magistrate or associate judge who is disqualified or recused shall be replaced by the next in line or by an associate judge if it is not possible to fill the position by that means.

Paragraph. Without prejudice to the priority given to constitutional actions, the processing of impediments and recusals shall take precedence.

*Article 145. Suspension of proceedings due to disqualification or recusal.* Proceedings shall be suspended from the moment the official declares himself disqualified or the recusal is filed until a decision is made, without affecting the validity of any actions taken previously.

When a date has been set for a hearing or proceeding, it shall only be suspended if the challenge is filed at least five (5) days before it is held.

*Article 146. Disqualifications and challenges of clerks.* Clerks are disqualified and may be challenged at the same time and for the same reasons as judges, except for those set forth in paragraphs 2 and 12 of Article 141.

The judge or presiding magistrate shall hear cases of impediments and challenges of secretaries.

Once the impediment has been accepted or the challenge has been made, the chief clerk, if any, shall act as secretary, and in his absence, the court or judge shall appoint an ad hoc secretary, who shall continue to act if the challenge is successful. The decisions on impediments or challenges are not subject to appeal. In this case, the challenge does not suspend the course of the proceedings.

*Article 147. Penalties for the challenging party.* When a challenge is declared unproven and it is determined that there was recklessness or bad faith in its proposal, the same order shall impose on the challenging party and its representative, jointly and severally, a fine of five (5) to ten (10) minimum monthly wages, without prejudice to any disciplinary investigation that may be warranted.

### CHAPTER III

#### Joinder of proceedings and claims

*Article 148. Admissibility of joinder in declaratory proceedings.* The following rules shall apply to the joinder of proceedings and claims:

1. Joinder of proceedings. Two (2) or more proceedings before the same court may be joined, either ex officio or at the request of a party, even if the order admitting the claim has not been served, provided that they must be processed by the same procedure, in any of the following cases:

- a) When the claims made could have been joined in the same lawsuit.
  - b) When the claims are related and the parties are reciprocal plaintiffs and defendants.
  - c) When the defendant is the same and the defenses on the merits are based on the same facts.
2. Joinder of claims. Even before the order admitting the claim has been notified, new declaratory claims may be filed in the same cases in which the joinder of claims would have been appropriate.
  3. Common provisions. Joinder in declaratory proceedings shall proceed until a date and time for the initial hearing has been set.

If in any of the proceedings the defendant has already been notified of the order admitting the claim, when the joinder of proceedings is decreed, notification of the order admitting the claim that is pending notification shall be ordered.

Similarly, the order admitting the new joined claim shall be notified when the defendant has already been notified in the proceeding where the joinder is filed.

In these cases, the defendant may request that the clerk's office provide a copy of the complaint and its attachments within three (3) days, after which the term for enforcement and transfer of the complaint that was pending notification at the time of joinder shall begin to run.

When a defendant has not been personally notified in any of the proceedings, the general rules shall apply. The joinder of claims and enforcement proceedings shall be governed by the provisions of Articles 463 and 464 of this Code.

Article 149. *Jurisdiction.* When any of the proceedings or claims subject to joinder fall within the jurisdiction of a higher-ranking judge, the case file shall be referred to that judge for a decision and further proceedings. In all other cases, jurisdiction shall be assumed by the judge who is hearing the oldest proceeding, which shall be determined by the date of notification of the order admitting the claim or the writ of execution to the defendant, or the implementation of precautionary measures.

Article 150. *Procedure.* Anyone requesting the joinder of proceedings or filing a joinder claim must state the reasons on which it is based.

When the proceedings to be joined are pending in the same court, the request for joinder shall be decided outright. If the other proceedings whose joinder is requested are pending in different courts, the petitioner shall indicate precisely the status of those proceedings and shall provide copies of the complaints with which they were initiated.

If the judge orders the consolidation of proceedings, the judge hearing the other cases shall be notified to forward the respective files.

The consolidated proceedings or claims shall be processed jointly, with the most advanced proceedings being suspended until they are at the same stage, and shall be decided in the same judgment.

When the proceedings to be consolidated are pending in the same court, the ex officio or requested consolidation shall be decided outright. If they are pending in different courts, the judge, when acting ex officio, shall request the respective certification and copies by the most expeditious means.

#### CHAPTER IV

##### Legal aid for the indigent

Article 151. *Admissibility.* Legal aid shall be granted to persons who are unable to meet the costs of the proceedings without compromising their own subsistence and that of the persons to whom they are legally obliged to provide maintenance, except where they seek to assert a litigious right for consideration.

Article 152. *Timing, jurisdiction, and requirements.* Legal aid may be requested by the alleged plaintiff before filing the lawsuit, or by any of the parties during the course of the proceedings.

The applicant must affirm under oath that he or she meets the conditions set forth in the preceding article, and if the plaintiff is acting through an attorney, he or she must also file the complaint in a separate document.

In the case of a defendant or person summoned or subpoenaed to appear in the proceedings, acting through a representative, and the deadline for responding to the complaint or appearing has not expired, the applicant must simultaneously file the response to the complaint, the statement of intervention, and the request for amparo; if a representative is to be appointed, the deadline for responding to the complaint or appearing in court shall be suspended until the representative accepts the appointment.

Article 153. *Procedure.* When filed together with the complaint, the request for protection shall be resolved in the order admitting the complaint. In the order denying protection, the applicant shall be fined one minimum monthly wage (1 smlmv).

Article 154. *Effects.* Persons covered by indigence shall not be required to provide procedural guarantees or pay court costs, legal fees, or other expenses related to the proceedings, and shall not be ordered to pay costs.

or other costs of the proceedings, and shall not be ordered to pay costs.

In the order granting the protection, the judge shall appoint a representative to represent the protected person in the proceedings, in the manner provided for curators ad litem, unless the protected person has appointed one on their own behalf.

The position of attorney shall be mandatory, and the appointee shall express his or her acceptance or present evidence of the reason justifying his or her refusal within three (3) days of notification of the appointment; failure to do so shall constitute a breach of professional diligence, and the attorney shall be excluded from any list for which it is a requirement to be a lawyer and shall be punished with a fine of five (5) to ten (10) times the current legal monthly minimum wage (smlmv).

If the attorney-in-fact does not reside in the place where the second instance or cassation appeal is to be processed, the corresponding official shall proceed as provided in this article to appoint a replacement.

Lawyers who are, in relation to the protected party or the opposing party, in any of the cases of impediment of judges, are prevented from representing the protected party. The impediment must be stated within three (3) days of notification of the appointment.

Unless the judge rejects the request for protection, its submission prior to the lawsuit interrupts the statute of limitations against the person filing it and prevents its expiration, provided that the lawsuit is filed within thirty (30) days following the acceptance of the representative appointed by the judge and that the provisions of Article 94 are complied with.

The protected party shall enjoy the benefits enshrined in this article from the moment the request is filed.

Article 155. *Remuneration of the attorney-in-fact.* The attorney-in-fact shall be entitled to the legal fees that the judge orders the opposing party to pay.

If the protected party obtains financial gain as a result of the proceedings, they shall pay the attorney twenty percent (20%) of such gain if the proceedings are declaratory and ten percent (10%) in all other cases. The judge shall regulate the fees outright.

If the protected party appoints a representative, the representative appointed by the judge may request the regulation of his or her fees, as provided for in Article 76.

Article 156. *Powers and responsibilities of the attorney.* The attorney appointed by the judge shall have the powers of a guardian ad litem and those conferred upon him by the protected party, and may replace the protected party's representation on his own account and under his own responsibility.

Failure to fulfill his professional duties or the demand for higher fees than those to which he is entitled constitute serious breaches of professional ethics, which the judge shall bring to the attention of the competent authority, to which he shall send the relevant copies.

Article 157. *Remuneration of court officials.* The judge shall set the fees of court officials in accordance with the general rules, which shall be paid by the opposing party if it is ordered to pay costs, once the order imposing them has become final.

Article 158. *Termination of legal aid.* At the request of a party, at any stage of the proceedings, legal aid may be terminated if it is proven that the reasons for granting it have ceased to exist. The request shall be accompanied by the corresponding evidence and shall be decided after giving the opposing party three (3) days' notice, within which time it may present evidence; the judge shall take such evidence as he or she deems necessary. If the request is not granted, the petitioner and his or her representative shall each be fined one minimum monthly wage.

## CHAPTER V

### Interruption and suspension of proceedings

Article 159. *Grounds for interruption.* The proceedings or actions subsequent to the judgment shall be interrupted:

1. Due to death, serious illness, or deprivation of liberty of the party that has not been acting through a legal representative, representative, or guardian ad litem.
2. Due to death, serious illness, or deprivation of liberty of the legal representative of any of the parties, or due to disqualification, exclusion, or suspension from the practice of law. When the party has several representatives for the same proceedings, the interruption shall only occur if the reason affects all of the appointed representatives.
3. Due to the death, serious illness, or deprivation of liberty of the representative or guardian ad litem acting in the proceedings and who does not have a legal representative.

The interruption shall occur from the moment the event giving rise to it occurs, but if this happens while the file is in the office, it shall take effect from the notification of the ruling that is subsequently issued. During the interruption, the terms shall not run and no procedural act may be performed, with the exception of urgent and precautionary measures.

Article 160. *Summons.* As soon as the judge becomes aware of the event giving rise to the interruption, he or she shall order that notice be given to the spouse or permanent partner, the heirs, the executor with possession of the estate, the curator of the estate in abeyance, or the party whose representative has died or been excluded or suspended from the practice of the profession, deprived of liberty, or disqualified, as the case may be.

Those summoned shall appear at the proceedings within five (5) days of notification. Once this period has expired, or earlier if a new attorney-in-fact appears or is appointed, the proceedings shall resume.

Those who wish to appear in an interrupted proceeding must present evidence demonstrating their right to do so.

Article 161. *Suspension of proceedings.* The judge, at the request of a party, made before the judgment, shall order the suspension of proceedings in the following cases:

1. When the judgment to be rendered necessarily depends on what is decided in another judicial proceeding that deals with a matter that cannot be addressed in that proceeding as an exception or through a counterclaim. The enforcement proceeding shall not be suspended because of the existence of a declaratory proceeding initiated before or after it, which deals with the validity or authenticity of the enforceable title, if it is appropriate to allege the same facts as an exception in the latter.

2. When the parties request it by mutual agreement, for a specified period of time. The verbal or written submission of the request immediately suspends the proceedings, unless the parties have agreed otherwise.

Paragraph. If the suspension applies only to one of the joined proceedings, that proceeding shall be excluded from the joinder so that the others may continue.

The main proceedings of the case shall also be suspended in the other cases provided for in this code or in special provisions, without the need for a decree by the judge.

Article 162. *Order for suspension and its effects.* The judge hearing the case shall decide on the admissibility of the suspension.

The suspension referred to in paragraph 1 of the preceding article shall only be decreed upon proof of the existence of the proceeding that determines it and once the proceeding to be suspended is in a position to render a judgment of second or sole instance.

The suspension of the proceedings shall have the same effect as an interruption from the moment the order decreeing it becomes enforceable. The course of the proceedings shall not be affected if the suspension applies only to the main proceedings.

Article 163. *Resumption of proceedings.* Amended by Article 5, National Decree 1736 of 2012. The suspension of proceedings due to prejudiciality shall last until the judge orders their resumption, for which purpose a copy of the final ruling that terminated the proceedings that gave rise to it must be submitted; however, if such evidence is not adduced within two (2) years following the date on which the suspension began, the judge, either ex officio or at the request of a party, shall order the resumption of the proceedings by means of an order that shall be notified by notice.

Once the term of the suspension requested by the parties has expired, the proceedings shall be resumed ex officio. They shall also be resumed when the parties request it by mutual agreement.

The suspension of the enforcement proceedings due to the abduction of the defendant shall remain in effect for the duration of the abduction plus an additional period equal to the duration of the abduction. In any case, the suspension may not extend beyond one (1) year from the date on which the defendant regains his or her freedom.

### SECTION THREE

#### EVIDENCE REGIME

##### SINGLE TITLE

##### EVIDENCE

##### CHAPTER I

##### General provisions

Article 164. *Necessity of evidence.* All judicial decisions must be based on evidence that has been duly and timely submitted to the proceedings. Evidence obtained in violation of due process is null and void.

Article 165. *Means of evidence.* Means of evidence include statements by the parties, confessions, oaths, third-party testimony, expert opinions, judicial inspections, documents, circumstantial evidence, reports, and any other means that may be useful in forming the judge's opinion.

The judge shall conduct evidence not provided for in this code in accordance with the provisions governing similar means or according to his or her prudent judgment, preserving constitutional principles and guarantees.

Article 166. *Presumptions established by law.* Presumptions established by law shall be admissible provided that the facts on which they are based are duly proven.

The legally presumed fact shall be deemed true, but evidence to the contrary shall be admitted when authorized by law.

Article 167. *Burden of proof.* It is incumbent upon the parties to prove the factual assumption of the rules that establish the legal effect they seek.

However, depending on the particularities of the case, the judge may, either ex officio or at the request of a party, distribute the burden of proof when ordering the evidence to be taken, during its taking, or at any time during the proceedings before ruling, requiring the party in a more favorable position to provide evidence or clarify the disputed facts to prove a particular fact. The party shall be considered to be in a better position to prove the fact by virtue of its proximity to the evidence, because it has the object of proof in its possession, because of special technical circumstances, because it was directly involved in the events that gave rise to the dispute, or because of the state of defenselessness or incapacity of the opposing party, among other similar circumstances.

When the judge adopts this decision, which shall be subject to appeal, he or she shall grant the relevant party the necessary time to provide or request the respective evidence, which shall be subject to the rules of contradiction provided for in this code.

Notorious facts and indefinite affirmations or denials do not require proof.

Article 168. *Outright rejection.* The judge shall reject, by means of a reasoned decision, evidence that is unlawful, notoriously irrelevant, inconclusive, and manifestly superfluous or useless.

Article 169. *Evidence ex officio or at the request of a party.* Evidence may be ordered at the request of a party or ex officio when it is useful for verifying the facts related to the parties' allegations. However, in order to order witness testimony ex officio, it will be necessary for the witnesses to be mentioned in other evidence or in any procedural act of the parties.

Orders ordering ex officio evidence are not subject to appeal. The costs involved in taking such evidence shall be borne equally by the parties, without prejudice to any decision on costs.

Article 170. *Ordering and conducting ex officio evidence.* The judge shall order ex officio evidence, at the evidentiary stages of the proceedings and incidents and before ruling, when necessary to clarify the facts in dispute.

Evidence ordered ex officio shall be subject to challenge by the parties.

Article 171. *Judge who must take evidence.* The judge shall personally take all evidence. If he or she is unable to do so for reasons of territory or other causes, he or she may do so by videoconference, teleconference, or any other means of communication that guarantees immediacy, concentration, and cross-examination.

Exceptionally, he or she may commission the taking of evidence that must be produced outside the court's headquarters and where it is not possible to use the technical means indicated in this article.

The judge is prohibited from commissioning the taking of evidence that is to be produced at the court's headquarters, as well as inspections within its territorial jurisdiction.

However, the Supreme Court of Justice may commission such evidence when it deems it appropriate.

Evidence taken abroad must comply with the general principles set forth in this code, without prejudice to the provisions of international treaties in force.

Paragraph.

The Administrative Chamber of the Superior Council of the Judiciary may authorize certain circuit judges to commission municipal judges to conduct judicial inspections that must be carried out outside their jurisdiction due to distance, geographical conditions, or public order.

Article 172. *Evidence on non-working days and hours.* The judge or commissioner, if he or she deems it appropriate and with the knowledge of the parties, may take evidence on non-working days and hours, and shall do so in urgent cases or when the parties so request by mutual agreement.

Article 173. *Opportunities for evidence.* In order for the evidence to be assessed by the judge, it must be requested, taken, and incorporated into the proceedings within the terms and opportunities specified for this purpose in this code.

In the ruling on the requests for evidence made by the parties, the judge shall expressly rule on the admission of the documents and other evidence they have provided. The judge shall refrain from ordering the taking of evidence that, directly or through the right of petition, could have been obtained by the party requesting it, except when the petition has not been granted, which must be summarily proven.

Evidence taken by a commissioner or by mutual agreement between the parties, and reports or documents requested from other public or private entities, which arrive before the judgment is handed down, shall be taken into account in the decision, subject to compliance with the legal requirements for their use and rebuttal.

Article 174. *Transferred evidence and extra-procedural evidence.* Evidence validly taken in one proceeding may be transferred to another in copy form and shall be assessed without further formalities, provided that in the original proceeding it was taken at the request of the party against whom it is adduced or with that party being heard. Otherwise, it must be challenged in the proceeding for which it is intended. The same rule shall apply to extra-procedural evidence.

The assessment of transferred or extra-procedural evidence and the definition of its legal consequences shall be the responsibility of the judge before whom it is adduced.

(See Ruling 2014-00074 of 2021 Council of State)

Article 175. *Withdrawal of evidence.* The parties may withdraw any evidence they have requested but not yet presented. Evidence that has already been presented may not be withdrawn, except in the case contemplated in the final paragraph of Article 270.

Article 176. *Assessment of evidence.* Evidence shall be assessed as a whole, in accordance with the rules of sound judgment, without prejudice to the formalities prescribed by substantive law for the existence or validity of certain acts.

The judge shall always give reasoned grounds for the weight he assigns to each piece of evidence.

Article 177. *Proof of legal norms.* The text of legal norms that do not have national scope and that of foreign laws shall be submitted in copy to the proceedings, either ex officio or at the request of a party.

The total or partial copy of the foreign law must be issued by the competent authority of the respective country, by the consul of that country in Colombia, or requested from the Colombian consul in that country.

An expert opinion rendered by a person or institution with knowledge or experience in the law of a country or territory outside Colombia may also be attached, regardless of whether they are qualified to practice law there.

In the case of unwritten foreign law, it may be proven by the testimony of two or more lawyers from the country of origin or by an expert opinion in accordance with the preceding paragraph.

These rules shall apply to resolutions, circulars, and opinions of administrative authorities. However, their submission shall not be necessary when they are published on the website of the corresponding public entity.

Paragraph. When necessary, proof of their validity shall be requested.

Article 178. *Proof of customs and practices.* Customs and practices applicable under substantive law shall be proven by documents, copies of final court decisions demonstrating their existence and validity, or by a set of testimonies.

Article 179. *Proof of commercial custom.* National commercial custom and its validity shall be proven:

1. With the testimony of two (2) merchants registered in the commercial register who give a reasoned account of the facts and the requirements imposed on them by the Commercial Code.
2. With final court decisions confirming their existence, issued within the five (5) years prior to the dispute.
3. With certification from the chamber of commerce corresponding to the place where it applies.

Foreign commercial custom and its validity shall be accredited with certification from the respective Colombian consul or, failing that, from a friendly nation. In order to issue the certificate, said officials shall request proof from the local chamber of commerce or the entity acting in its stead and, in the absence of either, from two (2) lawyers of the place with recognized honorability, specialists in commercial law. It may also be proven by means of an expert opinion rendered by a person or institution with expertise based on their knowledge or experience regarding the law of a country or territory, regardless of whether they are qualified to practice law there.

International commercial custom and its validity shall be proven by a copy of the judgment or award in which an international jurisdictional authority has recognized, interpreted, or applied it. It shall also be proven by certification from a suitable international entity or by an expert opinion rendered by a person or institution with expertise based on their knowledge or experience.

Article 180. *Notoriety of economic indicators.* All national economic indicators are considered to be well-known facts.

Article 181. *Statement with interpreter.* Whenever a statement must be taken from a deaf or mute person who communicates by sign language or from any person who does not understand Spanish or does not express themselves in that language, the judge shall appoint an interpreter, who shall take office.

Article 182. *Evidence abroad.* When evidence must be taken in foreign territory and cannot be taken using the technical means mentioned in Article 171, the provisions of Article 41 shall be observed.

## CHAPTER II

Extrajudicial evidence

Article 183. *Extrajudicial evidence.* Extrajudicial evidence may be taken in accordance with the rules on summons and practice established in this code.

When requested with a summons of the opposing party, the notification thereof shall be made in person, in accordance with Articles 291 and 292, no less than five (5) days prior to the date of the respective proceeding.

Article 184. *Interrogation of parties.* Anyone who intends to sue or fears being sued may request, on one occasion only, that the alleged opposing party answer questions regarding facts that are to be the subject of the proceedings. The request shall specify what the party intends to prove and may include the questionnaire, without prejudice to its replacement in whole or in part at the hearing.

Article 185. *Declaration regarding documents.* Anyone who intends to acknowledge a private document must present it and identify themselves to the relevant authority.

Without prejudice to the presumption of authenticity, any interested party may request that the author of a private document, the agent with the power to bind the principal, or the representative of the legal entity to which it is attributed, be summoned to make a statement regarding the authorship, scope, and content of the document.

The recognition of the document by the agent shall have full effect with respect to the principal if the mandate is proven.

The statement of the aforementioned person shall be received after taking an oath. If the document is signed at the request of a person who did not know how to sign or was unable to sign, that person must declare whether it was drawn up on their orders, whether the signatory acted at their request, and whether its content is true; when the aforementioned person is unable or does not know how to read, the judge shall read the document to them. In all other cases, it shall be sufficient for the person appearing to declare whether they are the author of the document, whether it was drawn up on their behalf, or whether the signature or handwriting attributed to them is theirs. Acknowledgment of the authorship of the document shall presume its content to be true.

If the person summoned does not attend the proceedings, or if, despite appearing, they refuse to take the oath or to testify, or give evasive answers despite the judge's admonition, the acknowledgment shall be deemed to have been made and shall be stated in a note at the foot of the document.

Within three (3) days of the date set for the proceedings, the person summoned may prove, at least summarily, that their absence was for a justified reason; if they do so, the judge shall set, on one occasion only, a new date and time for the recognition, by means of an order that shall be notified by the court clerk.

In proceedings in which a document previously recognized in a legal manner, either expressly or tacitly, is adduced, no challenge shall be made as to the legal author, nor shall it be disregarded.

Article 186. *Production of documents, commercial books, and movable property.* Anyone who intends to sue or fears being sued may request the production of documents, commercial books, and movable property from their alleged counterpart or from third parties.

Any opposition to the production shall be resolved by means of an interlocutory proceeding.

Article 187. *Testimony for judicial purposes.* Anyone who intends to adduce the testimony of a person in a proceeding may request that an advance statement be taken with or without the summons of the opposing party.

The witness shall be summoned by any expeditious and suitable means of communication, with a record of this being made in the case file. If the witness is unable to attend the office, they shall be instructed to remain where they are and their statement shall be taken there.

Article 188. *Testimony without summons of the opposing party.* Advance testimony for judicial or non-judicial purposes may be received by one or both parties and shall be understood to have been given under oath, a circumstance that shall be expressly recorded in the document containing the statement. This document shall be subject to the provisions of Article 221, as applicable.

This testimony, which includes that intended to serve as summary evidence in judicial proceedings, may also be taken before a notary public or mayor.

Article 222 shall apply to advance testimony, with or without the intervention of the judge, given without the summons of the person against whom it is adduced in the proceedings. If the witness does not attend the ratification hearing, the testimony shall be invalid.

Article 189. *Judicial inspections and expert reports.* A judicial inspection of persons, places, things, or documents that are to be the subject of a proceeding may be requested as extra-procedural evidence, with or without the intervention of an expert.

The evidence referred to in this article may also be taken without summoning the future opposing party, except when it concerns books and commercial papers, in which case the future opposing party must be notified in advance.

Article 190. *Evidence taken by mutual agreement.* The parties may, by mutual agreement, take evidence or delegate its taking to a third party, which must be provided before judgment is rendered.

The provisions of this article shall not apply when one of the parties is represented by a guardian ad litem.

CHAPTER III

Statement of the party and confession

Article 191. *Requirements for confession.* Confession requires:

1. That the confessor has the capacity to make it and has power of disposal over the right resulting from what is confessed.
2. That it relates to facts that produce adverse legal consequences for the confessor or that favor the opposing party.
3. That it relates to facts for which the law does not require other means of proof.
4. That it be express, conscious, and free.
5. That it relates to personal facts of the confessor or those of which he has or should have knowledge.
6. That it be duly proven, whether extrajudicial or judicially transferred.

A simple statement by a party shall be assessed by the judge in accordance with the general rules of evidence.

Article 192. *Confession of a co-defendant.* A confession that does not come from all the necessary co-defendants shall have the value of third-party testimony.

A confession made by an optional co-defendant shall have the same value with respect to the others.

Article 193. *Confession by legal representative.* A confession by a legal representative shall be valid when he or she has received authorization from his or her principal to make it, which is understood to be granted for the complaint and exceptions, the corresponding responses, the initial hearing, and the summary proceedings hearing. Any stipulation to the contrary shall be deemed unwritten.

(Underlined section declared ENFORCEABLE, for the position studied, by the Constitutional Court in Ruling C-551-16)

Article 194. *Confession by representative.* The legal representative, manager, administrator, or any other agent of a person may confess while performing their duties.

Confessions made by representatives may extend to events or acts prior to their representation.

Article 195. *Statements by representatives of legal entities governed by public law.* Confessions by representatives of public entities shall not be valid, regardless of the order to which they belong or the legal regime to which they are subject.

However, the administrative representative of the entity may be asked to submit a written report under oath on the facts in dispute that concern it, as specified in the request. The judge shall order the report to be submitted within the time limit specified, with the warning that if it is not submitted on time without justified reason or is not submitted explicitly, the person responsible shall be fined between five (5) and ten (10) current legal minimum monthly wages (smlmv).

Article 196. *Indivisibility of the confession and divisibility of the party's statement.* The confession shall be accepted with the modifications, clarifications, and explanations concerning the confessed fact, except when there is evidence that invalidates them.

When the statement by the party includes different facts that are not closely connected to the confessed fact, those facts shall be assessed separately.

Article 197. *Refutation of the confession.* Any confession admits evidence to the contrary.

Article 198. *Interrogation of the parties.* The judge may, on his own initiative or at the request of a party, order the parties to be summoned in order to question them about the facts related to the proceedings.

Natural persons who are capable shall answer the questioning in person.

When a legal entity has several representatives or general agents, any of them must attend to answer the questioning, without being able to invoke limitations of time, amount, or subject matter, or claim that they are not aware of the facts, that they are not authorized to act separately, or that it is not within their powers, functions, or attributions. For these purposes, it is the representative's responsibility to be sufficiently informed.

In cases involving incidents and proceedings for the delivery or seizure of property, the parties and opponents who are present may be questioned, either ex officio or at the request of the interested party, in relation to the facts that are the subject of the incident or proceeding, even if they have acquitted another party in the proceedings.

In the case of third parties who were not present at the proceedings and who opposed through a representative, the order decreeing it shall be notified in court, shall not be subject to appeal, and shall order the persons who must acquit to appear in court on the appointed day and time; the proceedings shall only be suspended once the other relevant evidence has been taken.

Once the interrogation has been carried out or has been frustrated by the failure of the summoned person to appear, the proceedings shall be resumed; in the latter case, it shall be deemed certain that the opponent is not the owner.

The judge may, *ex officio*, order a confrontation between the parties.

Article 199. *Interrogation order.* The order decreeing the interrogation shall set the date and time for the hearing and order the summons of the defendant.

In the case of a person who is unable to appear in court due to illness, he or she shall be instructed to remain in his or her room on the appointed day and time. If necessary, the judge may authorize the use of technical means.

Paragraph. When the President of the Republic or the Vice President is a party to the proceedings, the evidence shall be taken in their office.

Article 200. *Summons of the party for questioning.* The order decreeing the questioning of a non-party shall be notified to that party personally; the order for questioning during the proceedings shall be notified in court or by publication, as the case may be.

Article 201. *Transfer of the party to the court.* When the summoned party resides in a place other than the court's headquarters, the judge shall order the party requesting the evidence to deposit, within the writ of execution, the amount indicated by the judge for transportation and accommodation expenses, unless the hearing can be held by videoconference, teleconference, or one of the circumstances that allow for a commission. No appeal may be lodged against such a decision.

Article 202. *Requirements for questioning by the party.* The questioning shall be oral. The petitioner may formulate the questions in writing in an open or closed document that may accompany the brief requesting the evidence, submit it, or replace it before the date set for the hearing. If the document is closed, the judge shall open it at the beginning of the proceedings.

If the respondent attends the hearing, during the examination the party requesting the evidence may replace or supplement the written questions they have submitted with oral questions, in whole or in part.

The questioning may not exceed twenty (20) questions, but the judge may add any additional questions he or she deems appropriate. The judge shall exclude questions that are not related to the subject matter of the dispute, those that are not clear and precise, those that have been answered in the same proceeding or in previous questioning, those that are irrelevant, and those that are manifestly superfluous.

The parties may object to questions for the same reasons for exclusion referred to in the preceding paragraph. In this event, the objecting party shall limit itself to stating the reason, and the judge shall decide outright by means of a decision that is not subject to appeal.

Questions relating to facts involving criminal liability shall be asked by the judge without oath, with the warning to the person being questioned that they are not obliged to answer them.

Each question shall refer to a single fact; if it contains several, the judge shall divide it so that the answer is given separately in relation to each of them, and the division shall be taken into account for the purposes of the question limit. Questions may or may not be assertive.

Article 203. *Conduct of the examination.* Before the examination begins, the person being questioned shall be sworn in to tell the truth. At the hearing, the person being questioned may also be questioned by the other parties to the proceedings.

The person being questioned must attend the hearing in person, duly informed of the facts of the case. If the person being questioned states that they do not understand the question, the judge shall provide the necessary explanations.

When the question is assertive, the answer shall be limited to denying or affirming the existence of the fact in question, but the person being questioned may add any explanations they deem necessary. Non-assertive questions shall be answered specifically and without evasion. The judge may request explanations regarding the meaning and scope of the answers.

If the person being questioned refuses to answer or gives evasive or irrelevant answers, the judge shall admonish them to answer or to do so explicitly, warning them of the consequences of their reluctance.

The judge, either on his own initiative or at the request of one of the parties, may question the other parties present, if he considers it appropriate.

When giving their statement, the party may make drawings, graphs, or representations to illustrate their testimony; these shall be added to the file and shall be considered an integral part of the questioning and not as documents. Likewise, during the statement, the person being questioned may acknowledge documents in the file.

Article 204. *Failure to appear for questioning.* Failure to appear for questioning may only be justified by evidence of just cause, which the judge may verify by the most expeditious means, if deemed necessary.

If the person summoned excuses themselves prior to the hearing, the judge shall issue a ruling against which no appeal may be lodged.

Justifications presented by the summoned party after the date on which they were required to appear shall only be considered if they are provided within

within three (3) days following the hearing. The judge shall only accept those based on force majeure or unforeseeable circumstances. If the excuse presented by the defendant is accepted, a new date and time shall be set for the hearing, without any further excuses being admissible.

The decision to accept the excuse and set a new date shall be notified by court order or on the record, as appropriate, and no appeal may be lodged against it.

Article 205. *Presumed confession.* The failure of the summoned party to attend the hearing, their refusal to answer, and their evasive answers shall give rise to a presumption of the truth of the facts susceptible to proof by confession to which the admissible assertive questions contained in the written interrogation relate.

The same presumption shall be inferred with respect to the facts subject to confession evidence contained in the complaint and in the exceptions of merit or in their answers, when, in the absence of a written interrogation, the summoned party fails to appear, or when the interrogated party refuses to answer questions about facts that he or she should know as a party or as the legal representative of one of the parties.

If the questions are not assertive or the fact does not admit confession evidence, failure to appear, evasive answers, or refusal to answer shall be considered serious evidence against the summoned party.

#### CHAPTER IV

##### Oath

Article 206. *Estimative oath.* Anyone seeking recognition of compensation, indemnification, or payment of fruits or improvements must estimate it reasonably under oath in the corresponding complaint or petition, itemizing each of its concepts. Said oath shall serve as proof of its amount as long as its amount is not objected to by the opposing party within the respective transfer. Only objections that reasonably specify the inaccuracy attributed to the estimate shall be considered.

Once the objection has been made, the judge shall grant a period of five (5) days to the party that made the estimate to provide or request the relevant evidence.

Even if no objection is raised by the parties, if the judge finds that the estimate is manifestly unfair or illegal, or suspects fraud, collusion, or any other similar situation, he or she shall order, ex officio, the evidence deemed necessary to assess the claimed value.

[Amended by Article 13, Law 1743 of 2014.](#) If the estimated amount exceeds the proven amount by fifty percent (50%), the party who made the estimate shall be ordered to pay the other party a sum equivalent to ten percent (10%) of the difference.

The judge may not recognize an amount greater than that indicated in the estimated oath, except for damages caused after the filing of the claim or when the opposing party objects. All expressions that seek to distort or invalidate the condition of the maximum amount claimed in relation to the amount indicated in the oath shall be null and void.

The estimated oath shall not apply to the quantification of non-pecuniary damages. Nor shall it apply when the person claiming compensation, compensation for fruits or improvements is incapacitated.

NOTE: The first, second, third, fourth, fifth, and sixth paragraphs of this article were declared ENFORCEABLE by the Constitutional Court in Rulings [C-279](#) and [332](#) of 2013.

Paragraph. [Modified by Article 13, Law 1743 of 2014.](#) The penalty referred to in this article shall also apply in cases where claims are denied due to failure to prove damages. In this case, the penalty shall be equivalent to five (5) percent of the value claimed in the lawsuit whose claims were dismissed.

NOTE: The sole paragraph of Article 206 was declared CONDITIONALLY ENFORCEABLE by the Constitutional Court through Rulings [C-157](#) and [332](#) of 2013, on the understanding that such a penalty for failure to prove damages, leading to the denial of claims, does not apply when the cause thereof is attributable to events or reasons beyond the control of the party, occurring despite its diligent efforts.

Article 207. *Oath deferred by law.* The deferred oath shall have the value assigned to it by law.

#### CHAPTER V

##### Third-party statements

Article 208. *Duty to testify.* Every person has the duty to give the testimony requested of them, except in cases determined by law.

Article 209. *Exceptions to the duty to testify.* The following are not obliged to testify about matters entrusted to them or which have come to their knowledge by reason of their ministry, office, or profession:

1. Ministers of any religion recognized in the Republic.

2. Lawyers, doctors, nurses, laboratory technicians, accountants, in relation to facts legally protected by professional secrecy, and any other person who, by law, may or must maintain secrecy.

Article 210. *Inability to testify.* (Paragraph 1 repealed by Article 61 of Law 1996 of 2019)

Those who, at the time of testifying, suffer from mental disorders or serious psychological disturbances, or are in a state of intoxication, hypnotic suggestion, or under the influence of alcohol or narcotic or hallucinogenic substances, and any other persons whom the judge considers unfit to testify at a given time, in accordance with the rules of sound judgment, are unfit to testify in a given proceeding.

The challenge on the grounds of unfitness must be made in writing before the hearing scheduled for the testimony or orally during the hearing. The judge shall decide at the hearing, and if the grounds are found to be proven, he or she shall refrain from receiving the testimony.

Article 211. *Impartiality of the witness.* Any of the parties may challenge the testimony of persons who are in circumstances that affect their credibility or impartiality, due to kinship, dependencies, feelings or interests in relation to the parties or their representatives, personal history, or other causes.

The challenge must be made with an explanation of the reasons on which it is based. The judge shall analyze the testimony at the time of ruling in accordance with the circumstances of each case.

Article 212. *Request for evidence and limitation of testimony.* When testimony is requested, the name, address, residence, or place where the witnesses may be summoned must be stated, and the facts that are the subject of the evidence must be specifically stated.

The judge may limit the admission of testimony when he considers the facts subject to that evidence to be sufficiently clear, by means of an order that is not subject to appeal.

Article 213. *Order for evidence.* If the request meets the requirements indicated in the preceding article, the judge shall order that the testimony be taken at the corresponding hearing.

Article 214. *Witness expenses.* Once the testimony has been given, the witness may ask the judge to order payment for the time spent on transportation and testimony. If the witness had to travel from another location, accommodation and food expenses shall also be reimbursed.

Article 215. *Testimony in the witness's office.* The President of the Republic or the Vice President shall be heard in their office.

Article 216. *Testimony of diplomatic agents and their dependents.* When the testimony of a diplomatic agent of a foreign nation or a person in his entourage or family or a dependent is required, a letter rogatory shall be sent to him through the Ministry of Foreign Affairs with a copy of the relevant documents, so that he may, if he so wishes, testify or allow the witness to testify.

Article 217. *Summons of witnesses.* The party that has requested the testimony shall ensure the appearance of the witness. When the testimony of witnesses is ordered ex officio or requested by the party that requested the evidence, the clerk shall summon them by any expeditious and suitable means of communication, recording this in the case file.

When the witness is dependent on another person, the employer or superior shall also be notified for the purposes of the permission that the latter must give.

The summons shall warn the witness and the employer of the consequences of contempt.

Article 218. *Effects of witness failure to appear.* If the witness fails to appear in response to the summons, the following procedure shall be followed:

1. Without prejudice to the judge's ex officio powers, the testimony of anyone who fails to appear shall be disregarded.
2. If the interested party so requests and the witness is located in the municipality, the judge may order the police to bring the witness to the hearing, if feasible. The judge may also order this ex officio when deemed appropriate.
3. If the witness cannot be summoned for the same hearing and their testimony is considered essential, the judge shall suspend the hearing and order their summons.

A witness who fails to appear at the hearing and does not present a justifiable reason for their absence within the following three (3) days shall be fined two (2) to five (5) times the current legal monthly minimum wage (smlmv).

Article 219. *Requirements for questioning.* Questions shall be asked orally at the hearing. However, if the evidence is taken by a commissioner, the parties may submit a written questionnaire before the start of the hearing.

Each question shall relate to a fact and shall be clear and concise. If it does not meet the above requirements, the judge shall formulate it in the manner indicated.

Article 220. *Formalities of the examination.* Witnesses may not hear the statements of those who precede them.

Once the witness has been presented and identified with a document deemed suitable by the judge, the judge shall require the witness to take an oath to tell what they know or have witnessed about the facts they are asked about and that they are aware of, warning them of the criminal liability for perjury. Minors shall not be sworn in, but the judge shall exhort them to tell the truth.

The judge shall reject questions that are irrelevant, manifestly impertinent, or superfluous because they repeat a question that has already been answered, unless they are useful in clarifying the reason for the witness's knowledge of the fact. The judge shall also reject questions that tend to elicit concepts from the witness that are not necessary to clarify or explain their perceptions, except in the case of a person who is specially qualified due to their technical, scientific, or artistic knowledge of the subject matter.

The parties may object to questions on the same grounds for exclusion referred to in the preceding paragraph, and when they are leading. In this case, the objecting party shall simply state the grounds and the judge shall rule immediately and without the need to give reasons, by means of a decision that is not subject to appeal.

When the question suggests the answer, it shall be rejected, without prejudice to the judge formulating it after the questioning, eliminating the suggestion, if deemed necessary.

Article 221. *Conduct of the examination.* The taking of testimony shall be subject to the following rules:

1. The judge shall question the witness about their name, surname, age, address, profession, occupation, education, and other circumstances that serve to establish their personality and whether there is any reason that affects their impartiality.
2. The judge shall then briefly inform the witness of the facts that are the subject of their testimony and order them to give an account of everything they know or have evidence of regarding those facts. Once this has been done, the judge shall continue to question them in order to clarify their knowledge of those facts and obtain a spontaneous account of them from the witness.
3. The judge shall make every effort to ensure that the testimony is accurate and complete, for which purpose he shall require the witness to state the reason for his knowledge of the facts, explaining the circumstances of time, manner, and place in which each event occurred and how it came to his knowledge. If the statement concerns expressions that the witness has heard, or contains his own opinions, the judge shall order him to explain the circumstances that allow their true meaning and scope to be assessed.
4. The judge may then question the person who requested the evidence and cross-examine the opposing party. In the same order, the parties shall have the right, if they deem it necessary, to question the witness again once for the purposes of clarification and refutation. The judge may question the witness at any time.
5. The simple statement that the content of the question is true, or a reproduction of the text of the question, will not be accepted as an answer.
6. When giving testimony, witnesses may make drawings, graphs, or representations to illustrate their testimony; these will be added to the record and will be considered an integral part of the testimony. Witnesses may also provide and acknowledge documents related to their testimony.
7. The witness may not read notes or memos, unless authorized by the judge in the case of figures or dates, and in other cases deemed justified, provided that this does not affect the spontaneity of the testimony.
8. A witness who, without legal cause, refuses to testify despite being required by the judge to answer, shall be fined two (2) to five (5) times the current legal monthly minimum wage (smimv) or shall be subject to imprisonment for one (1) to ten (10) days. Anyone who gives evasive answers despite being required to answer shall be subject only to the financial penalty.
9. When the declarant states that another person has knowledge of the facts, they must indicate the name of that person and explain the reason for their knowledge. In this case, the judge, if deemed appropriate, shall summon that person *ex officio* even if the evidentiary period has expired.

Article 222. *Ratification of testimony received outside the proceedings.* Witness statements may only be ratified in proceedings when they have been given in other proceedings or in advance without the summons or intervention of the person against whom they are adduced, provided that the latter so requests.

For the purpose of ratification, the questioning shall be repeated in the manner established for the reception of testimony in the same proceedings, without allowing the witness to read his or her previous statement.

Article 223. *Confrontations.* The judge, if he or she deems it appropriate, may order confrontations between the parties, between witnesses, and between witnesses and the parties, when he or she notices contradictions.

Article 224. *Testimony of witnesses residing outside the court's jurisdiction.* The judge, either *ex officio* or at the request of any of the parties, may order witnesses residing outside the court's jurisdiction to testify via technical means or to appear before the court. In the latter case, the judge shall indicate the transportation and accommodation expenses, which shall be paid by either party in accordance with the respective order, unless the witnesses assume the expense.

Article 225. *Limitation on the effectiveness of testimony.* Witness testimony may not replace the written document required by law as a formality for the existence or validity of an act or contract.

When it comes to proving obligations arising from a contract or agreement, or the corresponding payment, the lack of a document or written evidence shall be considered by the judge as serious evidence of the non-existence of the respective act, unless it was impossible to obtain it due to the circumstances in which it took place, or its value and the quality of the parties justify such omission.

CHAPTER VI

Expert evidence

Article 226. *Admissibility.* Expert evidence is admissible to verify facts that are relevant to the proceedings and require special scientific, technical, or artistic knowledge.

Each party to the proceedings may only submit one expert opinion on the same fact or matter. All opinions shall be rendered by an expert.

Expert opinions dealing with points of law shall not be admissible, without prejudice to the provisions of Articles 177 and 179 for the proof of foreign law and custom. However, the parties may seek advice from lawyers, whose opinions shall be taken into account by the judge as arguments of the parties.

The expert witness shall declare under oath that by signing the opinion, they understand that their opinion is independent and corresponds to their actual professional conviction. The opinion shall be accompanied by the documents on which it is based and those that prove the suitability and experience of the expert witness.

All opinions must be clear, precise, comprehensive, and detailed; they shall explain the examinations, methods, experiments, and investigations carried out, as well as the technical, scientific, or artistic basis for their conclusions.

The report signed by the expert must contain, at a minimum, the following statements and information:

1. The identity of the person issuing the report and those who participated in its preparation.
2. The address, telephone number, identification number, and other information that facilitates the location of the expert.
3. The profession, trade, art, or special activity practiced by the person issuing the opinion and those who participated in its preparation. The appropriate documents that qualify them to practice, academic degrees, and documents certifying their professional, technical, or artistic experience must be attached.
4. The list of publications related to the subject matter of the expert opinion that the expert has produced in the last ten (10) years, if any.
5. A list of cases in which the expert has been appointed as an expert witness or has participated in the preparation of an expert opinion in the last four (4) years. This list must include the court or office where it was presented, the names of the parties, the representatives of the parties, and the subject matter of the opinion.
6. If you have been appointed in previous or ongoing proceedings by the same party or by the same representative of the party, indicating the subject matter of the opinion.
7. If you are subject to the grounds contained in Article 50, as applicable.
8. Declare whether the tests, methods, experiments, and research carried out are different from those used in expert reports rendered in previous proceedings dealing with the same matters. If they are different, explain the justification for the variation.
9. State whether the examinations, methods, experiments, and research carried out are different from those used in the regular exercise of your profession or trade. If they are different, you must explain the reason for the variation.
10. List and attach the documents and information used to prepare the report.

Article 227. *Opinion provided by one of the parties.* The party seeking to rely on an expert opinion must provide it at the appropriate time to request evidence. When the time limit provided is insufficient to provide the opinion, the interested party may announce this in the respective brief and must provide it within the time limit granted by the judge, which in no case may be less than ten (10) days. In this event, the judge shall make the relevant requests to the parties and third parties who must cooperate with the taking of evidence.

The opinion must be issued by a specialized institution or professional.

Article 228. *Contradiction of the opinion.* The party against whom an expert opinion is adduced may request the appearance of the expert at the hearing, provide another expert, or do both. These actions must be taken within the period for transferring the document with which it was provided or, failing that, within three (3) days of notification of the order bringing it to their attention. By virtue of the above request, or if the judge deems it necessary, the expert shall be summoned to the respective hearing, at which the judge and the parties may question him under oath about his suitability and impartiality and about the content of the opinion. The opposing party of the person who submitted the opinion may ask assertive and suggestive questions. The parties shall have the right, if they deem it necessary, to question the expert again, in the order established for the testimony. If the summoned expert does not attend the hearing, the opinion shall be invalid.

If the expert witness is excused before his or her intervention in the hearing due to force majeure or unforeseeable circumstances, the judge shall collect the other evidence and suspend the hearing to continue it on a new date and time to be set before closing it, at which time the expert witness shall be questioned and the pending stages of the proceedings shall be completed. The expert witness may only excuse himself or herself once.

Justifications presented for the same reasons within three (3) days following the hearing shall only authorize the decree of the evidence in the second instance, if a judgment has already been rendered. If the proceeding is a single instance, a new date and time shall be set only once to conduct the examination of the expert.

In no case shall there be any special procedure for objecting to the opinion on the grounds of serious error. Paragraph.

In proceedings concerning filiation, interdiction due to absolute mental disability, and disqualification due to relative mental disability, the opinion may be rendered in writing.

In such cases, the opinion shall be forwarded for three (3) days, during which time clarification, supplementation, or the preparation of a new opinion may be requested, at the expense of the interested party, by means of a duly substantiated request. If a new opinion is requested, the errors believed to be present in the first opinion must be specified.

Article 229. *Provisions of the judge regarding expert evidence.* The judge, either ex officio or at the request of a party, may order the following:

1. Take measures to facilitate the work of the expert appointed by the requesting party and order the other party to cooperate in the preparation of the opinion, warning them of the consequences of their refusal.
2. When the judge orders the evidence ex officio or at the request of a party protected by poverty, in order to appoint the expert, he or she shall preferably turn to specialized public or private institutions of recognized standing and suitability.

Article 230. *Opinion issued ex officio.* When the judge issues an opinion ex officio, he shall determine the questionnaire to be answered by the expert, set a deadline for the opinion to be issued, and provisionally indicate the fees and expenses to be paid to the court within three (3) days. If the deposit is not made, the judge may order the expert to render the opinion if he or she deems it essential.

If the expert fails to submit the report on time, he or she will be fined between five (5) and ten (10) times the legal monthly minimum wage and will be reported to the entity to which he or she belongs or is subject to supervision.

The expert must accompany the expert opinion with supporting documentation for the expenses incurred in preparing the opinion. Any uncredited amounts must be reimbursed at the court's request.

Article 231. *Practice and contradiction of the opinion issued ex officio.* Once the opinion has been issued, it shall remain in the registry at the disposal of the parties until the date of the respective hearing, which may only take place at least ten (10) days after the opinion has been submitted.

For the purposes of challenging the opinion, the expert shall always attend the hearing, except as provided in the paragraph of Article 228.

Article 232. *Assessment of the opinion.* The judge shall assess the opinion in accordance with the rules of sound judgment, taking into account the soundness, clarity, thoroughness, accuracy, and quality of its grounds, the suitability of the expert witness and their conduct at the hearing, and any other evidence in the proceedings.

Article 233. *Duty of cooperation of the parties.* The parties have a duty to cooperate with the expert, to provide him with the information, items, and access to the places necessary for the performance of his duties; if any party fails to do so, this shall be noted in the opinion and the judge shall consider such conduct as evidence against that party.

If any of the parties prevents the expert opinion from being issued, the facts that the other party intends to prove with the expert opinion shall be presumed to be true, and a fine of five (5) to ten (10) minimum monthly wages shall be imposed.

Paragraph. The judge shall take into account the reasons given by the parties to justify their refusal to provide information, items, or access to locations when the request is not related to the subject matter of the dispute or when the request involves a violation or threat to their own rights or those of a third party.

Article 234. *Expert opinions from official entities and agencies.* Judges may request, either ex officio or at the request of a party, the services of official entities and agencies for expert opinions on matters pertaining to their activities. To this end, they shall issue a decree and order the issuance of the corresponding official letter so that the director of said entities and agencies may designate the official or officials who are to render the opinion.

Any contradiction of such opinions shall be subject to the rules established in this chapter.

The money for transportation, travel expenses, or other expenses necessary for the taking of evidence shall be provided to the entity within five (5) days of the date on which the respective director or judge has indicated the amount. When the director informs the judge that it was not

Once the aforementioned sum has been paid, the evidence shall be disregarded.

Paragraph. In proceedings where there are disputes over the settlement of long-term individual housing loans, the Financial Superintendency of Colombia shall be requested to carry out the settlement thereof by means of an expert appraisal. Similarly, it shall issue an opinion determining whether the recalculations of the aforementioned loans were carried out correctly by the credit institutions and, where appropriate, carry out the recalculation.

Article 235. *Impartiality of the expert.* The expert shall perform his or her work with objectivity and impartiality and shall take into consideration both what may favor and what may cause harm to any of the parties.

The parties shall refrain from submitting opinions rendered by persons who are subject to any of the grounds for recusal established for judges. The same rule shall be observed by the judge when appointing an expert.

The judge shall assess compliance with this duty in accordance with the rules of sound judgment and may even deny the effects of the opinion when there are circumstances that seriously affect its credibility.

At the hearing, the parties and the judge may question the expert witness about circumstances or reasons that could compromise their impartiality.

Paragraph. The expert appointed by the party shall not be deemed to have a direct or indirect interest in the proceedings merely because he or she receives proportional remuneration for preparing the opinion. However, it is prohibited to agree on any remuneration that depends on the outcome of the litigation.

## CHAPTER VII

### Judicial Inspection

Article 236. *Admissibility of the inspection.* For the verification or clarification of facts that are the subject of the proceedings, the examination of persons, places, things, or documents may be ordered, either ex officio or at the request of a party.

Unless otherwise provided, an inspection shall only be ordered when it is impossible to verify the facts by means of video recordings, photographs, or other documents, or by means of an expert opinion, or by any other means of evidence.

When a judicial inspection has been carried out within the proceedings or as extra-procedural evidence with a hearing of all parties, no new inspection may be ordered on the same points, unless the judge considers it necessary to clarify them.

The judge may refuse to order the inspection if he or she considers it unnecessary in view of other evidence in the proceedings or if the expert opinion is sufficient to verify the facts, in which case he or she shall grant the interested party a period of time to present it. No appeal may be lodged against these decisions of the judge.

Article 237. *Request and order for inspection.* The person requesting the inspection shall clearly and precisely state the facts they intend to prove.

In the order decreeing the inspection, the judge shall indicate the date, time, and place for it to begin and shall make any arrangements deemed necessary for the evidence to be gathered as effectively as possible.

Article 238. *Conduct of the inspection.* The following rules shall be observed in the conduct of the inspection:

1. The proceedings shall commence in the court or at the designated location and shall be conducted with the parties present; if the party who requested the inspection does not appear, the judge may refrain from conducting it.
2. During the proceedings, the judge shall proceed with the examination and inspection in question.

When any of the parties prevents or obstructs the inspection, they shall be fined five (5) to ten (10) times the current legal monthly minimum wage (smlmv), and the facts that the other party intended to prove with it shall be presumed to be true, or the conduct shall be considered serious evidence against them if the evidence had been ordered ex officio.

3. During the proceedings, the judge shall identify the persons, things, or facts examined and shall express the results of his or her observations. The judge, ex officio or at the request of a party, may order the evidence related to the facts subject to inspection. The parties may leave the records of the case.

4. In the case of the inspection of persons, the judge may order the necessary examinations, respecting their dignity, privacy, and integrity.

5. The judge may order that plans, tracings, reproductions, experiments, and recordings be made, and that during the proceedings, facts or events be reconstructed in order to verify how they occurred and take any other measures deemed useful for clarifying the facts.

Paragraph. In the case of rural properties, the judge may identify them by means of aerial reconnaissance or the use of reliable technical means.

Article 239. *Inspection of movable property or documents.* When the inspection must concern movable property or documents in the possession of the opposing party or third parties, the provisions on disclosure shall also apply.

CHAPTER VIII

Evidence

Article 240. *Requirements for evidence.* For a fact to be considered evidence, it must be duly proven in the proceedings. Article 241. *The conduct of the parties as evidence.* The judge may infer evidence from the procedural conduct of the parties.

Article 242. *Assessment of evidence.* The judge shall assess the evidence as a whole, taking into consideration its seriousness, consistency, and convergence, as well as its relationship to the other evidence in the proceedings.

CHAPTER IX

Documents

1. General Provisions

Article 243. *Different types of documents.* Documents include writings, printed matter, plans, drawings, tables, data messages, photographs, motion picture films, discs, tape recordings, video recordings, X-rays, stubs, passwords, coupons, labels, stamps, and, in general, any movable object that is representative or declarative in nature, as well as inscriptions on tombstones, monuments, buildings, or similar objects.

Documents are either public or private. A public document is one issued by a public official in the exercise of their duties or with their involvement. Likewise, a document issued by a private individual in the exercise of public functions or with their involvement is also public. When it consists of a document authorized or signed by the respective official, it is a public instrument; when it is authorized by a notary or their representative and has been incorporated into the respective protocol, it is called a public deed.

Article 244. *Authentic document.* A document is authentic when there is certainty about the person who prepared, handwrote, or signed it, or when there is certainty regarding the person to whom the document is attributed.

Public and private documents issued by the parties or third parties, whether originals or copies, drafted, signed, or handwritten, and those containing a reproduction of the voice or image, are presumed to be authentic, unless they have been declared false or unknown, as the case may be.

Memorials submitted to form part of the file, including complaints, responses, those involving the disposition of the right in dispute, and powers of attorney in the event of substitution, shall also be presumed authentic.

Likewise, all documents that meet the requirements to be enforceable are presumed to be authentic.

The party that submits a document, either original or copy, to the proceedings thereby acknowledges its authenticity and may not challenge it, except when presenting it and alleging its falsity. Documents in the form of data messages are presumed to be authentic.

The provisions of this article apply in all proceedings and in all jurisdictions.

Article 245. *Submission of documents.* Documents shall be submitted to the proceedings in original or copy form.

The parties shall provide the original document when it is in their possession, unless there is a justified reason not to do so. When a copy is provided, the person providing it shall indicate where the original is located, if they have knowledge of this.

Article 246. *Probative value of copies.* Copies shall have the same probative value as the original, except where the law requires the presentation of the original or a specific copy.

Without prejudice to the presumption of authenticity, the party against whom a copy of a document is adduced may request that it be compared with the original or, in the absence thereof, with a copy issued prior to the original. The comparison shall be made by means of exhibition at the corresponding hearing.

Article 247. *Assessment of data messages.* Documents that have been provided in the same format in which they were generated, sent, or received, or in any other format that reproduces them accurately, shall be assessed as data messages.

A simple paper printout of a data message shall be assessed in accordance with the general rules for documents.

Article 248. *Registered copies.* When the law requires the registration of a document in a public registry, the copy submitted as evidence must bear a note stating that such registration has been made or a certification attached thereto. If no such registration exists, the copy shall only have probative effect between the grantors and their successors.

Article 249. *Partial copies.* When one party submits a partial copy of a document, the other parties may add to it as they deem appropriate.

relevant.

Article 250. *Indivisibility and probative scope of the document.* The evidence resulting from public and private documents is indivisible and includes even what is merely stated, provided that it is directly related to the provisions of the act or contract.

Article 251. *Documents in a foreign language and issued abroad.* In order for documents issued in a language other than Spanish to be considered as evidence, they must be submitted in the proceedings with their corresponding translation made by the Ministry of Foreign Affairs, by an official interpreter, or by a translator appointed by the judge. In the first two cases, the translation and its original may be submitted directly. In the event of a dispute over the content of the translation, the judge shall appoint a translator.

Public documents issued in a foreign country by an official of that country or with their intervention shall be provided with an apostille in accordance with the provisions of international treaties ratified by Colombia. In the event that the foreign country is not a party to such an international instrument, the aforementioned documents must be duly authenticated by the consul or diplomatic agent of the Republic of Colombia in that country, or, failing that, by that of a friendly nation. The signature of the consul or diplomatic agent shall be certified by the Ministry of Foreign Affairs of Colombia, and in the case of consular agents of a friendly country, it shall be authenticated in advance by the competent official of that country and those of the latter by the Colombian consul.

Documents that meet the above requirements shall be deemed to have been issued in accordance with the law of the respective country.

Article 252. *Torn or altered documents.* Torn, scraped, or partially destroyed documents shall be assessed in accordance with the rules of sound judgment; amended or interlined portions shall be discarded, unless they have been saved under the signature of the person who signed or authorized the document.

Article 253. *Certified date.* The certified date of a public document is the date that appears in its text. The certified date of a private document is counted with respect to third parties from the moment an event occurs that allows the judge to be certain of its existence, such as its registration in a public registry, its submission to a proceeding, or the death of one of its signatories.

Article 254. *Counter-writings.* Private documents made by the contracting parties to alter what has been agreed in another document shall not be effective against third parties.

Nor shall public counter-deeds have any effect when their content has not been recorded in the margin of the original deed whose provisions are altered in the counter-deed and in the copy on the basis of which the third party has acted.

Article 255. *Notes in the margin or on the back of documents.* A note written or signed by the creditor in the margin or on the back of a document that has always been in their possession shall be deemed authentic in all matters favorable to the debtor.

A note written or signed by the creditor in the margin or on the back of a duplicate document shall have the same value, provided that said copy is in the possession of the debtor.

Article 256. *Documents ad substantiam actus.*

The absence of a document required by law as a formality for the existence or validity of an act or contract may not be replaced by other evidence.

## 2. Public Documents

Article 257. *Probative value.* Public documents are proof of their execution, their date, and the statements made in them by the official who authorizes them.

The statements made by the interested parties in a public deed shall have the probative value indicated in Article 250 between them and their successors; with respect to third parties, they shall be assessed in accordance with the rules of sound judgment.

Article 258. *Publications in official gazettes.* Official gazettes shall have the same value as copies of the public documents published therein.

Article 259. *Defective public instrument.* An instrument that is not public due to the incompetence of the official or other formal defect shall be considered a private document if it is signed by the interested parties.

## 3. Private Documents

Article 260. *Evidential value of private documents.* Private documents have the same value as public documents, both between those who signed or created them and their successors, and with respect to third parties.

Article 261. *Documents signed in blank or with spaces left unfilled.* The content of a document signed in blank or with spaces left unfilled shall be presumed to be true.

Article 262. *Declarative documents issued by third parties.* Private documents of a declarative nature issued by third parties shall be assessed by the judge without the need to ratify their content, unless the opposing party requests ratification.

Article 263. *Entries, records, and domestic papers.* Entries, records, and domestic papers are binding on the person who prepared, wrote, or signed them.

Article 264. *Commercial books.* Commercial books and papers constitute full proof in commercial matters disputed between merchants.

In other matters, even between merchants, they shall only be binding on the person who keeps them, insofar as they are clear and complete, and provided that the other party does not reject them insofar as they are unfavorable to them.

In commercial matters with non-merchants, the books shall only constitute prima facie evidence in favor of the merchant, which shall need to be supplemented with other evidence.

The authenticity of the books is indivisible. Consequently, the party that accepts the favorable entries in its opponent's books shall be bound by all the unfavorable entries they contain, if they comply with legal requirements and no fraud is proven.

If a merchant keeps double accounts or commits any other fraud of this nature, their books and papers shall only be valid against them. Double accounting shall exist when a merchant keeps two or more identical books in which they record the same transactions differently, or when they have different receipts for the same transactions.

The merchant shall not be allowed to present evidence that tends to discredit the contents of his books.

In disputes between merchants, the probative value of their books and papers shall be determined according to the following rules:

1. If the books of both parties comply with legal requirements and agree with each other, the decision shall be made in accordance with the content of their entries.
2. If the books of both parties comply with the law but their entries do not agree, the decision shall be made taking into account that the books and commercial papers constitute an admission.
3. If the books of one of the parties do not comply with the law, the decision shall be made in accordance with those of the other party that are properly kept, unless the former adduces full proof that destroys or invalidates the content of such books.
4. If the books of both parties do not comply with legal requirements, they shall be disregarded entirely and only the other evidence presented at trial shall be taken into account, and
5. If one of the parties keeps books in accordance with the law and the other does not keep them, hides them, or does not present them, the decision shall be made in accordance with those of the former, without admitting evidence to the contrary.

However, if one party offers to abide by what is recorded in the books and papers of the other, the decision shall be made in accordance with them.

#### 4. Disclosure

Article 265. *Admissibility of production.* A party seeking to use documents or movable property in the possession of another party or a third party shall request, at the time of requesting evidence, that their production be ordered.

Article 266. *Procedure for disclosure.* The person requesting disclosure shall state the facts they intend to prove and must affirm that the document or item is in the possession of the person summoned to disclose it, its type, and its relationship to those facts. If the request meets the above requirements, the judge shall order that the disclosure be made at the respective hearing and shall indicate the manner in which it is to be done.

When the person ordered to produce the evidence is a third party, the respective order shall be notified to them by notice.

Once the document has been presented, the judge shall have it transcribed or reproduced, unless the person exhibiting it allows it to be incorporated into the file. The same procedure shall be followed when a document is exhibited spontaneously. In the case of an object other than a document, the judge shall order a physical representation to be made by means of photographs, video recording, or any other suitable means.

Article 267. *Reluctance and opposition to disclosure.* If the party ordered to disclose information opposes the order within the period for enforcement of the order or during the proceedings in which it was ordered, the judge, when deciding on the motion or incident in which it was requested, shall assess the grounds for the opposition; if he finds it unjustified and it has been proven that the document was in the possession of the opponent, he shall consider as true the facts that the party requesting the production intended to prove, except when such facts do not admit proof of confession, in which case the opposition shall be considered as evidence against the opponent. The same procedure shall be followed when, having not filed an opposition, the party fails to produce the document, unless within three (3) days following the date set for the proceeding, it proves, even summarily, a justifiable cause for its refusal and produces the document at the time indicated by the judge.

When a third party opposes disclosure or refuses to disclose without just cause, the judge shall impose a fine of five (5) to ten (10) times the current legal monthly minimum wage (smlmv).

Third parties are not obliged to produce documents that are their exclusive property when they enjoy legal privilege or when production would cause them harm.

Article 268. *Production of books and papers of merchants.* The partial production of a merchant's books and papers may be ordered, either ex officio or at the request of a party. The proceeding shall be conducted before the judge of the place where the books are kept and shall be limited to the entries and papers that are necessary for the purpose of the proceeding and to verifying that they comply with legal requirements.

A merchant who fails to present any of his books despite having been ordered to do so shall be subject to the books of his counterparty that are kept in a legal manner, without any evidence to the contrary being admitted, unless the loss or destruction of those books is proven and justified, or unless he has demonstrated, even summarily, a justified cause for his reluctance, within three (3) days following the date set for the presentation, he presents the books at the new opportunity indicated by the judge.

For the examination of the books and papers of the merchant in cases of production, the interested party may appoint an expert.

#### 5. Challenge on the grounds of falsity and lack of knowledge of the document

Article 269. *Admissibility of challenges on grounds of falsification.* The party to whom a document is attributed, claiming that it is signed or handwritten by them, may challenge it as false in their response to the claim, if it was attached to it, and in other cases, during the hearing in which it is ordered to be admitted as evidence.

This rule shall also apply to mechanical reproductions of the voice or image of the party against whom it is adduced. A challenge of

falsity shall not be admitted when the contested document has no influence on the decision.

The heirs of the person to whom a document is attributed must challenge it as false on the same occasions.

Article 270. *Procedure for contesting.* The person contesting the document must state what the falsification consists of and request evidence to prove it. Any contestation that does not meet these requirements shall not be processed.

When the document challenged as false has been provided in copy, the judge may require that the original be presented.

The judge shall order, at the expense of the challenging party, the reproduction of the document by photograph or other similar means. Such reproduction shall remain in the custody of the judge.

The objection shall be forwarded to the other parties so that they may present or request evidence at the same hearing.

Once the transfer has been made, the evidence shall be decreed and an expert comparison of the signature or manuscript shall be ordered, or a ruling on possible adulterations. Such evidence shall be produced at the time of the proceedings or incident in which the document was adduced. The decision shall be reserved for the ruling that resolves those matters. In succession proceedings, the challenge shall be processed and resolved as an incidental proceeding, and in enforcement proceedings, it shall be proposed as an exception.

The challenge shall be terminated when the person who submitted the document withdraws it as evidence.

Article 271. *Effects of a declaration of falsification.* When a document is declared totally or partially false, the judge shall record this in the margin or below it, in a duly specified note. If the falsification concerns the original of a public document, the judge shall communicate this, together with the necessary information, to the office of origin or provenance of the document, so that the corresponding note may be made there. In any case, the judge shall notify the competent prosecutor, to whom he shall send the necessary copies for the corresponding investigation.

The criminal proceedings for falsification shall not suspend the challenge, but the ruling that concludes the criminal proceedings shall have effect in the civil proceedings, provided that the criminal judge has ruled on the existence of the offense and a copy of his decision is submitted to any of the courts prior to the judgment.

Article 272. *Disregard of the document.* When challenging a document for falsification, the party to whom an unsigned or unhandwritten document is attributed may reject it, stating the reasons for doing so. The same rule shall apply to dispositive and representative documents issued by third parties. Rejection that is presented outside the time frame provided for in the preceding paragraph, or that omits the requirements indicated in the preceding paragraph, shall not be taken into account.

The declaration of lack of knowledge shall be forwarded to the other party, who may request that the authenticity of the document be verified in the manner established for challenges.

The verification of authenticity shall also proceed ex officio when the judge considers that the document is essential for his decision. If the authenticity of the unrecognized document is not established, it shall lack probative value.

Disavowal shall not apply to reproductions of the voice or image of the party against whom they are adduced, nor to documents signed or handwritten by that party, in respect of which the challenge must be presented and proven by the party alleging it.

Article 273. *Comparison of handwriting or signatures.* To prove authenticity or falsity, a comparison may be requested with the handwriting or signatures in the following documents:

1. Public deeds signed by the person to whom the document is attributed.

2. Private documents expressly recognized or declared authentic by a court decision in which the signature, handwriting, voice, or image of the person to whom the document is attributed appears.
3. Signatures and signed manuscripts appearing in judicial or administrative proceedings.
4. Signatures on checks drawn on a bank account, provided that they have been cashed without objection by the account holder.
5. Other documents that the parties recognize as suitable for comparison.

In the absence of these means, or additionally, the judge may order the person to whom the writing or signature subject to comparison is attributed to write what is dictated to them and sign at the bottom, for evidentiary purposes as appropriate.

Article 274. *Penalties for the unsuccessful challenger.* When the challenge of falsity is decided against the person who proposed it, that person shall be ordered to pay the person who provided the document twenty percent (20%) of the amount of the obligations contained therein, or ten (10) to twenty (20) times the current legal monthly minimum wage (smlmv) when it does not represent an economic value. The same penalty shall apply to the party that adduced the document in favor of the party that proved the challenge.

When the legal representative files the challenge without the express authorization of his principal, he shall be jointly and severally liable for the payment of the sum referred to in the preceding paragraph and for the costs.

The same consequences shall apply to the losing party and, where applicable, to its legal representative, in the process of verifying the authenticity of the unknown document. In the case of documents issued by third parties, the penalty shall only apply when the bad faith of the person who rejects the document and, where applicable, of their representative, is proven.

## CHAPTER X

### Evidence by Report

Article 275. *Origin.* At the request of a party or ex officio, the judge may request reports from public or private entities, or their representatives, or any person regarding facts, actions, figures, or other data resulting from the files or records of the person submitting the report, except in cases of legal confidentiality. Such reports shall be understood to be submitted under oath by the representative, official, or person responsible for them.

The parties or their representatives, unilaterally or by mutual agreement, may request from any public or private entity copies of documents, reports, or administrative or judicial actions that are not subject to legal confidentiality, stating that they are intended to serve as evidence in ongoing or pending legal proceedings.

Article 276. *Obligation of the person submitting the report.* The judge shall request the reports, specifying their purpose and the deadline for submitting them. Any delay, reluctance, or unjustified inaccuracy in submitting the report shall be punishable by a fine of five (5) to ten (10) times the current legal monthly minimum wage (smlmv), without prejudice to any other applicable penalties.

If the person requested considers that any part of the information requested is subject to legal confidentiality, they must expressly indicate this in their report and justify such a claim.

If the report has omitted any point or the judge considers that it should be expanded, or that it is not confidential, he or she shall order it to be submitted, supplemented, or clarified within a period not exceeding half of the initial period.

Article 277. *Powers of the parties.* Once the report has been submitted, it shall be forwarded to the parties for a period of three (3) days, within which they may request clarification, supplementation, or adjustment to the matters requested.

## SECTION FOUR

### JUDGE'S DECISIONS, THEIR NOTIFICATION, AND THEIR EFFECTS

#### TITLE I

#### JUDGE'S DECISIONS

#### CHAPTER I

#### Orders and Judgments

Article 278. *Types of rulings.* The judge's rulings may be orders or judgments.

Judgments are those that decide on the claims of the lawsuit, the exceptions of merit, regardless of the instance in which they are pronounced, those that decide on the incident of liquidation of damages, and those that resolve appeals for cassation and review. All other rulings are orders.

At any stage of the proceedings, the judge shall issue an early judgment, in whole or in part, in the following cases:

1. When the parties or their representatives request it by mutual agreement, either on their own initiative or at the suggestion of the judge.
2. When there is no evidence to be examined.
3. When *res judicata*, settlement, expiration, statute of limitations, and lack of standing in the case have been proven.

Article 279. *Formalities*. Except for orders that merely provide for a procedure, rulings shall be brief and precise. No transcriptions or reproductions of records, decisions, or opinions contained in the file may be made. Jurisprudential and doctrinal citations shall be limited to those strictly necessary for the proper substantiation of the ruling.

When issued in writing, the ruling shall be headed with the name of the court or corporation, followed by the place and date on which it is issued, and shall end with the signature of the judge or judges.

Clarifications and dissenting opinions shall be announced at the hearing and recorded in writing within three (3) days, if the ruling was oral. When the ruling is in writing, they shall be recorded within the same period, counted from the date of notification.

In all jurisdictions, no ruling shall have legal value or effect until it has been pronounced and, where applicable, signed by the respective judge or magistrates.

Article 280. *Content of the judgment*. The reasoning behind the judgment shall be limited to a critical examination of the evidence with a reasoned explanation of the conclusions drawn from it, and to the constitutional, legal, equitable, and doctrinal reasoning strictly necessary to support the conclusions, setting them out briefly and precisely, with an indication of the provisions applied. The judge shall always assess the procedural conduct of the parties and, where appropriate, draw conclusions from it.

The operative part shall be issued under the formula "administering justice on behalf of the Republic of Colombia and by authority of the law"; it shall contain an express and clear decision on each of the claims in the complaint, the exceptions, when it is appropriate to rule on them, the costs and damages to be borne by the parties and their representatives, and other matters to be decided in accordance with the provisions of this code.

When the judgment is in writing, a summary of the complaint and the response thereto shall be included.

Article 281. *Consistency*. The judgment shall be consistent with the facts and claims set forth in the complaint and on other occasions contemplated by this code, and with the exceptions that have been proven and have been alleged if required by law.

The defendant may not be ordered to pay an amount greater than or for an object other than that claimed in the complaint, nor for a cause other than that invoked therein.

If the plaintiff's claim exceeds the evidence, only the latter will be recognized.

The judgment shall take into account any modifying or extinguishing fact affecting the substantive right at issue in the dispute that occurred after the claim was filed, provided that it is proven and has been alleged by the interested party no later than in their closing argument or that the law allows it to be considered *ex officio*.

Paragraph 1. In family matters, the judge may rule *ultra petita* and *extra petita* when necessary to provide adequate protection to the couple, the child or adolescent, the person with mental disability or the elderly, and to prevent future disputes of the same nature.

Paragraph 2. In agrarian proceedings, judges shall apply substantive law, bearing in mind that the purpose of this type of proceeding is to achieve the full realization of justice in the countryside in accordance with the general purposes and principles of agrarian law, especially those relating to the protection of the weakest in land tenure and agrarian production relations.

In agricultural proceedings, when one of the parties is protected by poverty, the judge of first or sole instance may, in their favor, decide on the disputed or proven issue even if the claim is defective, provided that it is related to the subject matter of the dispute. Consequently, the judge is empowered to recognize or order the payment of *extra* or *ultra petita* rights and compensation, provided that the facts giving rise to and supporting them are duly disputed and proven.

In interpreting legal provisions, the judge shall take into account that agricultural law is intended to protect the rights of peasants, indigenous reserves or communities, and members of indigenous civil communities.

Article 282. *Resolution on exceptions*. In any type of proceeding, when the judge finds that the facts constituting an exception have been proven, he or she shall recognize it *ex officio* in the judgment, except for those relating to prescription, compensation, and relative nullity, which must be alleged in the answer to the complaint.

When the exception of extinctive prescription is not timely proposed, it shall be deemed waived.

If the judge finds that an exception has been proven that leads to the rejection of all the claims in the complaint, he or she must refrain from examining the remaining claims. In this case, if the superior court considers that exception to be unfounded, it shall rule on the others, even if the party who raised it has not appealed the

the judgment.

When the exception of nullity or simulation of the act or contract from which the relationship under dispute in the proceedings is alleged to derive is raised, the judge shall expressly rule on such matters in the judgment, provided that the parties to the proceedings are the same as those to the act or contract; otherwise, the judge shall merely declare whether or not the exception is well-founded.

## CHAPTER II

### Specific Award

Article 283. *Specific sentence.* The sentence to pay fruits, interest, improvements, damages, or other similar items shall be made in the judgment for a specific amount and value.

The judge of second instance shall extend the specific sentence until the date of the second instance judgment, even if the party benefiting from it has not appealed.

In cases where this code authorizes an abstract sentence, it shall be settled by means of an incidental proceeding that must be initiated by the interested party by means of a written document containing a reasoned and specified settlement of its amount, estimated under oath, within thirty (30) days following the enforcement of the respective order or the date of notification of the order of compliance to the superior. Such incidental proceeding shall be resolved by judgment. If the specified term expires without the incidental proceeding being initiated, the right shall be extinguished.

In all judicial proceedings, the assessment of damages shall comply with the principles of full reparation and equity and shall observe actuarial technical criteria.

Article 284. *Addition of the specific sentence.* If the specific sentence is not included in the judgment, the favored party may request, within the term of its enforcement, that a complementary judgment be issued.

When, between the date of the final judgment and the date of delivery of the property, fruits or damages recognized in the judgment have been caused, their settlement shall be made by incident, which must be proposed within thirty (30) days following delivery, with a reasoned estimate of their amount expressed under oath. Once this period has expired, the right shall be extinguished and the judge shall reject outright the settlement presented to him.

The adjustment of judgments to pay sums of money with monetary adjustment, in the period between the date of the final judgment and the date of payment, shall be made at the time of payment.

## CHAPTER III

### Clarification, Correction, and Addition of Rulings

Article 285. *Clarification.* The judgment is not revocable or reformable by the judge who pronounced it. However, it may be clarified, ex officio or at the request of a party, when it contains concepts or phrases that offer real cause for doubt, provided that they are contained in the operative part of the judgment or influence it.

Under the same circumstances, clarification by order shall proceed. Clarification shall proceed ex officio or at the request of a party made within the term of enforceability of the ruling.

The ruling on the clarification is not subject to appeal, but within its enforceability, appeals may be lodged against the ruling that is the subject of the clarification.

Article 286. *Correction of arithmetic and other errors.* Any ruling in which a purely arithmetic error has been made may be corrected by the judge who issued it at any time, either ex officio or at the request of a party, by means of an order.

If the correction is made after the proceedings have been concluded, the order shall be notified by notice.

The provisions of the preceding paragraphs shall apply to cases of error due to omission or change of words or alteration thereof, provided that they are contained in the operative part or influence it.

Article 287. *Addition.* When the judgment fails to rule on any of the issues in dispute or on any other point that, in accordance with the law, should be the subject of a ruling, it shall be added by means of a supplementary judgment, within the enforceable judgment, either ex officio or at the request of a party presented at the same time.

The judge of second instance shall supplement the judgment of the lower court whenever the party harmed by the omission has appealed; but if he failed to rule on the counterclaim or on a joined proceeding, he shall return the file to the lower court for it to issue a supplementary judgment.

The proceedings may only be supplemented ex officio within the term of their enforceability, or at the request of a party submitted within the same term.

Within the term of enforceability of the ruling that decides on the supplementation, the main ruling may also be appealed.

Article 288. *Irregularities in the signing of rulings.* When a collegiate judge issues a ruling that has not been signed by all its members, while retaining the file, it must correct the irregularity ex officio or at the request of a party.

Once the ruling has been notified, the irregularity shall be deemed to have been corrected provided that it has been signed by the majority of the members of the respective chamber. Otherwise, the file or copies thereof shall be sent to the chamber that issued it, so that it may correct the defect or issue it again.

## TITLE II

### NOTIFICATIONS

Article 289. *Notification of rulings.* Judicial rulings shall be made known to the parties and other interested parties by means of notifications, with the formalities prescribed in this code.

Except in cases expressly exempted, no order shall take effect before it has been notified. Article 290. *Appropriateness of personal notification.* The following notifications must be made in person:

1. To the defendant or their representative or legal representative, the order admitting the claim and the writ of execution.
2. To third parties and public officials in their official capacity, the order summoning them.
3. Those required by law for special cases.

Article 291. *Personal service of process.* Personal service of process shall be effected as follows:

1. Public entities shall be notified personally in the manner provided for in Article 612 of this Code.

Public entities shall be notified of judgments rendered outside of court in accordance with the provisions of Article 203 of Law 1437 of 2011. Those rendered in court shall be notified in open court.

2. Legal entities governed by private law and merchants registered in the commercial register must register the address where they will receive judicial notifications with the Chamber of Commerce or the corresponding registry office of the place where their headquarters, branch, or agency operates. For the same purpose, they must also register an email address.

This provision shall also apply to natural persons who have provided the judge with their email address. If several addresses are registered, the notification may be sent to any of them.

3. The interested party shall send a communication to the person to be notified, their representative, or attorney-in-fact, by means of a postal service authorized by the Ministry of Information and Communications Technology, informing them of the existence of the proceedings, its nature, and the date of the ruling to be notified, giving them notice to appear in court to receive notification within five (5) days of the date of delivery at the destination. When the communication must be delivered in a municipality other than that of the court's headquarters, the term for appearing shall be ten (10) days; and if it is abroad, the term shall be thirty (30) days.

The communication must be sent to any of the addresses that have been reported to the trial judge as corresponding to the person to be notified. In the case of a legal entity under private law, the communication must be sent to the address registered with the Chamber of Commerce or the corresponding registry office.

When the recipient's address is located in a gated community, delivery may be made to the person attending the reception desk.

The postal service company must check and stamp a copy of the communication and issue a certificate of delivery to the corresponding address. Both documents must be included in the file.

When the email address of the person to be notified is known, the communication may be sent by the Secretary or the interested party by email. The recipient shall be deemed to have received the communication when the sender receives confirmation of receipt. In this case, a record of this shall be made in the file and a printout of the data message shall be attached.

4. If the communication is returned with a note stating that the address does not exist or that the person does not reside or work at that location, at the request of the interested party, the summons shall be served in the manner provided for in this code.

When the place of destination refuses to receive the communication, the postal service company shall leave it at the location and issue a record of this. For all legal purposes, the communication shall be deemed to have been delivered.

5. If the person to be notified appears in court, they will be informed of the order after being identified by means of any suitable document, and a record will be drawn up stating the date on which it was carried out, the name of the person notified, and the order being notified. This record must be signed by the person notified and the employee making the notification. The notified party shall not be allowed to make any statements other than those of consent to the decision, validation of the proceedings, the appointment provided for in the order, and the filing of appeals and cassation. If the notified party does not know, does not want to, or cannot sign, the notifier shall state this circumstance in the record.

6. If the person summoned does not appear within the specified time, the interested party shall proceed to serve the notification by notice.

Paragraph 1. Personal notification may be made by a court employee when there is no authorized postal service company in the area or when the judge deems it advisable in order to expedite or facilitate the notification process. If the person cannot be found, the employee shall leave the communication referred to in this article and, where applicable, the notice provided for in Article 292.

Paragraph 2. The interested party may request the judge to order certain public or private entities that have databases to provide information that will help locate the defendant.

Article 292. *Notification by notice.* When it is not possible to personally serve the order admitting the claim or the writ of execution on the defendant, or the order summoning a third party, or any other order that must be served personally, it shall be done by means of a notice that shall state its date and that of the order being notified, the court hearing the case, its nature, the names of the parties, and a warning that the notification shall be deemed to have been served at the end of the day following the delivery of the notice at its destination.

In the case of an admissibility ruling or writ of execution, the notice must be accompanied by an informal copy of the ruling being notified.

The notice shall be prepared by the interested party, who shall send it by authorized postal service to the same address to which the communication referred to in paragraph 3 of the previous article was sent.

The authorized postal service company shall issue proof of delivery of the notice to the respective address, which shall be included in the file, together with a duly verified and stamped copy of the notice. The provisions of the previous article shall apply as appropriate.

When the email address of the person to be notified is known, the notice and the order being notified may be sent by the Secretary or the interested party by email. The recipient shall be presumed to have received the notice when the sender receives confirmation of receipt. In this case, a record of this shall be made in the file and a printout of the data message shall be attached.

Article 293. *Summons for personal notification.* When the plaintiff or the interested party in a personal notification states that they do not know the place where the defendant or the person to be notified personally can be summoned, the summons shall be issued in the manner provided for in this code.

Article 294. *Notification on the court record.* Orders issued in the course of hearings and proceedings shall be notified immediately after they are issued, even if the parties have not attended.

Article 295. *Notifications by record.* Notifications of orders and judgments that cannot be made in any other way shall be made by means of an entry in the records prepared by the Clerk. The entry in the record shall be made on the day following the date of the order and shall include:

1. The determination of each process by its type.
2. The names of the plaintiff and defendant, or of the persons involved in the proceeding or proceeding. If several persons make up one party, it shall suffice to designate the first of them, adding the expression "and others."
3. The date of the order.
4. The date of the status and the signature of the Secretary.

The status shall be posted in a visible place in the Secretariat at the beginning of the first working hour of the respective day and shall be removed at the end of the last working hour of the same day.

The Secretary shall record notifications made by notice with his signature at the bottom of the notified order.

A duplicate of the notices shall be left, authorized by the Secretary. Both copies shall be collected separately in strict order of date for preservation in the archive, and one of them may be examined by the parties or their representatives under the supervision of the Secretary.

Paragraph. When the technical resources are available, the statements shall be published by data message, in which case they shall not be printed or signed by the Secretary.

When judicial management information systems are enabled, notification by statement may only be made after the information has been entered into said system.

Article 296. *Mixed notification.* The order admitting the claim and the writ of execution shall be notified to the claimant before personal notification or notification to the defendant.

Article 297. *Requirements and similar acts.* The requirements and other similar acts ordered by the judge shall be deemed to have been fulfilled upon notification of the respective order and the presentation of the documents required by law in each case.

The notified party may, at the time of notification or within the period of enforceability, make any observations they deem relevant.

Article 298. *Compliance with and notification of precautionary measures.* Precautionary measures shall be complied with immediately, prior to notification to the opposing party of the order decreeing them. If they are prior to the proceedings, it shall be understood that said party is notified on the day on which it appears in the proceedings or acts in them or signs the respective document.

Official letters and dispatches for the enforcement of the aforementioned measures shall only be delivered to the interested party.

The filing of any appeal shall not prevent the immediate enforcement of the precautionary measure ordered. All appeals shall be considered to have been filed with devolutive effect.

Article 299. *Orders that do not require notification.* Orders to "comply" do not require notification.

Article 300. *Notification to the representative of several parties.* Whenever a person appears in the proceedings as the representative of several parties, or acts in their own name and as the representative of another, they shall be considered as one for the purposes of summonses, notifications, transfers, requests, and similar proceedings.

Article 301. *Notification by conclusive conduct.* Notification by conclusive conduct has the same effect as personal notification. When a party or a third party indicates that they are aware of a particular order or mentions it in a document bearing their signature, or verbally during a hearing or proceeding, if there is a record of this, they shall be deemed to have been notified by conclusive conduct of said order on the date of submission of the document or verbal statement.

Anyone who acts as a legal representative shall be deemed to have been notified by conclusive conduct of all the orders issued in the respective proceedings, including the order admitting the claim or the writ of execution, on the day on which the order recognizing their legal capacity is notified, unless the notification has been made previously. When legal standing has been recognized before the complaint is admitted or the writ of execution is issued, the party shall be notified of such orders.

When nullity is decreed due to improper notification of a ruling, it shall be deemed to have been served by conclusive conduct on the day on which the nullity was requested, but the terms of enforcement or transfer, as the case may be, shall only begin to run from the day following the enforcement of the order decreeing it or the notification of the order to comply with the decision of the superior court.

### TITLE III

#### EFFECT AND EXECUTION OF DECISIONS CHAPTER

##### I

#### Enforceability and Res Judicata

Article 302. *Enforcement.* Orders issued in a hearing become enforceable once they have been notified, when they are not challenged or are not subject to appeal.

However, when clarification or supplementation of a ruling is requested, it shall only become enforceable once the request has been resolved.

Rulings issued outside of a hearing become enforceable three (3) days after notification, when there are no appeals or the deadlines have expired without the appropriate appeals having been filed, or when the ruling resolving the appeals becomes enforceable.

Article 303. *Res judicata.* An enforceable judgment issued in a contentious proceeding has the force of res judicata provided that the new proceeding concerns the same subject matter, is based on the same cause of action as the previous one, and there is legal identity of the parties between the two proceedings.

Legal identity of the parties is understood to exist when the parties to the second proceeding are successors due to the death of those who appeared in the first proceeding or their successors in title by virtue of an act between living persons executed after the filing of the claim in the case of rights subject to registration, and by virtue of sequestration in all other cases.

In proceedings in which unspecified persons are summoned to appear as parties, including those concerning filiation, res judicata shall have effect in relation to all those included in the summons.

Res judicata does not preclude extraordinary appeals for review.

Article 304. *Judgments that do not constitute res judicata.* The following judgments do not constitute res judicata:

1. Those issued in voluntary jurisdiction proceedings, except those that by their nature are not subject to modification.
2. Those that decide on situations that are subject to modification through subsequent proceedings, by express authorization of the law.
3. Those that declare proven a temporary exception that does not prevent another proceeding from being initiated once the cause that gave rise to its recognition has disappeared.

CHAPTER II

Enforcement of Judicial Orders

Article 305. *Admissibility.* The enforcement of orders may be demanded once they have become final or from the day following the notification of the order to comply with the decision of the higher court, as the case may be, and when an appeal has been granted against them with devolutive effect.

If the order sets a deadline for compliance or for exercising an option, this shall only begin to run from the date of enforcement of the order or from the notification of the order to comply with the decision of the higher court, as the case may be. A total or partial sentence that has been made subject to a condition may only be enforced once compliance with that condition has been demonstrated.

Article 306. *Enforcement.* When the judgment orders the payment of a sum of money, the delivery of movable property that has not been seized in the same proceedings, or the performance of an obligation to do something, the creditor, without the need to file a claim, shall request enforcement based on the judgment before the trial judge, so that the enforcement proceedings may be carried out immediately and within the same case file in which the judgment was rendered. Once the request has been made, the judge shall issue an enforcement order in accordance with the operative part of the judgment and, where applicable, for the approved costs, without it being necessary to wait for the previous procedure to be completed in order to initiate enforcement.

If the request for enforcement is made within thirty (30) days of the judgment becoming enforceable, or of notification of the order to comply with the decision of the higher court, as the case may be, the writ of execution shall be notified by the court. If made at a later date, the writ of execution must be served on the defendant in person.

When the law authorizes the imposition of an abstract sentence, once the order specifying it has been enforced, the rules of the preceding paragraphs shall apply.

The provisions of this article shall apply to obtain, before the same judge of knowledge, the enforced payment of the sums that have been settled in the proceedings and the obligations recognized through conciliation or settlement approved therein.

The jurisdiction competent to hear the enforcement of the arbitral award is the same as that which hears the appeal for annulment, in accordance with the general rules of jurisdiction and procedure of each jurisdiction.

Article 307. *Enforcement against public law entities.* When the Nation or a territorial entity is ordered to pay a sum of money, it may be enforced ten (10) months after the respective ruling or the ruling resolving its supplementation or clarification becomes final.

Article 308. *Delivery of property.* The following rules shall apply to the delivery of property:

1. The judge who heard the case in the first instance shall be responsible for the delivery ordered in the judgment of any real estate and personal property that may be involved. If the delivery procedure is requested within thirty (30) days following the enforcement of the judgment or notification of the order of compliance to the higher court, the order for its execution shall be notified by official notice; if the request is made after the expiration of said term, the order shall be notified by public notice.
2. The judge shall identify the property to be delivered and the persons occupying it. However, for the purposes of delivering real estate, it is not essential to visit or identify the boundaries if the judge or commissioner has no doubt that it is the same property.
3. When the delivery concerns a share in a specific item, the judge shall advise the other co-owners that they must reach an agreement with the plaintiff in order to exercise their respective rights over the property.
4. When the property is seized, the order of delivery shall be communicated to the receiver by the most expeditious means. If, upon expiration of the term specified in the respective order, the sequestrator has not delivered the property, at the request of the interested party, the delivery procedure shall be ordered, in which no opposition shall be admitted, and the sequestrator shall be ordered to pay the damages suffered by the party to whom the delivery was to be made as a result of his or her reluctance or delay, and the penalties provided for in Article 50 shall be imposed.

The order sanctioning the sequestration shall be final and shall be notified by means of a notice. However, within ten (10) days of such notification, the kidnapper may file a motion alleging that his failure to comply was due to force majeure or unforeseeable circumstances, and if he proves this, the penalties shall be lifted. This motion shall not affect or interfere with any other proceedings that are in progress or that must be initiated for other purposes.

5. The provisions of this article apply to public law entities.

Article 309. *Objections to delivery.* Objections to delivery shall be subject to the following rules:

1. The judge shall reject outright any opposition to delivery made by the person against whom the judgment is effective, or by anyone holding the property on behalf of that person.
2. The person in whose possession the property is found and against whom the judgment does not have effect may oppose delivery if they allege in any way

facts constituting possession and presents at least summary evidence proving them. The opponent and the interested party in the delivery may request testimony from persons attending the proceedings in relation to possession. The judge shall add the documents presented to the file, provided that they relate to possession, and shall question the opponent, if present, and examine any other evidence deemed necessary.

3. The provisions of the preceding paragraph shall apply when the opposition is filed by a holder who derives his rights from a third party who is in the circumstances provided for therein, who must adduce at least summary evidence of his tenure and of the third party's possession. In this case, the holder shall be questioned under oath about the facts constituting his tenure, the alleged possession, and the places of residence and work of the alleged possessor.

4. When the proceedings take place over several days, only objections made on the day the judge identifies the part of the property or movable assets to which the objections refer shall be considered. At the same time, the persons occupying the property or the corresponding part thereof shall be identified, if applicable.

5. If the opposition is admitted and the interested party expressly insists on delivery during the proceedings, the property shall be left with the opponent as a sequestrator.

If the opposition is admitted only with respect to some or part of the property, the rest shall be delivered.

When the opposition is made by a holder who derives his rights from a third-party possessor, the judge shall order the former to notify the latter to appear to ratify his action. If he fails to do so within five (5) days, the opposition shall be rendered ineffective and the delivery shall proceed without further opposition.

6. When the proceedings have been conducted by the trial judge and the person who requested the delivery has insisted, that person and the opponent may, within the following five (5) days, request evidence related to the opposition. Once that period has expired, the judge shall convene a hearing at which the evidence shall be examined and a decision shall be made.

7. If the procedure was carried out by a commissioner and the opposition refers to all the assets subject to it, the dispatch shall be immediately forwarded to the principal, and the term provided for in the preceding paragraph shall be counted from the notification of the order to add the commission dispatch to the file. If the opposition is partial, the dispatch shall be forwarded when the procedure is completed.

8. If the opposition is rejected, the delivery shall be carried out without regard to any other opposition, using public force if necessary. When the decision is favorable to the opponent, the seizure shall be lifted, unless within ten (10) days following the execution of the order deciding the opposition or ordering compliance with the decision of the superior, the plaintiff presents evidence of having brought the appropriate proceedings against said third party, in which case the seizure shall remain in effect until the conclusion of said proceedings. A copy of the seizure proceedings shall be sent to the judge of that court.

9. The party that loses the opposition proceedings shall be ordered to pay costs and damages; the latter shall be settled as provided for in paragraph 3 of Article 283.

*Paragraph. Restitution to the third-party possessor.* If the third-party possessor with the right to object was not present when the delivery procedure was carried out, they may request the judge hearing the case, within the following twenty (20) days, to restore their possession. Once the request has been submitted in a timely manner, the judge will convene a hearing in which they will examine the evidence they deem necessary and issue a ruling. If the decision is unfavorable to the third party, they shall be ordered to pay a fine of ten (10) to twenty (20) times the current legal monthly minimum wage (smlmv), costs, and damages. Within the period specified by the judge, before the hearing is convened, the third party must provide security to guarantee payment of the aforementioned penalties.

The provisions of the preceding paragraph shall also apply to the third party in possession with the right to object who, having attended the delivery proceedings, was not represented by legal counsel, but the time limit for filing the request shall be five (5) days.

The above terms shall run from the day following the date on which the delivery proceedings were conducted.

Article 310. *Right of retention.* When the judgment has recognized the right of retention, the interested party may only request delivery if they present proof of having paid the value of the credit recognized therein, or of having made the respective deposit. This shall be retained until the obligated party has fully complied with the delivery ordered in the judgment.

If the improvements recognized in the judgment are not found in the delivery proceedings, the deposit shall be returned to the interested party; if they exist partially, their value shall be determined through incidental proceedings for the purposes of the relevant restitutions.

Article 311. *Delivery of persons.* The delivery of incapacitated persons may be requested at any time before the judge or court that ordered it. Until the file has been returned by the superior court, the request must be submitted to the latter. No objections shall be heard in these deliveries.

#### SECTION FIVE ABNORMAL

#### TERMINATION OF THE PROCEEDINGS

SOLE TITLE ABNORMAL

TERMINATION OF THE PROCEEDINGS

CHAPTER I

Settlement

Article 312. *Procedure.* At any stage of the proceedings, the parties may settle the dispute. They may also settle any differences that arise in connection with the enforcement of the judgment.

In order for the transaction to have procedural effect, it must be requested by the parties who entered into it, addressed to the judge or court hearing the case or the respective subsequent proceedings, as the case may be, specifying its scope or accompanying the document containing it. Such a request may also be submitted by any of the parties, accompanied by the settlement document; in this case, the document shall be forwarded to the other parties for three (3) days.

The judge shall accept the settlement that complies with substantive law and shall declare the proceedings terminated if it was entered into by all parties and covers all the issues debated or the sentences imposed in the judgment. If the settlement only covers part of the dispute or the proceedings subsequent to the judgment, the proceedings or the subsequent proceedings shall continue with respect to the persons or aspects not covered by the settlement, which shall be specified by the judge in the order admitting the settlement. The order ruling on the partial settlement is appealable with deferred effect, and the order ruling on the total settlement is appealable with suspensive effect.

When the proceedings end by settlement or partial settlement, there shall be no costs, unless the parties agree otherwise.

If the settlement requires a license and judicial approval, the same judge hearing the case shall decide on these matters; if evidence not included in the case file is required for this purpose, the judge shall order it ex officio or at the request of a party and shall set a date and time for a hearing to take place.

Article 313. *Settlement by public entities.* Representatives of the nation, departments, and municipalities may not settle without authorization from the national government, the governor, or the mayor, as the case may be.

When a law, ordinance, or agreement has ordered the initiation of proceedings involving one of the aforementioned entities, the settlement must be authorized by an act of the same nature.

CHAPTER II

Withdrawal

Article 314. *Withdrawal of claims.* The plaintiff may withdraw the claims as long as no judgment has been rendered that puts an end to the proceedings. When the withdrawal is presented to the superior court because the plaintiff has filed an appeal or cassation, it shall be understood to include the appeal.

Withdrawal implies the renunciation of the claims in the lawsuit in all cases where the finality of the acquittal would have produced the effects of res judicata. The order accepting the withdrawal shall have the same effects as that judgment.

If the withdrawal does not refer to all of the claims, or if it only comes from some of the plaintiffs, the proceedings shall continue with respect to the claims and persons not included in it.

In proceedings for demarcation and boundary marking, division of common property, dissolution or liquidation of marital or patrimonial, civil or commercial partnerships, withdrawal shall not take effect without the consent of the defendant, when the latter did not oppose the claim, and shall not prevent the same proceedings from being brought at a later date.

The withdrawal must be unconditional, unless agreed otherwise by the parties, and only prejudices the person who makes it and their successors.

The withdrawal of the main claim does not prevent the counterclaim from proceeding, which shall continue before the same judge regardless of its amount.

When the plaintiff is the Nation, a department, or a municipality, the withdrawal must be signed by the legal representative and by the representative of the National Government, the governor, or the respective mayor.

Article 315. *Who cannot withdraw claims.* The following cannot withdraw claims:

1. Persons who are legally incompetent and their representatives, unless they obtain prior judicial permission.

In this case, permission must be requested in the same proceedings, and the judge may grant it in the order accepting the withdrawal if he or she considers that no evidence needs to be taken; otherwise, he or she shall set a date and time for a hearing for that purpose.

2. Attorneys-in-fact who do not have express authority to do so.

3. Guardians ad litem.

Article 316. *Withdrawal of certain procedural acts.* The parties may withdraw the appeals filed and the incidents, exceptions, and other procedural acts they have promoted. They may not withdraw the evidence presented.

The withdrawal of an appeal renders the ruling on which it is based final with respect to the party withdrawing it. When done outside of a hearing, the brief shall be filed with the clerk of the trial judge if the file or copies for said appeal have not been forwarded to the superior court, or with the clerk of the superior court in the opposite case.

The court that accepts a withdrawal shall order the withdrawing party to pay costs, as well as damages for the lifting of the precautionary measures taken.

However, the judge may refrain from awarding costs and damages in the following cases:

1. When the parties so agree.
2. When the withdrawal concerns an appeal before the judge who granted it.
3. When the effects of the enforceable favorable judgment are waived and no precautionary measures are in force.
4. When the defendant does not oppose the withdrawal of the claims conditionally presented by the plaintiff with respect to not being ordered to pay costs and damages. The plaintiff's request shall be forwarded to the defendant for three (3) days and, in the event of opposition, the judge shall refrain from accepting the withdrawal as requested. If there is no opposition, the judge shall order the withdrawal without awarding costs and expenses.

Article 317. *Tacit withdrawal.* Tacit withdrawal shall apply in the following cases:

1. When, in order to continue with the proceedings of the lawsuit, the third-party claim, an incidental proceeding, or any other action brought at the request of a party, it is necessary for the party that has filed or brought such action to comply with a procedural requirement or perform an act, the judge shall order it to do so within thirty (30) days by means of an order that shall be notified by court record.

If that period expires without the party who initiated the respective proceeding complying with the procedural requirement or performing the act ordered, the judge shall consider the respective action to have been tacitly withdrawn and shall so declare in a ruling in which he or she shall also impose costs.

The judge may not order the requirement provided for in this paragraph for the plaintiff to initiate proceedings to notify the order admitting the claim or the payment order when proceedings aimed at consummating the prior precautionary measures are pending.

2. When a proceeding or action of any nature, at any stage, remains inactive in the office of the clerk because no action is requested or taken during a period of one (1) year in the first or only instance, counted from the day following the last notification or from the last proceeding or action, at the request of a party or ex officio, termination by tacit withdrawal shall be decreed without the need for prior notice. In this event, there shall be no award of costs or damages against the parties.

Tacit withdrawal shall be governed by the following rules:

- a) For the calculation of the time limits provided for in this article, the time during which the proceedings were suspended by agreement of the parties shall not be counted;
- b) If the proceedings have resulted in an enforceable judgment in favor of the plaintiff or an order to proceed with enforcement, the time limit provided for in this section shall be two (2) years;
- c) Any action, whether ex officio or at the request of a party, of any nature, shall interrupt the time limits provided for in this article;
- d) Once the tacit withdrawal has been decreed, the proceedings or corresponding action shall be terminated and the lifting of the precautionary measures taken shall be ordered;
- e) The ruling declaring tacit withdrawal shall be notified by the court and shall be subject to appeal with suspensive effect. The ruling denying it shall be appealable with devolutive effect;
- f) The decree of tacit withdrawal shall not prevent the claim from being filed again after six (6) months have elapsed from the execution of the ruling that so provided or from the notification of the order to comply with the decision of the superior court, but all effects on the interruption of the statute of limitations or the ineffectiveness of the expiration or any other consequence produced by the filing and notification of the claim that gave rise to the proceeding or the action whose termination is decreed shall be ineffective;
- g) Once tacit withdrawal has been decreed for the second time between the same parties and in pursuit of the same claims, the right sought shall be extinguished. The judge shall order the cancellation of the plaintiff's titles, if applicable. Upon decreeing the tacit withdrawal, the documents that served as the basis for the admission of the claim or writ of execution must be itemized, with the records of the case, so that they may be taken into account in the event of a new proceeding;

(Underlined section declared ENFORCEABLE, on the grounds of the charge brought, by the Constitutional Court in Ruling C-173-19 of April 25, 2019)

h) This article shall not apply against persons who are legally incompetent when they do not have a legal representative.

Section Six Means of  
challenge  
SOLE TITLE MEANS  
OF CHALLENGE  
CHAPTER I  
Reinstatement

Article 318. *Admissibility and opportunities.* Unless otherwise provided, the appeal for reconsideration is admissible against orders issued by the judge, against those of the presiding judge that are not subject to appeal, and against those of the Civil Cassation Chamber of the Supreme Court of Justice, so that they may be amended or revoked.

The appeal for reconsideration is not admissible against rulings that resolve an appeal, a petition, or a complaint.

The appeal must be filed with a statement of the reasons supporting it, verbally, immediately after the order is issued. When the order is issued outside of a hearing, the appeal must be filed in writing within three (3) days of notification of the order.

The order deciding the appeal is not subject to any further appeal, unless it contains points not decided in the previous order, in which case the relevant appeals may be filed with respect to the new points.

Rulings issued by the decision chambers are not subject to reconsideration; clarification or supplementation may be requested within the term of their enforceability.

Paragraph. When the appellant challenges a judicial decision by means of an inadmissible appeal, the judge shall process the challenge according to the rules of the appeal that is admissible, provided that it has been filed in a timely manner.

Article 319. *Procedure.* The appeal for reconsideration shall be decided at the hearing, after notification to the opposing party.

When it is appropriate to file it in writing, it shall be resolved after notification to the opposing party for three (3) days, as provided for in Article 110.

CHAPTER II  
Appeal

Article 320. *Purpose of the appeal.* The purpose of the appeal is for the higher court to examine the matter decided, solely in relation to the specific objections raised by the appellant, so that the higher court may revoke or amend the decision.

The appeal may be lodged by the party to whom the ruling has been unfavorable: with regard to the intervener, the provisions of the second paragraph of Article 71 shall be taken into account.

Article 321. *Admissibility.* First instance judgments are appealable, except those rendered in equity. The following orders issued in the first instance are also appealable:

1. Those that reject the claim, its amendment, or the response to any of them.
2. Anyone who denies the intervention of legal successors or third parties.
3. Anyone who denies the decree or the taking of evidence.
4. Those who deny, in whole or in part, the payment order and those who reject outright the exceptions of merit in the enforcement proceedings.
5. Those who outright reject an incident and those who resolve it.
6. Those who deny the processing of a procedural nullity and those who resolve it.
7. The person who, for any reason, terminates the proceedings.
8. The person who decides on a precautionary measure, or sets the amount of the bond to decree, prevent, or lift it.
9. The one who decides on the opposition to the delivery of goods, and the one who rejects it outright.

10. Others expressly indicated in this code.

Article 322. *Timing and requirements.* The appeal shall be filed in accordance with the following rules:

1. An appeal against any ruling issued during a hearing or proceeding must be filed verbally immediately after it is pronounced. The judge shall rule on the admissibility of all appeals at the end of the initial hearing or the preliminary hearing and trial, as appropriate, even if the appeals have not been substantiated.

An appeal against a ruling issued outside of a hearing must be filed with the judge who issued it, either in person or in writing within three (3) days of notification by the court.

2. The appeal against the order may be filed directly or as an alternative to the motion for reconsideration. When the motion for reconsideration filed by one of the parties is granted, the other party may appeal the new order if it is subject to this remedy.

Once a supplementary ruling has been issued or the requested addition has been denied, an appeal may also be lodged against the main ruling within the enforceable term of the latter. The appeal against a ruling includes that which ruled on the supplement.

If, before a decision is made on the addition or clarification of a ruling, an appeal has been filed against it, the decision on whether to grant that appeal shall be made in the order deciding on the addition or clarification.

3. In the case of an appeal against a ruling, the appellant must file the appeal with the judge who issued the ruling within three (3) days of its notification or of the notification of the ruling denying the appeal. However, when the appealed decision has been handed down in a hearing or proceeding, the appeal may be substantiated at the time of its filing. Once the motion for reconsideration has been decided and the appeal granted, the appellant may, if deemed necessary, add new arguments to their challenge within the period specified in this section.

When a judgment is appealed, the appellant, at the time of filing the appeal at the hearing, if it was handed down at the hearing, or within three (3) days following its conclusion or notification of the judgment handed down outside the hearing, must briefly specify the specific objections to the decision, which will be the basis of the appeal before the higher court.

To support the appeal, it shall be sufficient for the appellant to state the reasons for their disagreement with the appealed decision.

If the appellant does not substantiate the appeal in due form and in a timely manner, the judge of first instance shall declare it void. The same decision shall be taken when the objections to the appealed judgment are not specified, in the manner provided for in this paragraph. The judge of second instance shall declare the appeal against a judgment that has not been substantiated to be void.

Paragraph. The party that did not appeal may join the appeal filed by another party, insofar as the appealed decision is unfavorable to it. The joinder brief may be filed with the judge who issued the decision while the case file is in his or her office, or with the superior court until the expiration of the term of enforceability of the order admitting the appeal of the judgment. The statement of support shall be subject to the provisions of paragraph 3 of this article.

The accession shall be null and void if the main appellant withdraws. Article 323. *Effects when*

*the appeal is granted.* The appeal may be granted:

1. With suspensive effect. In this case, if it is a judgment, the jurisdiction of the trial court shall be suspended from the enforcement of the order granting the appeal until notification of compliance with the decision of the higher court. However, the lower court shall retain jurisdiction to hear all matters relating to precautionary measures.

2. In the devolutive effect. In this case, compliance with the appealed order and the course of the proceedings shall not be suspended.

3. In the deferred effect. In this case, compliance with the appealed decision will be suspended, but the proceedings before the judge of first instance will continue insofar as they do not necessarily depend on it.

Appeals against judgments concerning the civil status of persons, those that have been appealed by both parties, those that deny all claims, and those that are merely declaratory shall be granted suspensive effect. Appeals against other judgments shall be granted devolutive effect, but no money or other property may be delivered until the appeal has been decided.

However, the appeal shall not prevent the payment of maintenance imposed in the appealed decision, for which the judge of first instance shall retain jurisdiction.

Appeals against orders shall be granted with devolutive effect, unless otherwise provided.

When the appeal must be granted with suspensive effect, the appellant may request that it be granted with deferred or devolutive effect, and when it is appropriate with deferred effect, the appellant may request that it be granted with devolutive effect.

Even if the appeal of the judgment is processed with devolutive effect, the original file shall be forwarded to the higher court and the judgment shall be enforced with the respective copies.

In the event of an appeal against the judgment, the higher court shall decide on all appeals against pending orders, where possible.

When the appeal with suspensive or deferred effect has been expressly filed against one or more of the decisions contained in the ruling, the others shall be enforced, except when they are a consequence of those appealed, or if the other party has filed an appeal against them granted with suspensive or deferred effect. With the same exceptions, if the purpose of the appeal is to obtain more than what was granted in the appealed ruling, compliance with what was recognized therein may be requested.

In the cases referred to in the previous paragraph, the order granting the appeal shall require that, before the file is forwarded, copies of the documents deemed necessary by the judge be made available at the appellant's expense.

The fact that the superior court has not ruled on appeals with devolutive or deferred effect shall not prevent the judgment from being handed down. If the judgment is not appealed, the clerk shall immediately communicate this fact to the superior court by any means, without the need for an order to that effect, so that the superior court may declare the appeals void.

The decisions of the superior court that have resolved appeals against orders shall be without effect when the judge of first instance has issued the judgment before receiving the communication referred to in Article 326 and the judgment has not been appealed. If the communication is received during a hearing, the judge shall inform the parties and take the appropriate measures; if, despite this, the judge issues the judgment and has revoked any of the orders, the judgment shall be declared invalid by order, which shall not be subject to appeal.

Article 324. *Forwarding of the file or copies thereof.* In the case of an appeal against a ruling, the file or copies thereof shall be forwarded to the higher court once the supporting brief has been served, as provided for in Article 326. In the case of judgments, the file shall be forwarded once the brief referred to in Article 322(3) has been submitted.

However, when the trial judge retains jurisdiction to proceed with any proceedings, the order granting the appeal shall require that, before the file is forwarded, a copy of the documents indicated by the judge be left, at the expense of the appellant, who must provide the necessary expenses within five (5) days, under penalty of being declared void. Once the expenses have been paid in a timely manner, the clerk shall issue them within the following three (3) days.

In the case of an appeal against a ruling with deferred or devolutive effect, a copy of the documents indicated by the judge shall be sent to the higher court, and the same procedure shall be followed for their issuance. If the higher court considers other procedural documents to be necessary, it shall request them from the judge of first instance by means of a ruling that shall be without appeal and by the most expeditious means, who shall proceed in the manner provided for in the preceding paragraph.

The clerk shall forward the file or reproduction to the superior within a maximum period of five (5) days from the time specified in the first paragraph, or from the day following the date on which the appellant pays the cost of the reproduction, as applicable. Failure to comply with this duty shall be considered a very serious offense.

Paragraph. When the judge of first instance has enabled the Digital Justice Plan, the hearing of the case in the second instance may only be assigned to an office that is part of the same system. Under no circumstances may the printing of the digital file be ordered.

Article 325. *Preliminary examination.* If the appealed decision was issued outside of a hearing, the judge or magistrate hearing the case shall verify whether it is signed by the judge of first instance and, if not, shall take the necessary measures to establish its authorship. In any case, the granting of the appeal presumes the authorship of the appealed decision.

If, despite the lack of signature on the ruling, the superior has decided on the appeal, the omission shall be deemed to have been remedied. If the appealed ruling was handed down at a hearing or proceeding, the lack of signature on the record shall not prevent the appeal from being processed.

If the requirements for granting the appeal are not met, it shall be declared inadmissible and the file shall be returned to the judge of first instance; if there are several appeals, only those that meet the aforementioned requirements shall be processed.

The superior court shall return the file if it finds that the judge of first instance failed to rule on the counterclaim or on a joined proceeding. Likewise, if it finds that there are grounds for nullity, it shall proceed in the manner provided for in Article 137.

When the appeal has been granted with an effect other than that which corresponds, the superior court shall make the respective adjustment and notify the trial judge. Once the correction has been made, the appeal shall continue to be processed.

Article 326. *Processing of appeals against rulings.* In the case of an appeal against a ruling, the supporting brief shall be forwarded to the opposing party in the manner and within the time limit provided for in the second paragraph of Article 110. If there are several appeals, they shall be forwarded jointly and collectively. Once the forwarding period has expired, the file or copies thereof shall be sent to the higher court.

If the judge of second instance considers it inadmissible, he shall so decide in a ruling; otherwise, he shall decide on the appeal outright and in writing. If the appeal has been granted with devolutive or deferred effect, the judge of first instance shall be notified immediately, by any means, and a record shall be made of this. Failure by the clerk to comply with this duty constitutes a very serious offense.

Article 327. *Appeal proceedings.* Without prejudice to the court's discretionary power to order evidence, in the case of an appeal against a *judgment*, within the period for enforcement of the order admitting the appeal, the parties may request the taking of evidence, and the judge shall order it only in the following cases:

within the term of enforceability of the order admitting the appeal, the parties may request the taking of evidence, and the judge shall order it only in the following cases:

1. When the parties request it by mutual agreement.
2. When ordered in the first instance, it was not carried out through no fault of the party who requested it.
3. When it concerns events that occurred after the opportunity to request evidence in the first instance had passed, but only to prove or disprove them.
4. When it involves documents that could not be adduced in the first instance due to force majeure or unforeseeable circumstances, or due to the actions of the opposing party.
5. If the purpose is to refute the documents referred to in the previous paragraph.

Once the order admitting the appeal has been executed, the judge shall convene the hearing for the presentation of arguments and the ruling. If evidence is ordered, it shall be presented at the same hearing, after which the parties' arguments shall be heard and a ruling shall be issued in accordance with the general rule set forth in this code.

The appellant shall limit his or her arguments to those presented before the judge of first instance.

Article 328. *Jurisdiction of the higher court.* The judge of second instance shall rule only on the arguments presented by the appellant, without prejudice to the decisions that must be taken ex officio in the cases provided for by law.

However, when both parties have appealed the entire judgment or the party that did not appeal has joined the appeal, the superior court shall decide without limitations.

In the appeal proceedings, the superior court shall only have jurisdiction to hear and decide the appeal, award costs, and order copies.

The judge may not make the situation of the sole appellant more unfavorable, unless the modification makes it essential to reform points closely related to it.

No incidental proceedings may be brought during the appeal, except for challenges. Procedural nullities must be raised during the hearing.

Article 329. *Compliance with the superior's decision.* Once the appeal has been decided and the file returned to the lower court, the latter shall issue an order of compliance with the superior's decision and, in the same order, shall make the necessary arrangements for its enforcement.

When an appealed order is revoked in its devolutive or deferred effect, the proceedings carried out by the lower court after the appeal has been granted shall be without effect, insofar as they depend on that order, without prejudice to the provisions of the last two paragraphs of Article 323. The judge shall expressly indicate the action that is rendered ineffective.

Article 330. *Effects of the superior court's decision on the decree and the taking of evidence in the first instance.* If the higher court revokes or amends the order that had denied the decree or taking of evidence and the judge has not issued a ruling, the judge shall order the taking of evidence at the preliminary hearing and trial, if it has not yet been done, or shall set a hearing for that purpose. If the ruling was issued before the appeal was resolved and was also the subject of this appeal, the higher court shall take the evidence at the hearing for argument and ruling.

### CHAPTER III

#### Petition

Article 331. *Admissibility and timing for filing.* The appeal for review is admissible against orders that are appealable by their nature, issued by the presiding judge in the course of the second or sole instance, or during the appeal of an order. It is also admissible against rulings that decide on the admissibility of appeals or cassation appeals and against rulings issued by the presiding judge in the processing of extraordinary cassation or review appeals that, by their nature, would have been subject to appeal. It is not admissible against rulings that decide on appeals or complaints.

The appeal must be filed within three (3) days of notification of the order, by means of a written document addressed to the presiding judge, stating the reasons for the appeal.

Article 332. *Procedure.* Once the appeal has been filed, it shall be forwarded to the opposing party for three (3) days in the manner indicated in Article 110. Once the transfer period has expired, the clerk shall forward the file to the office of the judge who is next in line after the one who issued the ruling, who shall act as rapporteur to resolve the matter.

The other judges who make up the chamber shall be responsible for deciding on the appeal. No appeal may be lodged against the decision.

### CHAPTER IV

#### Cassation

Article 333. *Purposes of the appeal in cassation.* The extraordinary appeal in cassation is intended to defend the unity and integrity of the legal system, ensure the effectiveness of international instruments signed by Colombia in domestic law, protect constitutional rights, control the legality of judgments, unify national jurisprudence, and redress grievances caused to the parties by the appealed decision.

Article 334. *Admissibility of the appeal.* The extraordinary appeal may be lodged against the following judgments, when they are handed down by the higher courts of second instance:

1. Those handed down in all types of declaratory proceedings.
2. Those handed down in class actions falling within the jurisdiction of the ordinary courts.
3. Those handed down to settle a specific sentence.

Paragraph. In matters relating to civil status, only judgments on challenges or claims of status and declarations of de facto marital unions shall be subject to cassation.

Article 335. *Adhesive cassation.* When a party with an interest files an appeal for cassation, the appeal filed in a timely manner by the other party shall also be granted, even if the value of the latter's interest is insufficient.

Article 336. *Grounds for cassation.* The following are grounds for extraordinary cassation:

1. Direct violation of a substantive legal rule.
2. Indirect violation of substantive law as a result of an error of law arising from ignorance of a rule of evidence, or from a manifest and significant error of fact in the assessment of the claim, its response, or a specific piece of evidence.
3. The judgment not being in accordance with the facts, with the claims of the complaint, or with the exceptions proposed by the defendant or that the judge should have recognized ex officio.
4. Contain a ruling that makes the situation of the sole appellant more burdensome.
5. The judgment has been handed down in a trial vitiated by any of the grounds for nullity established by law, unless such vitiations have been remedied.

The Court may not take into account grounds for cassation other than those expressly alleged by the plaintiff. However, it may overturn the judgment, even ex officio, when it is clear that the judgment seriously compromises public order or public property, or violates constitutional rights and guarantees.

Article 337. *Timeliness and standing to file an appeal.* An appeal may be filed within five (5) days of notification of the judgment. However, when an addition, correction, or clarification has been requested in a timely manner, or when these have been made ex officio, the term shall be counted from the day following the notification of the respective ruling.

An appeal may not be filed by anyone who did not appeal the first instance judgment, when the judgment handed down by the court was exclusively confirmatory of the former.

Article 338. *Amount of interest for appeal.* [Corrected by Article 6, National Decree 1736 of 2012.](#) When the claims are essentially economic, the appeal shall proceed when the current value of the decision unfavorable to the appellant exceeds one thousand times the current legal monthly minimum wage (1,000 smlmv). The amount of interest for appeal is excluded in the case of judgments handed down in class actions and group actions, and those relating to civil status.

When the conditions for challenging a judgment are met with respect to an appellant, the appeal filed in a timely manner by another litigant shall be granted, even if the value of the latter's interest is insufficient. In such a case, and for all applicable purposes, the two appeals shall be considered independent.

Article 339. *Fair value of the interest to appeal and granting of the appeal.* When it is necessary to determine the economic interest affected by the judgment in order for the appeal to be admissible, its amount shall be established based on the evidence in the case file. However, the appellant may provide an expert opinion if he or she deems it necessary, and the judge shall decide outright on the granting of the appeal.

Article 340. *Granting of the appeal.* Once the legal requirements have been met, the presiding judge shall, by means of an order that is not subject to appeal, order the file to be sent to the Court once the order granting the appeal has become final and the copies necessary for the enforcement of the judgment have been issued, if applicable.

Article 341. *Effects of the appeal.* The granting of the appeal shall not prevent the judgment from being enforced, except when it relates exclusively to civil status, or when it is a purely declaratory judgment, or when it has been appealed by both parties.

The registration of the judgment, the cancellation of the precautionary measures, and the settlement of the costs incurred in the proceedings shall only be carried out once the judgment of the court or that of the Court replacing it has become final.

In the case of orders containing enforceable or mandatory provisions, the presiding judge shall expressly recognize this in the order granting the appeal and shall order the issuance of the copies necessary for its enforcement. The appellant shall provide the respective expenses within three (3) days following the enforcement of the order, under penalty of the appeal being declared void.

When filing the appeal, the appellant may request the suspension of compliance with the contested order, offering security to guarantee payment of the damages that such suspension may cause to the opposing party, including any civil and natural fruits that may be received during that period. The amount and nature of the bond shall be set in the order granting the appeal, and it must be posted within ten (10) days following notification of that order, under penalty of enforcement of the orders in the appealed judgment. It shall be incumbent upon the presiding judge to assess the security provided. If he considers it sufficient, he shall order in the same order the suspension of compliance with the contested ruling. Otherwise, he shall deny it.

When filing an appeal, the appellant may limit it to certain decisions in the court's judgment, in which case they may request that the judge of first instance order compliance with the others, provided that they are not a consequence of those decisions and that the other party has not appealed. With these same exceptions, if it is stated that the appeal seeks to achieve more than what was granted in the court's judgment, compliance with what was recognized in the judgment may be requested. In both cases, the necessary copies for such compliance must be provided within the term of enforceability of the order requiring them.

If the appellant fails to provide the bond, or if it is insufficient, the judgment shall be enforced, for which purpose the necessary copies shall be issued at the appellant's expense. If the necessary copies are not provided, the appeal shall be declared void.

Paragraph. When the appeal is granted by virtue of the complaint, the court shall apply this article as appropriate.

Article 342. *Admission of the appeal.* If the judgment is not signed by the number of judges required by law, the Chamber shall order the file to be returned to the court so that this deficiency may be corrected.

The appeal shall be inadmissible if the ruling is not subject to cassation, due to lack of standing, untimeliness, or failure to pay the copies necessary for its enforcement, if applicable.

The order deciding on the admissibility of the appeal shall be issued by the presiding judge and may only be appealed against by way of an appeal for reconsideration.

The amount of interest for cassation appeal set by the court is not subject to review or modification by the Court.

Article 343. *Processing of the appeal.* Once the appeal has been admitted, the same order shall require that it be forwarded for thirty (30) days so that the appellants may file their appeals.

This period shall not be interrupted by a change of attorney, nor by their resignation or replacement. If the appeal is not filed in a timely manner, the presiding judge shall declare the appeal void. Article 344. *Requirements for the appeal.* The appeal shall contain:

1. The designation of the parties, a summary of the proceedings, the claims, and the facts of the case.
2. The separate formulation of the charges against the appealed judgment, with a clear, precise, and complete statement of the grounds for each charge, subject to the following rules:
  - a) In the case of direct violation, the charge shall be limited to the legal issue without including or extending to the evidentiary matter.

In the event that the accusation is made for indirect violation, factual aspects that were not debated in the proceedings may not be raised.

In the case of an error of law, the rules of evidence that are considered to have been violated shall be indicated, with a brief explanation of how they were infringed. If a manifest error of fact is invoked, it shall be identified with precision and clarity, indicating what it consists of and what specific evidence it relates to. In any case, the appellant must demonstrate the error and indicate its significance in the sense of the judgment.

- b) The charges under the third and fourth grounds may not be based on evidentiary assessments.

Paragraph 1. When a violation of substantive law is invoked, it shall be sufficient to point out any provision of that nature which, constituting an essential basis of the contested ruling or having should have been so, in the opinion of the appellant, has been violated, without it being necessary to integrate a complete legal proposition.

Paragraph 2. In the case of charges brought on the first ground for cassation, which contain different accusations and which the Court considers should have been presented separately, it shall decide on them as if they had been invoked in different charges. In the same event, if accusations are made in different charges and the Court considers that they should have been proposed through a single one, it shall integrate them ex officio and decide on the whole, as appropriate.

Paragraph 3. If incompatible charges are presented, the Court shall take into consideration those which, in view of the purposes of the appeal, in its opinion are adequately related to the contested judgment, the grounds on which it is based, the nature of the specific dispute resolved by said judgment, the procedural position adopted by the appellant in the proceedings, and, in general, any other proven circumstance that is relevant for the indicated purpose.

Article 345. *Untimeliness of the appeal.* When the appeal is not filed in a timely manner, the judge shall declare the appeal void and order the appellant to pay the costs.

If there are several appellants, the dismissal of the appeal shall only affect those who did not file the appeal in a timely manner.

Article 346. *Inadmissibility of the appeal.* The appeal shall be inadmissible in the following cases:

1. When it does not meet the formal requirements.
2. When the appeal raises questions of fact or law that were not raised in the lower courts.

The Civil Cassation Chamber is competent to issue the order dismissing the claim. No appeal may be lodged against this order.

Article 347. *Selection in the cassation appeal process.* Even if the cassation appeal meets the formal requirements, the Chamber may dismiss it in the following cases:

1. When there is essential identity between the case and the Court's established case law, unless the appellant demonstrates the need to change its meaning.

NOTE: This paragraph was declared ENFORCEABLE by the Constitutional Court in Ruling C-880 of 2014.

2. When the procedural errors alleged do not exist or, where applicable, have been remedied, or did not affect the guarantees of the parties, nor do they constitute a significant violation of the legal system.

3. When there is no evident violation of the legal system to the detriment of the appellant.

Article 348. *Transfer.* Once the cassation appeal has been admitted, it shall be transferred to all opponents for fifteen (15) days so that they may formulate their respective replies.

Once the transfer period has expired, the file shall be forwarded to the judge for the drafting of the judgment.

Article 349. *Judgment.* Once the draft judgment has been prepared, the Chamber may schedule a hearing if it deems it necessary. The hearing shall be conducted under the effective direction of the President of the Chamber, who may limit the parties' interventions to what is strictly necessary. The judges may question the attorneys on the grounds for the appeal against the judgment. At the same hearing, the Chamber may issue its judgment if it deems it appropriate.

In the judgment, the Chamber shall examine in logical order the grounds alleged by the appellant. If the fourth ground of Article 336 is upheld, it shall order that, depending on when the defect occurred, the competent authority redo the annulled action; if any other ground is upheld, the Court shall quash the appealed judgment and issue the one that should replace it. When a charge that only concerns part of the judgments is upheld, the other charges shall be examined.

Before issuing a judgment, the Chamber may order evidence to be taken ex officio, if it deems it necessary.

The Chamber shall not overturn the judgment solely on the grounds that it is erroneously reasoned, if its operative part is in accordance with the law, but shall make the corresponding doctrinal rectification.

If none of the grounds alleged are upheld, the appellant shall be ordered to pay the costs, except in cases where the appeal has given rise to a doctrinal rectification.

Article 350. *Ineffectiveness of compliance with the appealed judgment.* When the Court overturns a judgment that has already been complied with, it shall declare the acts performed for that purpose to be without effect and shall order whatever is necessary to ensure that no consequences of the overturned judgment remain.

Article 351. *Joinder of cases.* In the opinion of the Cassation Chamber, several cases may be joined and decided in the same judgment. This shall be recorded in the respective judgment, the text of which shall be incorporated into each of the proceedings.

## CHAPTER V

### Appeal

Article 352. *Admissibility.* When the judge of first instance denies the appeal, the appellant may file a complaint for the higher court to grant it if appropriate. The same appeal is admissible when the cassation appeal is denied.

Article 353. *Filing and processing.* The complaint appeal shall be filed in addition to the motion for reconsideration against the order that denied the

appeal or cassation, except when it is a consequence of the reconsideration filed by the opposing party, in which case it must be filed directly within the writ of execution.

Once the motion for reconsideration has been denied or the complaint has been filed, as the case may be, the judge shall order the reproduction of the necessary procedural documents, for which purpose the procedure for the processing of the appeal shall be followed. Once the copies have been issued, they shall be forwarded to the superior court, which may order the lower court to forward copies of other documents in the file.

The brief shall be kept at the clerk's office for three (3) days at the disposal of the other party so that it may state its opinion, and once the transfer has been completed, the appeal shall be decided.

If the superior court considers the denial of the appeal or cassation to be improper, it shall admit it and communicate its decision to the lower court, indicating the effect in the first case.

## CHAPTER VI

### Review

Article 354. *Admissibility.* The extraordinary appeal for review is admissible against final judgments. Article 355.

*Grounds.* The following are grounds for review:

1. Documents having been found after the judgment was handed down that would have changed the decision contained therein, and which the appellant was unable to submit to the proceedings due to force majeure or unforeseeable circumstances or due to the actions of the opposing party.
2. Documents that were decisive in the pronouncement of the appealed judgment having been declared false by the criminal justice system.
3. The judgment was based on statements made by individuals who were convicted of perjury as a result of those statements.
4. The judgment was based on the opinion of an expert who was convicted of criminal offenses committed in the production of said evidence.
5. A criminal judgment has been handed down declaring that there was violence or bribery in the pronouncement of the appealed judgment.
6. There has been collusion or other fraudulent maneuvering by the parties in the proceedings in which the judgment was handed down, even if it has not been the subject of a criminal investigation, provided that it has caused harm to the appellant.
7. The appellant is in any of the cases of improper representation or lack of notification or summons, provided that the nullity has not been remedied.
8. There is nullity originating in the judgment that ended the proceedings and that was not subject to appeal.
9. The judgment is contrary to a previous one that constitutes res judicata between the parties to the proceedings in which it was handed down, provided that the appellant was unable to raise the objection in the second proceedings because he or she was appointed a guardian ad litem and was unaware of the existence of those proceedings. However, there shall be no review when the objection of res judicata was raised in the second proceedings and was rejected.

Article 356. *Time limit for filing an appeal.* An appeal may be filed within two (2) years following the enforcement of the respective judgment when any of the grounds set forth in paragraphs 1, 6, 8, and 9 of the preceding article are invoked.

When the grounds provided for in paragraph 7 of the aforementioned article are alleged, the two (2) years shall begin to run from the day on which the party aggrieved by the judgment or its representative became aware of it, with a maximum limit of five (5) years. However, when the judgment must be registered in a public registry, the foregoing terms shall only begin to run from the date of registration.

In the cases referred to in paragraphs 2, 3, 4, and 5 of the same article, the appeal must be filed within the period established in paragraph 1, but if the criminal proceedings have not been concluded, the review judgment shall be suspended until the criminal judgment becomes final and the respective copy is submitted. This suspension may not exceed two (2) years.

Article 357. *Filing of the appeal.* The appeal shall be filed by means of a complaint that must contain:

1. Name and address of the appellant.
2. The name and address of the persons who were parties to the proceedings in which the judgment was handed down, so that the review procedure may be followed with them.
3. The designation of the proceedings in which the judgment was handed down, indicating its date, the day on which it became final, and the court office where the file is located.
4. The grounds invoked and the specific facts on which they are based.
5. The request for the evidence to be presented.

The claim must be accompanied by the copies referred to in Article 89.

Article 358. *Procedure.* The court or tribunal receiving the appeal shall examine whether it meets the requirements set forth in the two preceding articles, and if it finds that they have been met, it shall request the file from the office where it is located. However, if the enforcement of the judgment is pending, it shall only be forwarded after the appellant has provided, at his or her expense, a copy of the necessary documents for its enforcement. To this end, the appellant shall provide, within ten (10) days from the day following notification of the order to forward the file, the necessary information for the preparation of said copy, under penalty of the appeal being declared void. Once the file has been received, a decision shall be made on the admissibility of the appeal and the precautionary measures requested therein.

The claim shall be declared inadmissible when it does not meet the formal requirements set forth in the previous article, as well as when it is not directed against all the persons who must intervene in the appeal, in which cases the interested party shall be granted a period of five (5) days to correct the defects noted. If this is not done in a timely manner, the claim shall be rejected.

Without further proceedings, the claim shall be rejected when it is not filed within the legal term, or has been formulated by someone who lacks standing to do so.

Under no circumstances shall the appeal for review be amended.

Once the petition has been admitted, it shall be forwarded to the defendants for five (5) days in the manner established in Article 91.

The response to the claim must meet the requirements set forth in Article 96, and no preliminary objections may be raised.

Once the defendants have been notified, the evidence requested shall be ordered, and a hearing shall be set to examine the evidence, hear the arguments of the parties, and render a judgment.

Paragraph 1. Under no circumstances shall the appeal for review suspend compliance with the judgment.

Paragraph 2. Two or more appeals for review may be joined once the opposing parties have been notified, applying the rules set forth in this code for the joinder of proceedings.

Article 359. *Judgment.* If the Court or tribunal finds any of the grounds set forth in paragraphs 1 to 6 or 9 of Article 355 to be well-founded, it shall invalidate the reviewed judgment and issue the judgment that is legally appropriate; if it finds that the grounds set forth in paragraph 8 are well-founded, it shall declare the judgment null and void and return the case to the court or tribunal of origin for a new judgment to be rendered; and if it finds that the grounds set forth in paragraph 7 are well-founded, it shall declare the proceedings that gave rise to the review null and void.

When the successful ground is the fifth or sixth, before issuing the judgment that replaces the invalidated one, the evidence that was not ordered or taken for any of the reasons indicated in those grounds shall be ordered. When ground 4 is successful, an expert opinion shall be ordered.

The judgment invalidating the reviewed judgment shall rule on restitutions, cancellations, damages, fruits, improvements, deterioration, and other consequences of such invalidation. If there is no evidence in the file to impose the specific sentence, before issuing the judgment replacing the invalidated one, the provisions of Article 283 shall be complied with.

If the appeal is declared unfounded, the appellant shall be ordered to pay costs and damages, and the security deposit shall be used to cover such costs.

Article 360. *Precautionary measures.* The registration of the claim and the seizure of movable property may be ordered as precautionary measures in the cases and under the requirements provided for in the declaratory proceedings, if requested in the claim.

SECTION SEVEN

COSTS AND FINES

TITLE I

COSTS

CHAPTER I

Composition

Article 361. *Composition.* Costs shall consist of all expenses and costs incurred during the course of the proceedings and by the agencies in law.

Costs shall be assessed and settled using objective criteria that can be verified in the case file, in accordance with the provisions of the following articles.

CHAPTER II

Expenses

Article 362. *Fees.* Every two (2) years, the Superior Council of the Judiciary shall regulate the judicial fee schedule related to copies, breakdowns, certifications, authentications, notifications, and the like. Any magistrate or judge who authorizes or tolerates the collection of fees for non-remunerable services or in an amount greater than that authorized in the fee schedule, and any employee who collects or receives such fees, shall be guilty of misconduct.

The foregoing is without prejudice to the court fees as a parafiscal contribution established by law.

Article 363. *Fees of court officers and their enforcement.* The judge, in accordance with the parameters set by the Superior Council of the Judiciary and the rates established by the specialized entities, shall determine the fees of court officers when they have completed their duties, or once the accounts have been approved through the corresponding procedure if the person holding the position is required to render them. The order setting the fees shall determine who is responsible for paying them.

The parties and the assistant may object to the fees within the term of enforceability of the order setting them. The judge shall decide after giving the other party three (3) days' notice.

Within three (3) days following the enforceability of the order setting the fees, the party owing them shall pay them to the beneficiary, or deposit them with the court or tribunal for delivery to the beneficiary, without the need for an order to that effect.

When fees are payable for an expert opinion, they may not exceed the rates set by the Superior Council of the Judiciary or those established by the respective entities, except when experts with highly specialized knowledge are required, in which case the judge may set the fees taking into account their prestige and other circumstances.

The bankruptcy judge shall set the fees of promoters and liquidators in accordance with the parameters established by the National Government.

If the debtor fails to pay, reimburse, or deposit the fees within the time specified in the preceding article, the creditor may file an enforcement action with the judge of first instance, which shall be processed in the manner regulated by Article 441.

If the file is in the court or tribunal of second instance, the claim must be accompanied by a copy of the order that set the fees and, if applicable, any order that modified them, and a certificate from the presiding magistrate or judge regarding the debtor and creditor parties when their names do not appear in the copies.

No appeal may be lodged against the writ of execution, nor may any exceptions other than those relating to payment and limitation be raised. Article 364. *Payment of expenses and fees.* The payment of expenses and fees shall be subject to the following rules:

1. Each party shall pay the costs and fees incurred in the conduct of the proceedings and evidence requested, and contribute pro rata to the payment of those that are common. Those relating to evidence ordered ex officio shall be governed by the provisions of Article 169.
2. The fees of experts shall be borne by the party that requested the evidence.
3. When proceedings are conducted outside the court office, the costs incurred shall include transportation, food, and lodging for the personnel involved.
4. The costs of issuing copies shall be borne by the party requesting them; however, any additions requested by another party shall be paid for by that party in accordance with the order decreeing them, and if this is not done, the clerk shall disregard the addition and make a note of this in the file.
5. If one party pays what another party owes in expenses or fees, it may request that the corresponding reimbursement be ordered.

### CHAPTER III

#### Condemnation, settlement, and collection

Article 365. *Award of costs.* In proceedings and subsequent actions in which there is controversy, the award of costs shall be subject to the following rules:

1. The losing party in the proceedings, or the party against whom the appeal, cassation, complaint, petition, annulment, or review has been decided unfavorably, shall be ordered to pay costs. In addition, in the special cases provided for in this code.

Furthermore, the party who loses an incidental proceeding, a preliminary objection, a request for annulment or a request for legal aid shall be ordered to pay costs, without prejudice to the provisions relating to recklessness or bad faith.

2. The order shall be made in the judgment or order resolving the action that gave rise to it.
3. In the order of the higher court confirming all parts of the first instance ruling, the appellant shall be ordered to pay the costs of the second instance.
4. When the second instance judgment completely revokes that of the lower court, the losing party shall be ordered to pay the costs of both instances.

5. If the claim is partially successful, the judge may refrain from awarding costs or may award partial costs, stating the reasons for his or her decision.
6. When there are two (2) or more litigants who must pay the costs, the judge shall order them to pay in proportion to their interest in the proceedings; if nothing is provided in this regard, they shall be understood to be distributed equally among them.
7. If there are several litigants who are awarded costs, each of them shall be reimbursed for the expenses they have incurred, and the settlements shall be made separately.
8. Costs shall only be awarded when they appear in the case file and to the extent that they have been verified.
9. The stipulations of the parties regarding costs shall be deemed unwritten. However, they may be waived after they have been decreed and in cases of withdrawal or settlement.

Article 366. *Settlement.* Legal costs and fees shall be settled in a consolidated manner in the court that heard the case in the first or only instance, immediately after the ruling that ends the proceedings becomes final or the order to comply with the superior court's decision is notified, subject to the following rules:

1. The clerk shall make the settlement, and it shall be incumbent upon the judge to approve or redraft it.
2. At the time of settlement, the clerk shall take into account all the convictions that have been imposed in the orders that have resolved the appeals, in the incidents and proceedings that replace them, in the judgments of both instances, and in the extraordinary appeal for cassation, as the case may be.
3. The settlement shall include the value of the fees of court officials, other legal expenses incurred by the party benefiting from the sentence, provided that they are proven, have been useful, and correspond to proceedings authorized by law, and the legal fees set by the presiding magistrate or judge, even if the case is litigated without legal representation.

The fees of experts hired directly by the parties shall be included in the settlement of costs, provided that they are verified and the judge finds them reasonable. If their value exceeds the parameters established by the Superior Council of the Judiciary and by specialized entities, the judge shall regulate them.

4. For the setting of legal fees, the rates established by the Superior Council of the Judiciary shall apply. If those rates establish only a minimum, or a minimum and a maximum, the judge shall also take into account the nature, quality, and duration of the work performed by the attorney or the party who litigated personally, the amount of the proceedings, and other special circumstances, without exceeding the maximum of those rates.
5. The settlement of expenses and the amount owed to agencies may only be contested by means of motions for reconsideration and appeals against the order approving the settlement of costs. The appeal shall be granted with deferred effect, but if there are no pending proceedings, it shall be granted with suspensive effect.
6. When the sentence is imposed in the judgment resolving the appeals for cassation and review or is made in favor of or against a third party, the settlement shall be made immediately upon the respective order becoming final or upon notification of the order of compliance to the higher court, as the case may be.

TITLE II

FINES

Article 367. *Imposition of fines and their enforcement.* Fines shall be imposed in favor of the Superior Council of the Judiciary, unless otherwise provided by law, and shall be enforceable as soon as the order imposing them becomes final.

For the enforcement of fines, the secretary shall issue a certificate stating the debtor and the amount.

BOOK THREE

PROCEEDINGS

SECTION ONE DECLARATORY

PROCEEDINGS TITLE I

OFFICIAL RECORD

CHAPTER I

General Provisions

Article 368. *Matters subject to summary proceedings.* Any contentious matter that is not subject to special proceedings shall be subject to the proceedings established in this Chapter.

Article 369. *Service of the complaint.* Once the complaint has been admitted, it shall be served on the defendant within twenty (20) days.

Article 370. *Additional evidence from the plaintiff.* If the defendant raises objections on the merits, these shall be forwarded to the plaintiff for five (5) days in the manner provided for in Article 110, so that the plaintiff may request evidence on the facts on which they are based.

Article 371. *Counterclaim.* During the period for service of the complaint, the defendant may file a counterclaim against the plaintiff if, had it been filed in separate proceedings, it would have been joined, provided that it falls within the jurisdiction of the same judge and is not subject to special proceedings. However, a counterclaim may be filed regardless of the amount involved and the territorial factor.

Once the period for transferring the initial claim to all defendants has expired, the counterclaim shall be transferred to the plaintiff in the manner provided for in Article 91, for the same period as the initial claim. Thereafter, both shall be heard jointly and decided in the same judgment.

Preliminary objections and counterclaims proposed by the defendant shall be served once the period for service of the counterclaim has expired. If the counterclaimant in turn proposes preliminary objections to the claim, both shall be processed and decided jointly.

The order admitting the counterclaim shall be notified by the court clerk and Article 91 shall apply with regard to the withdrawal of copies.

Article 372. *Initial hearing.* Unless otherwise provided, the judge shall summon the parties to appear in person at a hearing, warning them of the consequences of their failure to attend, and at which the parties shall be questioned. The hearing shall be subject to the following rules:

1. *Timing.* The judge shall set the date and time for the hearing once the period for service of the complaint, counterclaim, third-party claim, or pleas of merit has expired, or once the preliminary motions that must be decided before the hearing have been resolved, or once the notification, summons, or service ordered by the judge in resolving such motions has been effected, as the case may be.

The order setting the date and time for the hearing shall be notified by the court and shall be final. In the same order, the judge shall summon the parties to appear in person for questioning, conciliation, and other matters related to the hearing.

2. *Participants.* In addition to the parties, their attorneys must also attend the hearing.

The hearing will be held even if any of the parties or their representatives do not attend. If they do not appear, the hearing will be held with those who do.

If any of the parties fails to appear, without prejudice to the evidentiary consequences of their absence, the hearing shall be held with their representative, who shall have the power to confess, conciliate, compromise, withdraw, and, in general, dispose of the right in dispute.

3. *Non-attendance.* The non-attendance of the parties or their representatives at this hearing, due to events prior to the hearing, may only be justified by summary evidence of just cause.

If the party and their representative, or only the party, excuse themselves prior to the hearing and the judge accepts the justification, a new date and time for the hearing shall be set by means of an order that shall not be subject to appeal. The hearing must be held within ten (10) days. Under no circumstances may there be another postponement.

Justifications presented by the parties or their representatives after the hearing will only be considered if they are submitted within three (3) days of the date on which the hearing took place. The judge shall only admit those based on force majeure or unforeseeable circumstances, and they shall only have the effect of exonerating the party from the adverse procedural, evidentiary, and financial consequences that may have resulted from their failure to appear.

In this case, if the judge accepts the excuse presented, he or she shall notify the person who presented it to attend the preliminary hearing and trial to answer the questions.

4. *Consequences of failure to appear.* The unjustified failure of the plaintiff to appear will give rise to a presumption that the facts on which the defendant's objections are based are true, provided that they are capable of confession; the failure of the defendant to appear will give rise to a presumption that the facts on which the claim is based and which are capable of confession are true.

When neither party attends the hearing, it may not be held, and once the deadline has passed without justification for the failure to appear, the judge shall, by means of an order, declare the proceedings terminated.

The consequences provided for in the preceding paragraphs shall apply, as appropriate, in the case of counterclaims and the intervention of third parties.

In the case of necessary joinder, the above consequences shall only apply in the event of unjustified absence of all necessary co-defendants. In the case of optional joinder, the consequences shall apply to the absent co-defendant.

The party or representative who fails to attend the hearing shall be fined five (5) times the current legal monthly minimum wage (smlmv).

5. Decision on preliminary objections. Subject to the limitations set forth in Article 101, the judge shall examine the evidence strictly necessary to resolve any pending preliminary objections and shall decide on them.

6. Conciliation. From the beginning of the hearing and at any stage thereof, the judge shall diligently urge the parties to settle their differences, for which purpose he or she shall propose settlement formulas, without this implying any prejudgment.

If any of the plaintiffs or defendants are incapacitated, their legal representative shall attend. The order approving the settlement shall imply authorization for the representative to enter into the settlement, when necessary in accordance with the law. When one of the parties is represented by a guardian ad litem, the latter shall attend for purposes other than settlement and admission of facts prejudicial to that party. If the guardian ad litem does not attend, he or she shall be fined five (5) to ten (10) times the current legal monthly minimum wage (smlmv), unless he or she presents at least summary evidence of just cause for not appearing.

7. Interrogation of the parties, examination of other evidence, and setting of the litigation. The interrogation of the parties shall take place at the initial hearing.

The judge shall, ex officio and mandatorily, question the parties exhaustively on the subject matter of the proceedings. He may also order a confrontation.

The judge may order and conduct any other evidence that may be possible at this hearing, provided that the parties are present.

The judge shall then request the parties and their representatives to determine the facts on which they agree and which are susceptible to confession evidence, and shall establish the subject matter of the dispute, specifying the facts that he considers proven and those that require proof.

8. Legality review. The judge shall review the legality of the case to ensure the merits of the judgment and to remedy any defects that could lead to nullities or other irregularities in the proceedings, which, unless they are new facts, may not be raised in subsequent stages. In addition, the judge shall verify the composition of the necessary joint litigation.

9. Judgment. Unless further evidence is required, the judge shall then deliver a judgment at the same hearing, after hearing the parties for up to twenty (20) minutes each.

The judge, at the request of either party, may authorize additional time to present arguments, taking into account the circumstances of the case and ensuring equality. No appeal may be lodged against the decision on this request.

10. Order for evidence. The judge shall order the evidence requested by the parties and that which he or she considers necessary to clarify the facts, subject to the strict limitations set forth in Article 168. Likewise, the judge shall disregard evidence related to facts that have been proven. If an expert opinion is ordered, the judge shall set a deadline for its submission, bearing in mind that it must be presented no less than ten (10) days prior to the preliminary hearing and trial.

In proceedings where a judicial inspection is mandatory, the judge shall set a date and time for it to be carried out before the preliminary hearing and trial.

11. Setting the date for the preliminary hearing and trial. Before concluding the hearing, the judge shall set the date and time for the preliminary hearing and trial and shall make all necessary arrangements for the evidence to be presented at that hearing.

Paragraph. When it is determined that the examination of evidence is possible and appropriate at the initial hearing, the judge, either on his own initiative or at the request of a party, shall order the examination of evidence in the order setting the date and time for it, in order to also exhaust the purpose of the preliminary hearing and trial referred to in Article 373. In this case, the judgment shall be handed down at that single hearing, in accordance with the rules set forth in paragraph 5 of the aforementioned Article 373.

Article 373. *Preliminary hearing and trial.* The following rules shall be observed for the preliminary hearing and trial:

1. On the date and at the time set for the hearing, the judge shall allow sufficient time to examine all the evidence ordered, hear the arguments of the parties, and, where appropriate, deliver the judgment.

2. If the judge has accepted the justification for the absence of any of the parties at the initial hearing, the respective party shall be questioned.

The judge will then ask the parties and their representatives to determine the facts on which they agree and which are susceptible to confession evidence, will re-establish the subject matter of the dispute, specifying the facts it considers proven, and will reject any evidence ordered at the initial hearing that it deems unnecessary.

3. He will then proceed with the other evidence as follows:

a) He will question the experts who have been summoned to the hearing, either ex officio or at the request of a party.

b) He shall receive the statements of the witnesses who are present and disregard the others.

c) The judge shall examine the documents and other evidence that has been ordered.

4. Once the evidence has been examined, the arguments of the parties will be heard, first from the plaintiff, then from the defendant, and then from the other parties, for up to twenty (20) minutes each.

The judge, at the request of either party, may authorize additional time to present arguments, taking into account the circumstances of the case and ensuring equality. No appeal may be lodged against the decision on this request.

5. At the same hearing, the judge shall deliver the judgment orally, even if the parties or their representatives have not attended or have withdrawn.

If necessary, a recess of up to two (2) hours may be ordered for the pronouncement of the judgment.

If it is not possible to deliver the judgment orally, the judge shall expressly state the specific reasons and inform the Administrative Chamber of the Superior Council of the Judiciary. In this case, the judge shall announce the meaning of his or her ruling, with a brief statement of the grounds, and issue the written decision within the following ten (10) days, without in any case disregarding the time limit for the proceedings provided for in Article 121.

When the judgment is delivered orally, the appeal shall be subject to the provisions of paragraph 1 of Article 322. When only the meaning of the ruling is announced, the appeal shall be subject to the provisions of paragraph 2 of Article 322.

6. The hearing shall be recorded as provided for in Article 107.

## CHAPTER II

### Special provisions

Article 374. *Termination of sale.* When the lawsuit requests the termination of the sales contract by virtue of the provision set forth in Article 1937 of the Civil Code, the judge shall issue a ruling declaring the obligation that gave rise to the proceedings extinguished, provided that the defendant pays the price within the period specified in said provision.

The same declaration shall be made in the case of Article 1944 of the aforementioned code, when the purchaser or the person to whom the purchaser has sold the item agrees to improve the purchase on the same terms offered by a third party and deposits the higher amount within the period for responding to the claim.

Article 375. *Declaration of ownership.* In lawsuits concerning the declaration of ownership of private property, unless otherwise provided by special rules, the following rules shall apply:

1. The declaration of ownership may be requested by anyone who claims to have acquired the property by prescription.

2. Creditors may assert acquisitive prescription in favor of their debtor, despite the latter's reluctance or waiver.

3. The declaration of ownership may also be requested by the co-owner who, to the exclusion of the other co-owners and for the term of the extraordinary prescription, has materially possessed the common property or part thereof, provided that its economic exploitation has not been carried out by agreement with the other co-owners or by order of a judicial authority or the community administrator.

4. The declaration of ownership does not apply to assets that cannot be subject to prescription or that are owned by public law entities.

The judge shall dismiss the claim outright or declare the early termination of the proceedings when he or she finds that the claim for declaration of ownership relates to public property, fiscal property, adjudicable fiscal property or vacant land, any other type of property that cannot be subject to prescription, or property owned by a public law entity. The orders referred to in this paragraph shall be duly reasoned and may be appealed.

5. The lawsuit must be accompanied by a certificate from the registrar of public instruments stating the persons who appear as holders of principal real rights subject to registration. When the property is part of a larger property, the corresponding certificate must be attached. Whenever the certificate lists a specific person as the holder of a real right over the property, the claim must be directed against that person. When the property is encumbered by a mortgage or pledge, the mortgagee or pledgee must also be summoned.

The registrar of public instruments shall respond to the request for the certificate required in the preceding paragraph within fifteen (15) days.

6. The order of admission shall order, where appropriate, the registration of the claim. It shall also order the summons of the persons believed to have rights over the respective property, in the manner established in the following paragraph.

In the case of real estate, the order of admission shall order that the Superintendency of Notaries and Registries, the Colombian Institute for Rural Development (Incoder), the Special Administrative Unit for Comprehensive Care and Reparation for Victims, and the

Agustín Codazzi Geographic Institute (IGAC) so that, if they deem it appropriate, they may make any statements that may be necessary within the scope of their functions.

7. The plaintiff shall proceed with the summons in accordance with the terms of this code and shall install a sign measuring no less than one square meter in a visible location on the property subject to the proceedings, next to the most important public road on which it faces or borders. The sign shall contain the following information:

- a) The name of the court conducting the proceedings;
- b) The name of the plaintiff;
- c) The name of the defendant;
- d) The case number;
- e) An indication that it is a property ownership proceeding;
- f) The summons of all persons who believe they have rights to the property, so that they may participate in the proceedings;
- g) The identification of the property.

Such information must be written in letters no smaller than seven (7) centimeters high by five (5) centimeters wide.

In the case of properties subject to horizontal property rights, a notice shall be posted in a visible place at the entrance to the property in lieu of the fence.

Once the fence or notice has been installed, the plaintiff shall provide photographs of the property showing the contents thereof.

The fence or notice must remain in place until the preliminary hearing and trial.

Once the claim has been filed and the photographs have been provided by the claimant, the judge shall order the inclusion of the content of the fence or notice in the National Registry of Ownership Proceedings kept by the Superior Council of the Judiciary for a period of one (1) month, within which the summoned persons may respond to the claim; those who appear after that time shall take over the proceedings in their current state.

8. The judge shall appoint a guardian ad litem to represent the unknown parties and the defendants whose address is unknown.

9. The judge shall personally conduct a judicial inspection of the property to verify the facts related to the claim and constituting the alleged possession and the proper installation of the fence or notice. During the proceedings, the judge may examine any evidence he or she deems relevant. Current photographs of the property showing the content of the installed fence or posted notice shall be attached to the record of the judicial inspection.

If the judge deems it appropriate, he or she shall, in addition to the judicial inspection, carry out the proceedings provided for in Articles 372 and 373 in a single hearing at the property and shall issue a ruling immediately, if possible.

10. The judgment declaring ownership shall have *erga omnes* effect and shall be entered in the respective registry. Once registered, no one may bring a claim regarding the ownership or possession of the property for reasons prior to the judgment.

In no case shall judgments declaring ownership be enforceable against the Colombian Institute for Rural Development (Incoder) with respect to proceedings within its jurisdiction.

Paragraph 1. When acquisitive prescription is alleged by way of exception, the defendant must comply with the provisions of paragraphs 5, 6, and 7. If the defendant does not provide the registrar's certificate with the answer to the complaint, or if thirty (30) days after the expiration of the term for transferring the complaint, the defendant has not complied with the provisions of paragraphs 6 and 7, the proceedings shall continue, but ownership may not be declared in the judgment.

Paragraph 2. The National Registry of Ownership Proceedings shall be available on the website of the Superior Council of the Judiciary.

Article 376. *Easements*. In proceedings concerning easements, persons who have real rights over the dominant and servient estates shall be summoned, in accordance with the certificate of the registrar of public instruments that shall accompany the complaint. The ruling on the constitution, variation, or extinction of the easement shall also be attached.

The imposition, modification, or extinction of an easement may not be decreed without a judicial inspection of the properties that are the subject of the complaint, in order to verify the facts on which it is based.

Persons who appear at the inspection and prove, even summarily, possession for more than one (1) year of any of the properties shall be recognized as co-litigants of the respective party.

When imposing, modifying, or extinguishing an easement, the judgment shall set the amount to be paid as compensation or restitution, as the case may be. Once that amount has been deposited, its delivery to the defendant and the registration of the judgment shall be ordered, which shall not take effect until after registration.

Paragraph. If the judge deems it appropriate, he shall, in a single hearing at the property, in addition to the judicial inspection, carry out the proceedings provided for in Articles 372 and 373, and shall issue a judgment immediately, if possible.

Article 377. *Possessory proceedings.* The following rules shall apply in possessory proceedings:

1. When the ruling orders the cessation of the disturbance or provides security against a well-founded fear, or prohibits the execution of a work or an act, the judge shall order the defendant to pay between two (2) and ten (10) minimum monthly wages to the plaintiff for each act of violation committed.

The request for the aforementioned payment shall be made within thirty (30) days of the respective violation and shall be processed as an incidental proceeding. The order granting the transfer of the request shall be notified by notice.

2. The ruling ordering the modification or destruction of any item shall require the defendant to carry it out within a reasonable period of time specified therein, with the warning that failure to do so will result in the judge enforcing compliance, with the defendant also being required to reimburse the plaintiff for any expenses incurred in such action. To this end, the plaintiff shall enter into a contract, which shall be submitted to the judge for approval. The account of expenses shall be provided with the respective receipts for the judge's approval.

3. If the lawsuit is intended to prevent the feared danger of the collapse of a building, a poorly rooted tree, or something similar, the plaintiff may request, at any stage of the proceedings, that the necessary precautionary measures be taken.

Once the request has been made, accompanied by an expert opinion, the judge shall immediately proceed with the respective inspection; if the examination reveals an imminent danger, the judge shall issue a ruling and take the necessary measures to avert it.

Article 378. *Delivery of the item by the transferor to the purchaser.* The purchaser of an asset whose transfer has been effected by registration of the title in the registry may demand that the transferor deliver the corresponding item.

Such a claim may also be made by anyone who has acquired a right of usufruct, use, or habitation in the same manner, and by the purchaser in the case of paragraph 1 of Article 922 of the Commercial Code.

The claim shall be accompanied by a copy of the registered public deed stating the respective enforceable obligation, and if it appears to have been fulfilled, the claimant shall affirm, under oath, which shall be deemed to have been given by the filing of the claim, that it has not been fulfilled.

Once the transfer period has expired, if the defendant does not object or propose any preliminary exceptions, a judgment ordering the delivery shall be issued, which shall be complied with in accordance with Articles 308 to 310.

When the delivery is made, the tenant who proves, even summarily, title emanating from the transferor may not be deprived of possession, provided that it is prior to the transfer of the property to the plaintiff.

In this case, the delivery shall be made by notifying the tenant so that henceforth he shall have the plaintiff as his landlord, in accordance with the respective contract; in the absence of a document, the minutes shall serve as proof of the contract.

Article 379. *Provoked rendering of accounts.* In the rendering of accounts at the request of the recipient, the following rules shall apply:

1. The plaintiff shall estimate in the complaint, under oath, what is owed or considered to be owed. In this case, the penalty in Article 206 shall not apply.

2. If, within the period for transferring the complaint, the defendant does not object to rendering accounts, does not object to the estimate made by the plaintiff, and does not propose preliminary exceptions, the hearing shall be dispensed with and an order shall be issued in accordance with said estimate, which shall be enforceable.

3. To object to the estimate, the defendant must accompany the accounts with the respective supporting documents.

4. If the defendant claims that he is not obliged to render accounts, this shall be decided in the judgment, and if the judgment orders the rendering of accounts, a reasonable period shall be set for the defendant to present them with the respective documents.

5. The accounts rendered shall be forwarded to the plaintiff within ten (10) days in the manner established in Article 110. If the plaintiff does not raise any objections, the judge shall approve them and order the payment of the amount in favor of either party. This order is not subject to appeal and is enforceable.

If the plaintiff raises objections, they shall be dealt with as an incidental proceeding, and the order resolving the matter shall set the balance in favor of or against the defendant and order its payment.

6. If the defendant does not submit the accounts within the specified period, the judge shall, by means of an order that is not subject to appeal and is enforceable, order payment of the amount estimated in the claim.

Article 380. *Voluntary rendering of accounts.* Anyone who considers that they must render accounts and intends to do so without being asked to do so shall

accompany them to the lawsuit. If, during the transfer of those documents, the defendant does not object to receiving them, nor raise any objections, nor propose any preliminary exceptions, the hearing will be dispensed with and the judge will approve them by means of an order that is not subject to appeal and is enforceable.

If the defendant claims that he is not obliged to receive the accounts, this shall be resolved in the judgment, and if the judgment orders that they be received, paragraph 4 of the previous article shall apply.

Article 381. *Payment by consignment.* The following rules shall be observed in the process of payment by consignment:

1. The demand for payment must comply with both the requirements of this code and those established in the Civil Code.
2. If the defendant does not object, the plaintiff shall deposit the offer, if it is money, with the court within five (5) days after the expiration of the transfer period. In all other cases, the seizure of the offered property shall be ordered. Once the deposit has been made or the property seized, a judgment shall be issued declaring the payment valid.

If, upon expiration of the term, the deposit is not made or the property is not presented at the seizure proceedings, the judge shall deny the claims of the lawsuit by means of a judgment that is not subject to appeal.

3. If, in responding to the claim, the defendant objects to receiving payment, the judge shall order, by means of a non-appealable ruling, that the claimant make the deposit within five (5) days or shall order the seizure of the property. Once this has been done, the proceedings shall continue.

If the plaintiff does not make the deposit, the proceedings shall continue as provided in paragraph 2 of the preceding section.

4. The judgment declaring the payment valid shall order: the cancellation of the liens constituted as security for the obligation, the return of the property given as security, the delivery of the judicial deposit to the defendant, and the delivery of the property to the defendant by the sequestration agent.

Paragraph. The plaintiff may make use of the powers provided for in Article 1664 of the Civil Code.

Article 382. *Challenge of acts of assemblies, boards of directors, or partners.* A claim challenging acts or decisions of assemblies, boards of directors, shareholders' meetings, or any other governing body of private legal entities may only be filed, under penalty of expiration, within two (2) months following the date of the respective act and must be directed against the entity. In the case of agreements or acts subject to registration, the term shall be counted from the date of registration.

The lawsuit may request the provisional suspension of the effects of the contested act for violation of the provisions invoked by the applicant, when such violation arises from the analysis of the contested act, its comparison with the respective rules, regulations, or statutes invoked as violated, or from the study of the evidence submitted with the application. The plaintiff shall provide security in the amount determined by the judge.

The order decreeing the measure is appealable with devolutive effect.

Article 383. *Declaration of vacant or abandoned property.* The claim for certain property to be declared vacant or abandoned may only be brought by the entity to which it must be awarded in accordance with the law.

Whenever the registry office lists a person as the holder of a principal real right over the property that is the subject of the lawsuit, the lawsuit must be brought against that person. The same procedure shall be followed when there are persons known to be in possession of said property. In all other cases, it shall not be necessary to name a specific person as the defendant.

The order admitting the claim shall order the summons of persons who may claim rights over the property, in the manner indicated in Article 108, and shall ex officio order the registration of the claim or seizure of the property, as the case may be. If, when the seizure is carried out, the property is in the possession of a person who claims and demonstrates some right to it or who has it in the name of another, the seizure shall be dispensed with and that person shall be summoned to appear in the proceedings.

In order for a rural property to be declared vacant, the plaintiff must have demonstrated that it was legally removed from the Nation's patrimony.

In this proceeding, paragraphs 5, 6, 7, 8, and 9 of Article 375 shall apply.

Article 384. *Return of leased property.* When the lessor sues the lessee to return the leased property, the following rules shall apply:

1. *Lawsuit.* The lawsuit must be accompanied by documentary evidence of the lease agreement signed by the tenant, or the tenant's confession made in an extrajudicial interrogation, or at least summary testimonial evidence.
2. *Notifications.* For the purposes of notifications, including the order admitting the lawsuit, the address of the tenants shall be considered to be that of the leased property, unless the parties have agreed otherwise.
3. *No opposition to the claim.* If the defendant does not oppose the claim within the time limit for service, the judge shall issue a ruling ordering restitution.

4. Answer, improvements, and consignment. When the defendant alleges improvements, he must do so in the answer to the complaint, and it shall be treated as an exception.

If the claim is based on non-payment of rent or utilities, administration fees, or other items for which the defendant is liable under the contract, the defendant shall not be heard in the proceedings until he or she demonstrates that he or she has deposited with the court the total amount of the rent and other items owed, according to the evidence submitted with the claim, or, failing that, when they present the payment receipts issued by the landlord for the last three (3) periods, or, if applicable, the corresponding receipts for the deposits made in accordance with the law and for the same periods, in favor of the landlord.

Whatever the grounds invoked, the defendant must also deposit in a timely manner, as ordered by the court, in the judicial deposit account, the rent accrued during the proceedings in both instances, and if he fails to do so, he will not be heard until he presents the respective deposit certificate, the receipt for payment made directly to the landlord, or the receipt for the deposit made in the enforcement proceedings.

The fees deposited in the court deposit account shall be retained until the end of the proceedings if the defendant claims that they are not owed; otherwise, they shall be delivered immediately to the plaintiff. If the defendant's payment exception is upheld, the judgment shall order the return of the retained fees to the defendant; if it is not upheld, their delivery to the plaintiff shall be ordered.

The deposits of fees incurred during the proceedings shall be delivered to the plaintiff as the titles are presented, unless the defendant has denied the plaintiff's status as lessor in the answer to the complaint, in which case they shall be retained until the judgment provides otherwise.

When the exception of payment or the denial of the status of lessor is resolved, the losing party shall be ordered to pay the other party a sum equal to thirty percent (30%) of the amount deposited or due.

When the lessee claims as an exception that restitution has not occurred due to the lessor's refusal to receive it, if the judge finds this to be proven, he shall order the lessor to receive the leased property and shall order him to pay the costs.

5. Compensation of credits. If the judgment recognizes the defendant's right to the value of improvements, repairs, or pending crops, such credit shall be offset against what the defendant owes the plaintiff for rent or any other penalty imposed on him in the proceedings.

6. Inadmissible proceedings. In this proceeding, counterclaims, exclusive intervention, joinder, and joinder of proceedings are inadmissible. If they are proposed, the judge shall reject them outright by order that is not subject to appeal.

The plaintiff shall not be required to request and proceed with an out-of-court settlement hearing as a requirement for the admissibility of the claim.

(Paragraph REPEALED by Law 2220 of 2022)

7. Seizures and attachments. In all proceedings for the restitution of leased property, the plaintiff may request, from the filing of the complaint or at any stage of the proceedings, the seizure and attachment of the defendant's assets in order to ensure payment of rent owed or that may become owed, any other financial obligations arising from the contract, any applicable compensation, and legal costs.

Seizures and attachments may be ordered and carried out prior to notification of the order admitting the claim to the defendant. In all cases, the plaintiff must provide security in the amount and at the time specified by the judge to cover any damages caused by the implementation of such measures. The defendant may prevent the implementation of precautionary measures or request the cancellation of those already implemented by providing security in the form and amount specified by the judge to guarantee compliance with the judgment.

Precautionary measures shall be lifted if the plaintiff does not pursue enforcement in the same case within thirty (30) days following the enforcement of the judgment to obtain payment of the fees owed, costs, damages, or any other amount derived from the contract or the judgment. If the judgment orders the payment of costs, the term shall be counted from the date of enforcement of the order approving them; and if it has been appealed, from the notification of the order to comply with the provisions of the higher court.

8. Provisional restitution. Regardless of the grounds for restitution invoked, the plaintiff may request that, prior to notification of the order of admission or at any stage of the proceedings, a judicial inspection of the property be carried out in order to verify its condition. If, during the inspection, it is established that the property is unoccupied or abandoned, or in a state of serious deterioration or likely to suffer such deterioration, the judge, at the request of the plaintiff, may order, in the same proceeding, the provisional restitution of the property, which shall be physically handed over to the plaintiff, who shall refrain from leasing it until the judgment ordering the restitution of the property becomes final.

During the period of provisional restitution, the rights and obligations arising from the lease agreement shall be suspended for the parties.

9. Single instance. When the grounds for restitution are exclusively late payment of rent, the process shall be handled

in a single instance.

Article 385. *Other proceedings for repossession.* The provisions of the preceding article shall apply to the repossession of subleased property, leased movable property, and any type of property held under a title other than a lease, as well as to repossession requested by a purchaser who is not obligated to honor the lease.

It shall also apply, where relevant, to the tenant's claim that the landlord receive the leased property. In this case, if the judgment is favorable to the plaintiff and the defendant does not appear to receive the property on the day of the proceeding, the judge shall deliver it to a sequestrator for safekeeping until it is delivered to the defendant, who shall bear the costs of the sequestration.

Article 386. *Investigation or contestation of paternity or maternity.* The following special rules shall apply to all investigation and contestation proceedings:

1. The complaint shall contain all the facts, grounds, and requests for evidence, in the form and terms provided for in Article 82 of this code.
2. Whatever the alleged grounds, in the order admitting the claim, the judge shall order, even ex officio, the performance of a DNA genetic marker test or any other test corresponding to scientific developments, and shall warn the defendant that their refusal to undergo the test will give rise to a presumption of paternity, maternity, or the alleged challenge. The test must be performed before the initial hearing.

The scientific test shall be transferred for three (3) days, within which time clarification, supplementation, or a new opinion may be requested, at the expense of the interested party, by means of a duly reasoned request. If a new opinion is requested, the errors deemed to be present in the first opinion must be specified.

The special provisions of this article on scientific evidence shall prevail over the general rules on the presentation and rebuttal of expert evidence contained in the general part of this code.

The judge shall order the parties to provide all necessary cooperation in the taking of samples.

3. Scientific evidence shall not be necessary when the defendant does not oppose the claims, without prejudice to the judge's ability to order evidence in cases of contested filiation of minors.

4. A judgment shall be rendered accepting the claims of the lawsuit in the following cases:

- a) When the defendant does not oppose the claims within the legal term, without prejudice to the provisions of paragraph 3.
  - b) If the genetic test is performed and the result is favorable to the plaintiff and the defendant does not request a new opinion in a timely manner and in the manner provided for in this article.
5. In the process of investigating paternity, provisional child support may be ordered from the moment the claim is admitted, provided that the judge finds that the claim has reasonable grounds, or from the moment a ruling on the inclusion of paternity is presented. Likewise, it may be suspended from the moment there are reasonable grounds for the exclusion of paternity.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling C-258 of 2015.

6. When, in addition to filiation, the judge must take measures regarding visitation, custody, child support, parental authority, and guardianship, in the same proceeding, once the procedure provided for in the second paragraph of the second section of this article has been exhausted, the judge may order the evidence requested in the complaint or that which he or she considers necessary, to be presented at the hearing.

7. Where applicable, for the purpose of scientific evidence and consequential statements, the provisions of Law 721 of 2001 and any regulations that supplement or replace it shall be taken into account.

Article 387. *Nullity of civil marriage.* A lawsuit requesting the nullity of a civil marriage must be accompanied by proof of the marriage. The intervention of the parents or guardians of the spouses shall only proceed when the respective spouse is incapacitated.

The public prosecutor shall intervene only when there are minor children, and in their defense shall have the same powers as the parties. For this purpose, the order admitting the petition shall be notified to the public prosecutor.

From the filing of the petition and during the course of the proceedings, either ex officio or at the request of either party, the judge shall regulate the maintenance obligations of the spouses to each other and in relation to their common children, without prejudice to any agreement reached between them.

For the collection of provisional maintenance, enforcement shall be pursued in the same file, in a separate notebook, through the enforcement proceedings.

A copy of the judgment decreeing the annulment of the civil marriage shall be sent to the respective civil registry official for registration in the marriage and birth records of each of the spouses.

Article 388. *Divorce*. Only the spouses are parties to divorce proceedings and proceedings to terminate the civil effects of religious marriage, but if they are minors, their parents may also intervene. The Public Prosecutor's Office shall be summoned in the interests of the children, and the following rules shall be observed:

1. The judge shall declare the proceedings terminated upon withdrawal by the spouses or their representatives. If this is done during the hearing, a verbal statement by both parties shall suffice.
2. A copy of the decree of divorce shall be sent to the respective civil registry official for registration in the marriage and birth records of each of the spouses.

The judge shall issue a final judgment if the parties reach an agreement, provided that it is in accordance with substantive law.

3. The death of one of the spouses or reconciliation during the proceedings shall terminate the proceedings. Divorce may be sought again on grounds arising after reconciliation.

Paragraph. The provisions of this article shall apply, as appropriate, to proceedings for separation from bed and board in civil or religious marriages.

After the judgment has become final, if the spouses mutually agree to request that the separation be terminated, the judge shall issue the respective judgment outright.

Article 389. *Content of the judgment of annulment or divorce*. The judgment decreeing the annulment of a civil marriage, divorce, or the cessation of the civil effects of a Catholic marriage shall provide for:

1. Who is responsible for the care of the children.
2. The proportion in which the spouses must contribute to the expenses of raising, educating, and establishing the common children, in accordance with the provisions of the second and third paragraphs of Article 257 of the Civil Code.
3. The amount of alimony that one spouse owes to the other, if applicable.
4. Who has parental authority over unemancipated children, when the cause of the divorce determines the suspension or loss of such authority, or if the children must remain in custody.
5. The order to pay damages by the spouse who, through his or her fault, has given rise to the annulment of the marriage, in favor of the other spouse, if the latter has requested it.
6. The sending of a copy of the relevant documents of the proceedings to the competent authority, so that it may investigate any crimes that may have been committed by the spouses or by third parties at the time of the marriage, if this has not already been ordered.

## TITLE II SUMMARY

### MINUTES

#### CHAPTER I

##### General Provisions

Article 390. *Matters covered*. Contentious matters of minimal importance and the following matters, in view of their nature, shall be dealt with by summary proceedings:

1. [Amended by Article 7, National Decree 1736 of 2012](#). Disputes over condominium ownership dealt with in Articles 18 and 58 of Law 675 of 2001.
2. Setting, increasing, decreasing, or exempting alimony and restitution of alimony, when not judicially determined.
3. Disputes arising from the exercise of parental authority, differences between spouses regarding the establishment and management of the family home, the right to be received in the home and the obligation to live together, the departure of minor children abroad, and the restoration of the rights of children and adolescents.
4. Those covered by Articles 913, 914, 916, 918, 931, 940, first paragraph, 1231, 1469, and 2026 of the Commercial Code.
5. Those related to copyright as provided for in Article 243 of Law 23 of 1982.
6. Those relating to the replacement, cancellation, and recovery of securities.
7. Those that, in accordance with a special provision, must be resolved by the judge with full knowledge of the facts, or briefly and summarily, or at his or her prudent discretion, or as an arbitrator.

8. Those for eviction for de facto occupation of rural properties.
9. Those that special laws require to be processed by summary proceedings.

Paragraph 1. Summary proceedings shall be of a single instance.

Paragraph 2. Requests for increases, decreases, and exemptions from child support shall be processed before the same judge and in the same case file and shall be decided in a hearing, after summoning the opposing party, provided that the minor retains the same address.

Paragraph 3. Proceedings concerning violations of consumer rights established in general or special regulations, with the exception of class actions and group actions, shall be conducted through summary proceedings or verbal proceedings, depending on the amount involved, regardless of the jurisdictional authority hearing the case.

In the case of summary proceedings, the judge may issue a written judgment after the deadline for filing the complaint has expired and without the need to convene the hearing referred to in Article 392, if the evidence provided with the complaint and its response are sufficient to resolve the dispute on its merits and there is no further evidence to be ordered and taken.

Article 391. *Complaint and response.* Summary proceedings shall be initiated by means of a complaint that meets the requirements set forth in Article 82 et seq.

The annexes provided for in Article 84 shall only be required to be submitted when the judge considers them indispensable.

The complaint may also be filed verbally with the clerk, in which case a record shall be drawn up and signed by the clerk and the complainant. A written complaint that does not comply with the legal requirements may be corrected before the clerk by means of a record.

The Superior Council of the Judiciary and the administrative authorities exercising jurisdictional functions may prepare forms for the filing of the complaint and its response, without prejudice to the parties using their own format.

The deadline for responding to the complaint shall be ten (10) days. If any requirement or document is missing, an order shall be issued, even verbally, to remedy the situation or to submit it within the following five (5) days.

The response to the complaint shall be made in writing, but may be made verbally before the Clerk, in which case a record shall be drawn up and signed by the Clerk and the defendant. The response shall be accompanied by the documents in the defendant's possession and a request for the evidence to be relied upon. If exceptions on the merits are proposed, they shall be forwarded to the plaintiff for three (3) days so that he may request evidence related to them.

The facts constituting preliminary objections must be alleged by means of an appeal for reconsideration against the order admitting the claim. If any exception that does not imply the termination of the proceedings is upheld, the judge shall take the necessary measures to allow the proceedings to continue; or, if applicable, shall grant the plaintiff a period of five (5) days to correct the defects or submit the omitted documents, under penalty of revoking the order admitting the complaint.

Article 392. *Procedure.* Once the order admitting the claim is final and the term for transferring the claim has expired, the judge shall, in a single hearing, carry out the activities provided for in Articles 372 and 373 of this code, as applicable. In the same order in which the judge summons the parties to the hearing, he or she shall order the evidence requested by the parties and any evidence he or she considers necessary.

No more than two witnesses may be ordered for each fact, nor may the parties ask more than ten (10) questions of their counterpart in the interrogations.

For the exhibition of the documents requested, the judge shall issue an official letter ordering that copies be sent to him. To establish the facts that may be subject to judicial inspection to be carried out outside the court, the parties shall submit an expert opinion.

In this process, amendments to the complaint, joinder of proceedings, interlocutory proceedings, termination of the poverty amparo, and suspension of proceedings for reasons other than mutual agreement are inadmissible. The poverty amparo and recusal may only be proposed before the deadline for responding to the complaint expires.

## CHAPTER II

### Special Provisions

Article 393. *Eviction for de facto occupation of rural properties.* [Corrected by Article 8, National Decree 1736 of 2012.](#) Without prejudice to the provisions of Article 984 of the Civil Code, a person who economically exploits a rural property that has been de facto deprived, in whole or in part, of the material possession thereof, without their express or tacit consent or an order from a competent authority, and without any other justifiable cause, may request the respective agrarian judge to evict the occupant.

Article 394. *Provision, improvement, and replacement of bonds and guarantees.* When the judgment orders the provision, replacement, or improvement of a personal or real bond, the judge shall warn the defendant to comply with the provisions within the period specified. In the event of non-compliance, the defendant shall be ordered to pay ten (10) minimum monthly wages to the plaintiff and to compensate him for the damages caused by the breach of the obligation to perform.

Article 395. *Deprivation, suspension, and restoration of parental authority, removal of the guardian, and deprivation of the administration of the child's property.* When the judge is to initiate ex officio proceedings for the deprivation, suspension, or restoration of parental authority, or removal of the guardian, he or she shall issue an order setting forth the facts on which it is based and the purpose for which it is intended, the contents of which shall be communicated to the person against whom the proceedings are to be brought, in the manner indicated in Article 91.

Anyone who files a lawsuit for one of the purposes indicated in the previous paragraph or for the deprivation of the administration of the child's property shall indicate the names of the relatives who must be heard in accordance with Article 61 of the Civil Code, who shall be summoned by notice or summons in the manner indicated in this code.

Paragraph. When the father or mother is deprived of the administration of the child's property, once the judgment has become final, the judge shall appoint an assistant guardian by means of an incidental proceeding, unless the other parent retains legal representation.

Article 396. In the process of awarding support for decision-making promoted by a person other than the holder of the legal act, the following rules shall be observed:

1. The lawsuit may only be filed for the exclusive benefit of the person with a disability. This shall be demonstrated by proving the circumstances that justify the filing of the lawsuit, i.e., that a) the person who is the subject of the legal act is absolutely unable to express their will and preferences by any possible means, mode, or format of communication, and b) that the person with a disability is unable to exercise their legal capacity and this leads to the violation or threat of their rights by a third party.

2. The assessment of support provided to the holder of the legal act by a public or private entity may be attached to the lawsuit. The evidence presented during the proceedings will be taken into account in deciding on provisional and permanent incapacitation.

3. If the person does not attach an assessment of support, or if the judge considers that the assessment of support provided by the claimant is insufficient to establish support for the performance of the legal act or acts for which the proceedings were initiated, the judge may request a new assessment of support or instruct the public bodies responsible for carrying out such assessments, in accordance with Article 11 of this law.

4. The support assessment report must include, at a minimum:

a) Verification that allows for the conclusion that the person subject to the legal act is unable to express their will and preferences by any possible means, mode, or format of communication.

b) Suggestions for mechanisms that allow the person to develop their decision-making abilities in order to achieve greater autonomy in this area.

c) The persons who can act as support in the person's decision-making regarding the specific legal act or acts that are the subject of the process.

d) A general report on the best interpretation of the will and preferences of the person subject to the legal act, which shall take into consideration, among other aspects, the person's life plan, attitudes, arguments, previous actions, opinions, beliefs, and verbal and nonverbal forms of communication.

5. Before the initial hearing, the persons identified in the complaint and in the support assessment report as support persons shall be notified.

6. Upon receipt of the support assessment report, the judge shall, within five (5) days, forward it to the persons involved in the proceedings and to the Public Prosecutor's Office for a period of ten (10) days.

7. Once the report has been forwarded, the judge shall order the evidence he or she deems necessary and shall convene a hearing to examine the other evidence ordered, in accordance with Article 34 of this law.

8. Once the evidentiary period has expired, a ruling shall be issued, which shall include:

a) The specific legal act or acts that require the requested support. Under no circumstances may the judge rule on the need for support for the performance of legal acts that are not the subject of the proceedings.

- b) The identification of the person or persons designated as support.
  - c) Safeguards designed to prevent and ensure that there are no conflicts of interest or undue influence of support on the individual.
  - d) The definition of the functions and nature of the support role.
  - e) The duration of the support to be provided by the person or persons designated as such.
  - f) Family support programs, when relevant, and other measures deemed necessary to ensure the autonomy and respect for the will and preferences of the person.
9. The support role of the persons designated for this purpose shall be recognized. If the person designated as a support person submits an excuse within the following five (5) days, refuses to accept their obligations, or alleges incapacity, a proceeding shall be initiated to decide on the matter (Amended by Art. 38 of Law 1996 of 2019).

Article 397. *ALIMONY IN FAVOR OF THE ADULT*. The following rules shall be followed in alimony proceedings:

1. From the moment the claim is filed, the judge will order provisional maintenance payments provided that the claimant provides at least summary evidence of the defendant's financial capacity. In order to set provisional maintenance payments for an amount greater than the current legal minimum monthly wage (1 smlmv), the amount of the maintenance recipient's needs must also be proven.
  2. Provisional alimony payments shall be advanced in the same case file. If enforcement proceedings are initiated, the intervention of third-party creditors shall not be admissible.
  3. The judge, even ex officio, shall order the necessary evidence to establish the defendant's financial capacity and the plaintiff's needs, if the parties have not provided it.
  4. The judgment may order that maintenance be paid and secured by the constitution of a capital fund whose income will satisfy it; in such a case, if the defendant does not comply with the order within ten (10) days, the plaintiff may enforce the judgment in the manner established in Article 306.
- Once the judgment has been enforced, the defendant may obtain the lifting of any precautionary measures that may have been taken, if he or she provides sufficient guarantee of the payment of maintenance for the next two (2) years.
5. In the enforcement proceedings referred to in this article, only the exception of compliance with the obligation may be raised.
  6. Requests for an increase, decrease, or exemption from alimony shall be processed before the same judge and in the same case file and shall be decided at a hearing, after the opposing party has been summoned:

PARAGRAPH 1. When the plaintiff offers to pay alimony and requests that it be set, the provisions of this article shall apply, as appropriate.

PARAGRAPH 2. (Eliminated by Article 2, Law 2541 of 2025).

\*case law\*

ARTICLE 397A. *CHILD SUPPORT*. (Added by Article 3, Law 2541 of 2025). The following rules shall apply in child support proceedings.

a. Those entitled to initiate child support proceedings and take action to enforce child support obligations are the child's representatives, the person who has custody of the child, the Public Prosecutor's Office, and the Family Defender.

b. Where applicable, Law 1098 of 2006 and the regulations that modify or supplement it shall apply to child support matters.

c. When there is no opposition from the defendant in proceedings in which the obligation is an enforceable title in matters of child support, in favor of a child or adolescent, due to prior partial or total non-compliance with the agreement, the judge shall order the early delivery of the instruments, in accordance with the provisions of Article 447 of this same code, without prejudice to the provisions of Article 6 of Law 2242 of 2022, which creates the mechanism for payroll deductions when there is a maintenance payment order by court ruling.

*(Added by Article 3, Law 2541 of 2025)*

Article 398. *Cancellation, replacement, and reclamation of securities.* Anyone who has suffered the loss, theft, deterioration, or total or partial destruction of a security may request its cancellation and, where appropriate, its replacement, by notifying the issuer, acceptor, or drawer of the loss, theft, deterioration, or destruction in writing, accompanied by the relevant evidence and, where appropriate, returning the damaged or partially destroyed security to the principal obligor.

The interested party shall publish a notice informing of the loss, theft, or total or partial destruction of the title in a national newspaper and of the request for cancellation and replacement, which shall include all the information necessary for the complete identification of the title, including the name of the issuer, acceptor, or drawer and the address where they will receive notification.

Ten (10) days after the date of publication of the notice, if no opposition is filed in writing by third parties with the issuing, accepting, or endorsing entity or person, the latter may consider the instrument canceled and, if applicable, pay or replace the document.

In the event provided for in the preceding paragraph, the lost, stolen, damaged, or destroyed instrument shall be void, and the issuing, accepting, or endorsing entity or person shall be legally authorized to replace or cancel it. Any claim by third parties after the ten (10) day period referred to in the preceding paragraph shall be addressed directly to the person who obtained the cancellation, replacement, or payment.

If opposition is presented by third parties or if the issuer, acceptor, or drawer of the security refuses to cancel or replace it for any reason, the interested party shall file a claim with the competent judge.

In no case shall the procedure provided for in the preceding paragraphs constitute a prerequisite for admissibility. The interested party may file the claim directly with the judge.

The claim for replacement, cancellation, or recovery of securities must contain the information necessary for the complete identification of the document. In the case of replacement and cancellation of the security, it shall be accompanied by an extract of the claim containing the aforementioned information and the names of the parties. The order of admission shall order the publication of said extract once in a national newspaper, identifying the court of jurisdiction.

Ten (10) days after the date of publication and after the defendant has been notified, if no opposition is filed, a judgment shall be issued decreeing the cancellation and replacement, unless the judge considers it appropriate to order ex officio evidence.

If the plaintiff provides sufficient security, the judge shall order the suspension of the obligations arising from the title and, subject to the restrictions and requirements specified, shall empower the plaintiff to exercise those rights that can only be exercised during the cancellation or replacement procedure, as the case may be.

The cancellation or replacement procedure interrupts the statute of limitations and suspends the terms of expiration.

If the defendants deny having signed the title or if a timely opposition is filed, and it is proven that said defendants did sign the title or the fundamental facts of the claim are proven, the judge shall order the cancellation or replacement requested.

Any third party who opposes the cancellation must produce the title.

If the title has already expired or expires during the proceedings, the plaintiff may ask the judge to order the signatories to deposit the amount of the title at the disposal of the court.

If the obligated parties refuse to make the payment, the person who obtained the cancellation may legitimize himself with a copy of the judgment to demand the benefits derived from the title.

The deposit of the amount of the title by one of the signatories releases the others from the obligation to do so. And if several do so, only the deposit of the one who releases the greatest number of obligated parties shall remain.

If the obligated parties deposit part of the amount of the title, the judge shall inform the plaintiff of this fact and, if the plaintiff accepts the partial payment, shall order that the deposited sums be delivered to him. In this case, the plaintiff shall retain the right to claim the outstanding balance.

If, at the time the cancellation of the title is decreed, it has not expired, the judge shall order the signatories to sign the replacement title. If they fail to do so, the judge shall sign it.

The new title shall expire thirty (30) days after the expiration of the canceled title.

Even if no opposition has been filed, the holder of the canceled title shall retain his rights against the person who obtained the cancellation and collection of the title.

Bearer securities shall not be cancellable.

### TITLE III

#### SPECIAL DECLARATORY PROCEEDINGS CHAPTER I

##### Expropriation

Article 399. *Expropriation*. The expropriation process shall be subject to the following rules:

1. The claim shall be directed against the holders of principal real rights over the property and, if these are in dispute, also against all parties to the respective proceedings.

It shall also be brought against holders whose contracts are recorded in a registered public deed and against mortgage and pledge creditors appearing in the registration certificate.

2. The expropriation claim must be filed within three (3) months of the date on which the resolution ordering the expropriation becomes final, under penalty of said resolution and any entries made in the public registry offices losing their enforceability, without the need for any judicial or administrative ruling. The registrar shall cancel the corresponding registrations at the request of any person, after verifying the fact.

3. The claim shall be accompanied by a copy of the current resolution decreeing the expropriation, an appraisal of the property subject to expropriation, and, in the case of property subject to registration, a certificate of ownership and real rights established on the property, for a period of ten (10) years, if possible.

4. Upon filing of the claim, at the request of the claimant, the advance delivery of the property shall be decreed, provided that the claimant deposits the value established in the appraisal provided with the court. If, during the proceedings, the defendant demonstrates that the property subject to expropriation is intended exclusively for his or her residence, and no opposition is presented, the judge shall order the advance delivery of the deposited money, provided that there are no mortgage liens, attachments, or registered claims.

5. The complaint shall be served on the defendant within three (3) days. No exceptions of any kind may be raised. In any case, the judge shall take the necessary corrective measures to remedy any formal defects in the complaint.

If two (2) days have elapsed without the order admitting the lawsuit having been served on the defendants, the judge shall summon them in accordance with the terms established in this code; a copy of the summons shall be posted on the entrance door to the property subject to expropriation or to the property where the furniture is located.

6. When the defendant disagrees with the appraisal or considers that there is grounds for compensation for items not included in it or for a higher value, he or she must provide an expert opinion prepared by the Agustín Codazzi Geographic Institute (IGAC) or by a real estate market, which shall be forwarded to the plaintiff within three (3) days. If the appraisal is not submitted, the objection shall be rejected outright.

At the request of the interested party and without the need for a court order, the Agustín Codazzi Geographic Institute (IGAC) shall provide the expert opinions requested, for which the applicant must prove the formal purchase offer made by the entity. The National Government shall regulate the applicable fees.

7. Once the complaint has been served on the defendant or the appraisal has been delivered to the plaintiff, as the case may be, the judge shall convene a hearing at which he shall question the experts who prepared the appraisals and shall issue a ruling. The ruling shall decide on the expropriation, and if it is decreed, it shall order the cancellation of any liens, attachments, and registrations on the property and shall determine the amount of compensation due.

8. The plaintiff shall deposit the balance of the compensation within twenty (20) days following the enforcement of the judgment. If the deposit is not made in a timely manner, the judge shall issue an executive order against the plaintiff.

9. Once the judgment has been enforced and the deposit has been made as ordered by the court, the judge shall order the final delivery of the property.

10. Once the delivery has been made, the minutes of the proceedings and the judgment shall be registered, so that they may serve as title of ownership for the claimant.

11. When a third party opposes the delivery proceedings, alleging material possession or right of retention over the expropriated property, the delivery shall be made, but the opponent shall be warned that within ten (10) days following the completion of the proceedings, he may file a motion to have his right recognized. If the incident is resolved in favor of the opposing party, the order deciding the matter shall order an appraisal to establish the compensation due to them, which shall be paid from the sum deposited by the plaintiff. The order resolving the incident shall be appealable with deferred effect.

12. Once the judgment and the record have been registered, the interested parties shall be paid their respective compensation, but if the assets were encumbered by a pledge or mortgage, the price shall remain at the disposal of the court so that the creditors may exercise their respective rights in separate proceedings. In this case, the secured obligations shall be considered enforceable even if they are not past due.

If the property is subject to seizure, attachment, or registration, the price shall be remitted to the authority that ordered such measures; and if it is subject to a resolutive condition, the price shall be delivered to the interested party as an attachment, which shall remain in effect until the day on which the condition is found to be unfulfilled, provided that its return is guaranteed in the event that the condition is fulfilled.

13. When the property has been delivered in advance and the superior revokes the judgment that decreed the expropriation, he shall order the inferior, if possible, to return the property to the defendant's possession or custody, and shall order the plaintiff to pay him for the damages caused, including the value of the work necessary to restore the property to the condition it was in at the time of delivery.

The damages shall be settled in the manner indicated in Article 283 and shall be paid with the amount deposited. Once the settlement process has been completed, the balance remaining in the plaintiff's favor shall be delivered to the plaintiff.

A judgment denying expropriation may be appealed with suspensive effect; a judgment granting expropriation may be appealed with devolutive effect.

Paragraph. For the purposes of calculating the value of compensation for loss of earnings, in the case of real estate used for productive activities and where there is an impact that causes a temporary or permanent limitation on the generation of income from such activities, compensation for lost income for a maximum period of six (6) months shall be considered independently of the appraisal of the property.

(Paragraph declared ENFORCEABLE, for the charges analyzed, except for the crossed-out section declared UNENFORCEABLE, by the Constitutional Court through Ruling C-750-15 of December 10, 2015)

## CHAPTER II

### Demarcation and Marking

Article 400. *Parties.* The full owner, the bare owner, the usufructuary, and the co-owner of the property to be demarcated, as well as the material possessor with more than one (1) year of possession, may demand demarcation and boundary marking.

The claim must be directed against all holders of principal real rights over the properties subject to demarcation that appear registered in the respective certificates of the registrar of public instruments.

Article 401. *Claim and attachments.* The claim shall state the boundaries of the different properties and determine the border areas that are to be demarcated. It shall be accompanied by:

1. The title to the right invoked and certificates from the registrar of public instruments on the legal status of all properties between which the demarcation is to be made, covering a period of ten (10) years if possible.
2. Where applicable, summary evidence of the plaintiff's material possession. In this case, the plaintiff may request that the demarcation be carried out on the basis of the titles of the adjoining owner.
3. An expert opinion determining the dividing line, which shall be subject to challenge in the manner established in Article 228.

Article 402. *Service of the complaint and defenses.* The complaint shall be served on the defendant within three (3) days.

The facts constituting preliminary defenses, res judicata, and settlement may only be invoked as grounds for an appeal for reconsideration against the order admitting the complaint.

Article 403. *Demarcation proceedings.* The judge shall set a date and time for the demarcation and, in the same order, shall instruct the parties to submit their titles no later than the day of the proceedings, which shall also be attended by the experts.

The demarcation shall be carried out as follows:

1. Once the personnel have been transferred to the place where the proceedings are to take place, the judge shall receive the statements of the witnesses presented by the parties or appointed ex officio, examine the titles to verify the boundaries that appear therein, and hear the expert or experts to determine the dividing line.

2. Once the evidence has been examined, if the judge finds that the lands are not adjacent, he shall declare the demarcation inadmissible by means of an order; otherwise, he shall mark the boundaries and have boundary markers placed where necessary to clearly demarcate the dividing line.
3. The judge shall place or leave the parties in possession of the respective plots of land in accordance with the established line. He shall pronounce a sentence on the spot, declaring the demarcation final and ordering the cancellation of the registration of the claim and the notarization of the file at a local notary's office. Once the notarization has been completed, the notary shall issue the parties with a copy of the minutes of the proceedings for registration in the competent registry.
4. Objections to the delivery made by third parties shall be processed in the manner provided for in Article 309.

Article 404. *Processing of objections.* If, before the conclusion of the proceedings, any of the parties expresses opposition to the demarcation carried out, the following rules shall apply:

1. Within ten (10) days, the opposing party shall formalize the objection by filing a claim in which it may assert the rights it considers it has in the disputed area and request recognition and payment for improvements made therein.
2. If the specified period expires without the complaint having been filed, the judge shall declare the opposition void and order the measures indicated in number 3 of the preceding article, and once the order has been executed, shall put the adjoining parties in possession of the sector that corresponds to them according to the demarcation, when they do not have it, without any new opposition being admitted in this proceeding, except that of third parties, as contemplated in number 4 of the preceding article.
3. Once the claim has been filed in a timely manner, it shall be forwarded to the defendant for ten (10) days, with notification by court record, and thereafter the proceedings shall continue in accordance with the rules of procedure.

The ruling handed down in this proceeding shall resolve the opposition to the demarcation and other claims in the lawsuit, and if it modifies the established line, it shall indicate the definitive line, order the setting of boundary markers if necessary, order the delivery of the respective lands to the adjoining owners, the registration of the minutes, and the notarization of the file.

Article 405. *Improvements.* A neighbor who has made improvements to areas of the property that, as a result of the demarcation, must be transferred to another party, may oppose the transfer until the value of the improvements is paid.

The evidence adduced in relation to such improvements shall be examined in the proceedings, and the judge shall decide whether they should be recognized; if the decision is favorable to the opposing party, the latter shall estimate their value under oath, and if the estimate is challenged, they shall be appraised by the experts who attended the proceedings.

### CHAPTER III

#### Division Process

Article 406. *Parties.* Any co-owner may request the physical division of the common property or its sale so that the proceeds may be distributed.

The claim shall be directed against the other co-owners and shall be accompanied by proof that the claimant and the defendant are co-owners. In the case of property subject to registration, a certificate from the respective registrar shall also be presented regarding the legal status of the property and its transfer, covering a period of ten (10) years if possible.

In any case, the plaintiff must attach an expert opinion determining the value of the property, the type of division that is appropriate, the partition, if applicable, and the value of any improvements, if claimed.

Article 407. *Admissibility.* Except as provided in special laws, material division shall be admissible in the case of property that can be physically divided without the rights of the co-owners being impaired by the division. In all other cases, sale shall be admissible.

Article 408. *Prior license.* The lawsuit may request that the judge grant a license when it is necessary in accordance with substantive law, for which purpose at least summary evidence of its necessity or convenience shall be provided. The judge shall rule on the request before transferring the lawsuit.

Article 409. *Transfer and exceptions.* The order admitting the claim shall order the transfer to the defendant within ten (10) days, and in the case of assets subject to registration, their registration shall be ordered. If the defendant does not agree with the ruling, they may submit another one or request that the expert be summoned to a hearing to question them. If the defendant does not allege an agreement of indivisibility in their response to the complaint, the judge shall order, by means of an order, the division or sale requested, as appropriate; otherwise, they shall convene a hearing and decide at that hearing.

The grounds for preliminary objections must be raised by means of an appeal for reconsideration against the order admitting the claim. The order decreeing or denying the division or sale is appealable.

Article 410. *Division procedure.* The division shall be carried out as follows:

1. Once the order decreeing the division has become final, the judge shall issue a ruling determining how the property shall be divided, taking into account the opinions provided by the parties.

2. When the division concerns property subject to registration, the judgment shall order the registration of the partition.

3. Once the material partition has been registered, any of the assignees may request that the judge deliver the portion awarded to them.

Article 411. *Sale procedure.* The order decreeing the sale of the common property shall order its seizure, and once this has been carried out, the auction shall proceed in the manner prescribed in the enforcement proceedings, but the basis for bidding shall be the total appraisal value. If the parties have provided different appraisals, the judge shall determine the price of the property.

If the parties are capable, they may, by mutual agreement, set the price and the basis for the auction before setting a date for the bidding.

When seizure cannot be carried out due to the successful opposition of a third party, the rights of the co-owners over the property shall be appraised and auctioned in the manner provided for in the enforcement proceedings.

If the auction is unsuccessful due to a lack of bidders, it shall be repeated as many times as necessary, and the base price for bidding shall then be seventy percent (70%) of the appraisal value.

The co-owner who appears as a bidder must deposit the legal percentage and pay the auction price in the same manner as third parties, but with a deduction of the value of his share in proportion to that percentage.

Once the auction has been registered and the item delivered to the winning bidder, the judge, outside the hearing, shall issue a ruling on the distribution of the proceeds among the co-owners, in proportion to the rights of each in the community, or in the manner indicated by those who are capable, and shall order that they be given their share, taking into account the decision on improvements.

Neither the division nor the sale shall affect the rights of secured creditors over the assets subject to those proceedings.

Article 412. *Improvements.* Any co-owner who has made improvements to the common property must claim their right in the lawsuit or in the answer, duly specifying them and estimating them under oath in accordance with Article 206, and shall attach an expert opinion on their value. The claim shall be forwarded to the other co-owners for ten (10) days. In the order decreeing the division or sale, the judge shall rule on said claim and, if he recognizes the right, shall set the value of the improvements.

In the case of material partition, the owner of recognized improvements that are not located in the part awarded to him may exercise the right of retention at the time of delivery and retain the property until its value is paid.

Article 413. *Costs of division.* The common costs of the physical division or sale shall be borne by the co-owners in proportion to their rights, unless they agree otherwise.

A co-owner who incurs expenses corresponding to another shall be entitled, in the event of an auction, to be reimbursed or to have their value imputed to the price of the property if it is awarded to them in the bidding, or to the purchase price they pay. If the division is material, said co-owner may offset such value against what he or she must pay for improvements, if applicable, or enforce payment from debtors in the manner provided for in Article 306.

The settlement of expenses shall be made in the same way as that of costs.

Article 414. *Right of purchase.* Within three (3) days following the enforcement of the order decreeing the sale of the common property, any of the defendants may exercise the right of purchase. The distribution among the co-owners exercising such right shall be made in proportion to their respective shares.

The judge, in accordance with the appraisal, shall determine the price of each co-owner's share and the proportion in which it is to be purchased by the interested parties who have offered to do so. In said order, the interested parties shall be instructed to deposit the respective sum within ten (10) days, unless the co-owners grant them a longer period, which may not exceed two (2) months. Once the deposit has been made in a timely manner, the judge shall issue a ruling awarding the right to the purchasers.

If the person who exercised the right of purchase does not make the deposit on time, the judge shall impose a fine in favor of the opposing party, equal to twenty percent (20%) of the purchase price, and the process shall continue. In this case, the other co-owners who have exercised the right of purchase and deposited the price may request that the share that would have corresponded to the reluctant party be awarded to them, and the provisions of the preceding paragraphs shall apply.

Article 415. *Appointment of an administrator in the division process.* When there is no community administrator and only some of the co-owners exploit the common property by virtue of tenancy agreements, any of the co-owners may request in the division process that the respective appointment be made, provided that the material division has been requested in the lawsuit.

The request may be made at any stage of the proceedings, after the division has been decreed, and must be accompanied by at least summary evidence of the existence of such contracts.

The judge shall decide on the matter, after giving the parties three (3) days' notice, and if he finds the request to be valid, he shall instruct them to appoint the administrator within the following five (5) days; if they fail to do so, he shall proceed to appoint him.

The judge shall notify the holders of the appointment of the administrator once he or she has taken office.

Article 416. *Duties of the administrator.* The administrator shall represent the co-owners in tenancy agreements, collect the stipulated rents, and receive the property upon their expiration. The administrator shall have the obligations of a sequestrator and may be removed for the same reasons as a sequestrator.

Once the process is complete, the administrator shall cease to exercise his or her functions.

Once the administrator has rendered accounts and deposited the balance deducted from his account, the judge shall distribute it among the co-owners in proportion to their rights.

This rule shall apply, where applicable, to the de facto administrator of the community.

Article 417. *Appointment of an administrator outside the division process.* For the judicial appointment of an administrator of a community outside the division process, when the co-owners do not agree on the management of the common property, the following procedure shall be followed:

1. The petition shall be filed by any of the co-owners, indicating the others, and shall be accompanied by the evidence listed in Article 406.
2. In the order admitting the petition, the judge shall give the other co-owners three (3) days to file an opposition.
3. The co-owners shall be notified personally.
4. Once the notification period has expired, a date and time shall be set for a hearing to appoint the administrator. If an objection is filed, the relevant evidence shall be examined at the hearing and a decision shall be made.
5. The hearing shall be held with the co-owners who attend, who may make the appointment by majority vote. Each co-owner shall have as many votes as the number of times their share is included in that of the co-owner with the least rights.
6. If the necessary majority is not reached, the judge shall make the appointment.

The administrator shall represent them in legal proceedings, without prejudice to each party's right to intervene in the respective proceedings.

Article 418. *Disputes between the administrator and the co-owners.* Disputes between the administrator and the co-owners regarding the manner in which the administrator performs his or her duties shall be dealt with as an incidental matter in the respective partition proceedings or following the hearing at which the appointment was made, as the case may be, after personal notification of the co-owners.

#### CHAPTER IV

##### Monitoring proceedings

Article 419. *Admissibility.* Anyone seeking payment of a monetary obligation of a contractual nature, which is specific and enforceable and of a minimum amount, may initiate a payment order proceeding subject to the provisions of this Chapter.

NOTE: Article declared ENFORCEABLE by the Constitutional Court in Ruling C-726 of 2014.

Article 420. *Content of the claim.* The payment order procedure shall be initiated by means of a claim that shall contain:

1. The designation of the judge to whom it is addressed.
2. The name and address of the plaintiff and the defendant and, where applicable, their representatives and attorneys-in-fact.
3. The claim for payment expressed precisely and clearly.
4. The facts on which the claims are based, duly determined, classified, and numbered, with information on the contractual origin of the debt, its exact amount, and its components.
5. A clear and precise statement that payment of the amount owed does not depend on the fulfillment of a consideration by the creditor.
6. The evidence to be presented, including that requested in the event that the defendant objects.

The plaintiff must submit with the complaint the documents relating to the contractual obligation owed that are in his possession. If he does not have them, he must indicate where they are or declare under oath that it is understood, with the filing of the complaint, that there is no documentary evidence.

7. [Amended by Article 10, National Decree 1736 of 2012.](#) The place and physical and electronic addresses where the defendant will receive notifications.

8. [Amended by Article 10, National Decree 1736 of 2012.](#) The relevant annexes provided for in the general part of this code.

Paragraph. The Superior Council of the Judiciary shall prepare a form for filing the complaint and its response.

Article 421. *Procedure.* If the claim meets the requirements, the judge shall order the debtor to pay within ten (10) days or to set forth in the answer to the claim the specific reasons that serve as grounds for denying all or part of the debt claimed.

The order containing the demand for payment is not subject to appeal and shall be personally served on the debtor, with the warning that if he does not pay or justify his refusal, a judgment shall be rendered that is also not subject to appeal and constitutes res judicata, in which he shall be ordered to pay the amount claimed, the interest accrued, and any interest accrued until the debt is paid off. If the debtor satisfies the obligation in the manner indicated, the proceedings shall be declared terminated upon payment.

If the notified debtor fails to appear, the judgment referred to in this article shall be issued and enforcement shall proceed in accordance with the provisions of Article 306. The same judgment shall be issued in the event of partial opposition, if the plaintiff requests that enforcement proceed for the uncontested part. In this event, the contested part shall proceed as provided in the following paragraph.

If, within the time limit specified in the first paragraph, the defendant responds with an explanation of the reasons why he considers that he does not owe all or part of the debt, for which he must provide evidence to support his opposition, the matter shall be resolved through summary proceedings and the judge shall issue an order summoning the hearing referred to in Article 392, after giving the plaintiff five (5) days to request additional evidence.

If the debtor opposes without grounds and is convicted, a fine of ten percent (10%) of the value of the debt shall be imposed in favor of the creditor. If the defendant is acquitted, the fine shall be imposed on the creditor.

Paragraph. In this proceeding, third-party intervention, preliminary objections, counterclaims, the summons of the defendant, or the appointment of a guardian ad litem shall not be allowed. The precautionary measures provided for in other declaratory proceedings may be taken. Once the judgment has been rendered in favor of the creditor, the precautionary measures applicable to enforcement proceedings shall proceed.

NOTE: Article declared ENFORCEABLE by the Constitutional Court in Ruling C-726 of 2014.

SECTION TWO

ENFORCEMENT

PROCEEDINGS SINGLE

TITLE ENFORCEMENT

PROCEEDINGS CHAPTER

I

General Provisions

Article 422. *Enforceable title.* Express, clear, and enforceable obligations contained in documents originating from the debtor or their predecessor may be enforced, and constitute full proof against him, or those arising from a conviction handed down by a judge or court of any jurisdiction, or from another judicial order, or from orders in police proceedings approving the settlement of costs or setting the fees of court officials, and other documents specified by law. A confession made in the course of proceedings does not constitute an enforceable title, but one made in the interrogation provided for in Article 184 does.

Article 423. *Demand for default and notification of assignment of the claim.* The notification of the enforcement order shall serve as a demand for default on the part of the debtor and as notification of the assignment of the claim when the claimant is an assignee. The effects of default shall only take effect from the date of notification.

Article 424. *Enforcement for sums of money.* If the obligation is to pay a liquid amount of money and interest, the claim may relate to both, from the moment they became due until payment is made.

A liquid amount shall be understood to be that expressed in a precise numerical figure or that can be calculated by arithmetic operation, without being subject to indeterminate deductions. When interest is claimed and the legal or conventional rate is variable, it shall not be necessary to indicate the percentage thereof.

Article 425. *Regulation or loss of interest; reduction of the penalty, mortgage or pledge, and setting of the exchange rate for the payment in pesos of obligations in foreign currency.* Within the period for proposing exceptions, the defendant may request the regulation or loss of interest, the reduction of the penalty, mortgage or pledge, and the setting of the exchange rate. Such requests shall be processed and decided together with any exceptions that may have been made; if no exceptions are proposed, they shall be resolved by means of an incidental proceeding to be conducted outside of the hearing.

Article 426. *Enforcement for an obligation to give or do.* If the obligation is to give movable property or goods other than money, the plaintiff may request, together with delivery, that enforcement be extended to include damages for delay from the time the obligation became enforceable until delivery is made, for which purpose he shall estimate under oath its monthly value, if it does not appear in the enforceable title.

The same procedure shall be followed if an obligation to do something is claimed and damages are requested for the delay in the performance of the act.

Article 427. *Enforcement for an obligation not to do something and for a conditional obligation.* When enforcement is requested for damages arising from the breach of an obligation not to do something, or the destruction of what has been done, the claim must be accompanied by the private document

from the debtor, the public document, the inspection or extrajudicial confession, or the judgment proving the contravention. Similarly, compliance with the condition precedent must be proven when the obligation is subject to it.

Article 428. *Enforcement for damages.* The creditor may demand payment of damages from the outset for failure to deliver movable property or goods other than money, or for the performance or non-performance of an act, estimating and specifying them under oath if they do not appear in the enforceable title, in an amount as principal and another as monthly interest, so that enforcement may proceed for a liquid sum of money.

When the plaintiff seeks to continue enforcement for compensatory damages in the event that the debtor fails to comply with the obligation as ordered in the enforcement order, he or she must request this subsidiarily in the complaint, as provided in the preceding paragraph.

If this is not requested and the original obligation is not fulfilled within the specified period, the proceedings shall be terminated by an order that is not subject to appeal.

Article 429. *Enforcement for alternative obligations.* If the obligation is alternative and the choice corresponds to the debtor, the complaint must request that the writ of execution be issued in the alternative form established by the title or the law, stating which one the enforcing party prefers. The judge, in the writ of execution, shall order the defendant to fulfill the obligation of his choice within five (5) days of notification; if he fails to fulfill any of them, the proceedings shall continue for the obligation chosen by the plaintiff.

Article 430. *Writ of execution.* Once the complaint has been filed, accompanied by a document that gives it enforceable merit, the judge shall issue a writ ordering the defendant to comply with the obligation in the manner requested, if applicable, or in the manner that the judge considers legal.

The formal requirements of the enforceable title may only be challenged by means of an appeal for reconsideration against the enforcement order. No dispute regarding the requirements of the title that has not been raised by means of such an appeal shall be admitted. Consequently, formal defects in the enforceable title may not be recognized or declared by the judge in the judgment or in the order to proceed with enforcement, as the case may be.

When, as a result of the appeal for reconsideration, the judge revokes the payment order due to the absence of the requirements of the enforceable title, the plaintiff may, within five (5) days following the enforcement of the order, file a claim with the judge for a declaratory proceeding to be carried out within the same case file, without the need for a new distribution. The judge shall rule on the declaratory action and, if it is admitted, shall order notification by status to those already involved in the enforcement proceedings.

Once the period specified in the preceding paragraph has expired, the claim may be filed in a separate proceeding.

If the declaratory action is filed in a timely manner, the interruption of the statute of limitations and the ineffectiveness of the expiration generated in the enforcement proceedings shall continue to be valid in the new proceedings.

The processing of the declaratory action shall not prevent the filing and processing of the incidental action for damages against the plaintiff, if applicable.

Article 431. *Payment of sums of money.* If the obligation relates to a liquid amount of money, payment shall be ordered within five (5) days, with interest from the date on which it became due until the debt is paid. In the case of obligations agreed in foreign currency, the payment of which must be made in Colombian legal tender at the rate in force at the time of payment, the judge shall issue the executive order in the agreed currency.

In the case of food or other periodic benefits, the payment order shall include, in addition to the amounts due, those that will accrue in the future, and shall stipulate that these be paid within five (5) days of their respective due dates.

Where an acceleration clause has been stipulated, the creditor shall specify in their claim the date from which they are making use of it. Article

432. *Obligation to give.* If the obligation is to give movable property or goods other than money, the following procedure shall be followed:

1. In the writ of execution, the judge shall order the defendant to deliver the goods owed to the plaintiff at the place indicated in the title, if possible, or otherwise at the court's headquarters, for which purpose he shall set a reasonable time limit. He shall also order the payment of default damages if they have been duly requested in the complaint.

2. Once the goods have been presented, if the plaintiff fails to appear or refuses to receive them without raising an objection, the judge shall appoint a sequestrator to whom they shall be delivered on behalf of the plaintiff and shall declare the obligation fulfilled; the same declaration shall be made when the plaintiff receives the goods.

Enforcement shall continue for damages for delay, if applicable.

3. If the claimant appears and objects to the quality or nature of the goods during the proceedings, the judge shall decide immediately, unless he considers an expert opinion necessary, in which case the goods shall be handed over to a receiver appointed on the spot.

Within twenty (20) days following the proceedings, the plaintiff shall provide an expert opinion to substantiate the objection. Once the opinion has been submitted, it shall be forwarded to the defendant for a period of three (3) days, within which time the defendant may request a hearing to question the expert.

Once the deadline for submitting the opinion has expired, or the deadline for forwarding it to the defendant has expired, or the objection has been heard at the hearing, as the case may be, the judge shall rule on the objection. If the judge considers that the goods are of the proper nature and quality, he or she shall order their delivery to the creditor; enforcement shall continue for default damages, if payment has been ordered. When the objection is upheld and the payment of damages has been ordered as a subsidiary measure, the proceedings shall continue for these damages; otherwise, the proceedings shall be declared terminated by an order that is not subject to appeal.

In the event that the goods are not presented in the quantity ordered, the judge shall authorize their delivery, provided that the plaintiff so requests in the proceedings, by means of an order that shall be final, and the proceedings shall continue for the compensatory damages corresponding to the unpaid portion of the obligation, if this has been requested as a subsidiary measure in the claim and its payment has been ordered.

Article 433. *Obligation to perform.* If the obligation is to perform, the following procedure shall be followed:

1. In the writ of execution, the judge shall order the debtor to perform the act within a reasonable period of time specified by the judge and shall order enforcement for damages for delay when requested in the complaint.
2. Once the act has been performed, the parties shall be summoned for its recognition. If the plaintiff accepts it, does not attend the proceedings, or does not raise any objections during the proceedings, the obligation shall be declared fulfilled; if objections are raised, the provisions of the previous article shall apply, as appropriate.
3. When the obligation to perform is not fulfilled within the period set in the writ of execution and no payment of damages has been requested as an alternative, the plaintiff may request, within five (5) days following the expiration of said period, that the performance of the act by a third party be authorized at the expense of the debtor; this shall be ordered provided that the obligation is susceptible to this form of execution. To this end, the executor shall enter into a contract, which shall be submitted to the judge for approval.
4. The costs of enforcement shall be borne by the debtor, and if the debtor fails to do so, they shall be paid by the creditor. The account of expenses shall be presented with the respective receipts, and once approved, enforcement shall be extended to its value.

Article 434. *Obligation to sign documents.* When the act to be performed consists of signing a public deed or any other document, the writ of execution, in addition to the damages claimed for delay, shall include a warning to the defendant that if he fails to sign the deed or document within three (3) days of notification of the writ, the judge shall proceed to do so on his behalf, as provided for in Article 436. The claim must be accompanied by the enforceable title and the draft or document to be signed by the defendant or, failing that, by the judge.

When the public deed or document to be signed involves the transfer of property subject to registration or the creation of real rights over such property, in order for an enforcement order to be issued, the property covered by the deed must have been seized as a preliminary measure and a certificate proving ownership by the enforcing party or the party against whom enforcement is sought, as the case may be, must be presented. The enforcing party may request in the claim that, simultaneously with the enforcement order, the seizure of the property be decreed and, if applicable, its delivery once the deed has been registered.

A certificate of ownership shall not be required in the case of acts relating to vacant land occupied with improvements, livestock, or other means of economic exploitation, or to the physical possession of privately owned real estate without a registered title in the defendant's name. However, in such cases, a certificate from the registrar of public instruments shall be attached, stating that there is no record of title in the defendant's name.

In order for the judge to order the signing of a deed or document relating to movable property not subject to registration, such property must first have been seized as a preliminary measure.

Article 435. *Obligation not to do.* If the obligation is not to do and the violation has been proven, the judge shall order the defendant to destroy what has been done within a reasonable period of time and shall issue an order for the payment of damages for delay, if requested in the complaint.

If the defendant considers that destruction is not appropriate, he shall propose the respective exception.

If the debtor fails to destroy the work in a timely manner, the judge shall order its destruction at the debtor's expense if the plaintiff so requests and provided that no damages have been claimed for non-compliance. To this end, the judge may request the assistance of law enforcement and, where appropriate, shall apply the provisions of Article 433.

Article 436. *Timing of enforcement.* The enforcement of obligations to perform, sign documents, and destroy what has been done may not be carried out until the order to proceed with enforcement has become final.

Article 437. *Subsidiary enforcement for damages.* When the claim is filed in accordance with the provisions of paragraph 2 of Article 428, the enforceable order shall contain:

1. The order that the obligation be fulfilled in the stipulated manner and that the claimed damages for delay be paid.
2. The subsidiary order that, in the event that the defendant fails to comply with the respective obligation in a timely manner, they pay the amount indicated in the enforceable title or the amount estimated by the plaintiff as damages.

Article 438. *Appeals against the enforcement order.* The enforcement order is not subject to appeal; the order denying it in whole or in part and the order revoking it by way of reconsideration shall be subject to appeal. Appeals for reconsideration against the enforcement order shall be processed and

resolved jointly when all the parties against whom enforcement is sought have been notified.

Article 439. *Regulation of damages.* Within the period for proposing exceptions, the defendant may object to the estimate of damages made by the plaintiff in the claim, in which case Article 206 shall apply. The judge shall convene a hearing to examine the evidence and determine the amount of damages.

If the amount of damages is not proven, the judge shall declare the obligation extinguished, terminate enforcement with respect to those damages, and continue with the other claims, if applicable.

Article 440. *Performance of the obligation, enforcement order, and award of costs.* Once the obligation has been fulfilled within the period specified in the enforcement order, the defendant shall be ordered to pay the costs. However, the defendant may, within three (3) days of notification of the order imposing the costs, request to be exempted from them if he proves that he was willing to pay before being sued and that the creditor did not agree to receive payment. This request shall be processed as an incidental proceeding that shall not prevent the delivery of the value of the credit to the plaintiff.

If the defendant does not file objections in a timely manner, the judge shall order, by means of an order that is not subject to appeal, the auction and appraisal of the seized assets and those that may be seized subsequently, if applicable, or proceed with enforcement to fulfill the obligations determined in the writ of execution, liquidate the debt, and order the defendant to pay costs.

Article 441. *Enforcement for the collection of judicial bonds.* When a bank or insurance company bond has been provided in a proceeding for any purpose, if the person who provided it or the guarantor does not deposit the amount indicated by the judge within ten (10) days following the enforcement of the order so directing, which shall be appealable with deferred effect, the seizure, attachment, appraisal, and auction of the assets that the interested party reports as belonging to the person who provided it or their guarantor shall be ordered, without the need to provide security. In addition, the guarantor shall be fined an amount equivalent to twenty percent (20%) of the value of the bond, which in no case shall be less than ten times the current legal monthly minimum wage (10 smlmv).

The order to make the deposit shall be notified to the guarantor.

In this proceeding, the joinder of proceedings is not admissible, nor may other creditors participate in it. However, when the mortgaged property has additional encumbrances, the respective creditors shall be summoned in the manner and for the purposes provided for in Article 462.

Article 442. *Exceptions.* The formulation of exceptions shall be subject to the following rules:

1. Within ten (10) days of notification of the writ of execution, the defendant may raise objections on the merits. The defendant shall state the facts on which the objections are based and attach the relevant evidence.
2. In the case of the collection of obligations contained in a ruling, conciliation, or transaction approved by the person exercising jurisdictional function, only exceptions of payment, compensation, confusion, novation, remission, prescription, or transaction may be alleged, provided that they are based on facts subsequent to the respective ruling, nullity due to improper representation or lack of notification or summons, and loss of the thing owed.
3. The benefit of excussion and the facts constituting prior exceptions must be alleged by means of an appeal against the payment order. If any exception that does not imply termination of the proceedings is upheld, the judge shall take the appropriate measures to ensure that the proceedings continue or, if applicable, shall grant the plaintiff a period of five (5) days to correct the defects or submit the omitted documents, under penalty of revoking the payment order and imposing costs and damages.

Article 443. *Processing of exceptions.* The processing of exceptions shall be subject to the following rules:

1. The exceptions of merit proposed by the defendant shall be forwarded to the plaintiff within ten (10) days, by means of an order, so that the plaintiff may rule on them and attach or request the evidence it intends to present.
2. Once the exceptions have been forwarded, the judge shall summon the hearing provided for in Article 392, in the case of small claims enforcement proceedings, or for the initial hearing and, if necessary, for the investigation and trial, as provided for in Articles 372 and 373, in the case of minor and major enforcement proceedings.

When it is determined that the examination of evidence is possible and convenient at the initial hearing, the judge, either ex officio or at the request of a party, shall order the evidence in the order setting the date and time for it, in order to also exhaust the purpose of the preliminary hearing and trial referred to in Article 373. In this case, the judgment shall be rendered at that single hearing, in accordance with the rules set forth in paragraph 5 of the aforementioned Article 373.

3. A ruling on exceptions that is entirely favorable to the defendant shall terminate the proceedings; it shall order the release of the seized assets and shall order the plaintiff to pay the costs and damages suffered by the defendant as a result of the precautionary measures and the proceedings.
4. If the exceptions are unsuccessful or partially successful, the judgment shall order the enforcement to proceed in the appropriate manner.
5. The judgment resolving the exceptions becomes res judicata, except in the case of paragraph 3 of Article 304.

6. If the exception of benefit of inventory is upheld, the judgment shall limit the liability of the defendant to the value of the assets awarded to him in the succession proceedings.

Article 444. *Appraisal and payment with proceeds.* Once the seizure and attachment have been carried out and the order or judgment ordering the enforcement to proceed has been notified, the assets shall be appraised in accordance with the following rules:

1. Any of the parties and the creditor who seized the remaining assets may submit the appraisal within twenty (20) days following the enforcement of the judgment or order to proceed with the execution, or after the seizure has been completed, as the case may be. For this purpose, they may contract the expert opinion directly with specialized entities or professionals.
2. Appraisals that have been submitted in a timely manner shall be forwarded for ten (10) days by order, so that interested parties may submit their observations. Those who have not contributed may submit a different appraisal, in which case the judge shall decide, after forwarding it for three (3) days.
3. If the defendant does not cooperate in the appraisal of the assets or prevents their inspection by the expert, the provisions of Article 233 shall apply, without prejudice to the judge taking the necessary measures to overcome any obstacles that may arise.
4. In the case of real estate, the value shall be that of the cadastral appraisal of the property increased by fifty percent (50%), unless the person providing it considers that it is not suitable for establishing its real price. In this case, the cadastral appraisal must be accompanied by an opinion obtained in the manner indicated in paragraph 1.
5. In the case of motor vehicles, the value shall be that officially set for the calculation of road tax, without prejudice to the right granted in the previous paragraph. In this case, the price appearing in a specialized publication may also be attached as an appraisal, attaching an informal copy of the respective page.
6. If the appraisal is not provided in a timely manner, the judge shall appoint an expert appraiser, except in the case of real estate or motor vehicles, in which case the rules provided for these shall apply. In these cases, there shall be no room for objections.
7. In the cases of paragraphs 7, 8, and 10 of Article 595 and of real estate, if the plaintiff so requests, the appraisal and auction of assets shall be dispensed with, so that the credit may be canceled with the proceeds of the administration, once they have been deposited by the receiver in the judicial deposit account.

Paragraph 1. In the case of movable property of a similar nature, it may be appraised in groups in order to facilitate the auction.

Paragraph 2. In the case of immovable property, either party may request that it be divided into lots in order to obtain greater advantages in the bidding process, provided that the legal division is feasible. To this end, they must submit a report certifying that the property can be divided without affecting its value and use, together with the respective appraisals.

Once the corresponding transfers have been made, the judge shall order the division if he or she considers it appropriate.

Article 445. *Benefit of jurisdiction.* During the term of enforcement of the order to transfer the appraisal, the defendant may invoke the benefit of jurisdiction, and their request shall be processed as an incidental proceeding, in which they must prove that the appraised assets are their only assets. If recognized, the same order shall determine the assets that must be left to them for their modest subsistence and shall order their release.

## CHAPTER II

### Settlement of the claim

Article 446. *Settlement of the claim and costs.* The following rules shall be observed for the settlement of the claim and costs:

1. Once the order to proceed with enforcement has been executed, or the judgment ruling on the exceptions has been notified, provided that it is not entirely favorable to the defendant, either party may submit the settlement of the claim, specifying the principal and interest accrued up to the date of submission, and, if applicable, the conversion of the principal and interest into national currency, in accordance with the provisions of the writ of execution, attaching the supporting documents, if necessary.
2. The settlement submitted shall be forwarded to the other party in the manner provided for in Article 110, for a period of three (3) days, within which only objections relating to the statement of account may be made, for which purpose, under penalty of rejection, an alternative settlement must be attached, specifying the specific errors attributed to the contested settlement.
3. Once the transfer has expired, the judge will decide whether to approve or modify the settlement by order, which will only be appealable when resolving an objection or altering the respective account ex officio. The appeal, which will be processed with deferred effect, will not prevent the auction of assets or the delivery of money to the executor in the part that is not subject to appeal.
4. The same procedure shall be followed when updating the settlement in the cases provided for by law, for which purpose the final settlement shall be taken as a basis.

Paragraph. The Superior Council of the Judiciary shall implement the necessary mechanisms to support judges in matters relating to the

settlement of claims.

Article 447. *Delivery of money to the executor.* When the seized asset is money, once the order approving each settlement of the credit or costs has become final, the judge shall order its delivery to the creditor up to the amount of the settled value. If the seized property is a salary, rent, or periodic pension, the judge shall order that the amount withheld be delivered to the creditor and that, thereafter, the money withheld be delivered to the creditor until the entire obligation is covered.

PARAGRAPH. *(Added by Article 4, Law 2541 of 2025).* In enforcement proceedings relating to child support owed to children and adolescents, once the order issuing the payment order on the enforceable title has become final, if there is no opposition from the defendant to the previous ruling, the judge shall order the advance delivery of titles to the plaintiff, for the value of the current periodic installment derived from the enforceable title, successively and permanently until the total amount of the obligation, or failing that, the total amount seized, is reached, while a final ruling is issued in the proceedings.

To ensure the effective and timely compliance with this provision, the following measures shall be implemented:

1. The competent disciplinary authority, at the request of the family defender, shall investigate judicial officials who unjustifiably delay the process of early delivery of titles.
2. Judges shall publish semi-annual reports, in electronic format, on the status and compliance with this provision in enforcement proceedings for maintenance.

### CHAPTER III

#### Auction of Assets and Payment to the Creditor

Article 448. *Setting a date for auction.* Once the order to proceed with enforcement has been executed, the enforcing party may request that a date be set for the auction of the assets that allow it, provided that they have been seized, impounded, and appraised, even if the settlement of the claim is not final. Once it is final, either party may request the auction of said assets.

When requests for the lifting of seizures or attachments, or appeals against orders that have decided on releases or declared that an asset is unseizable or decreed the reduction of the seizure, are pending, no date shall be set for the auction of the assets covered by them until they have been resolved. Nor shall such a date be set if third-party mortgage or pledge creditors have not been summoned.

In the order directing the auction, the judge shall review the legality of the proceedings to remedy any irregularities that could lead to nullity. In the same order, the judge shall set the base price for the auction, which shall be seventy percent (70%) of the appraised value of the property.

If the tender is unsuccessful, the provisions of Article 457 shall apply.

Once the order setting the date for the auction has been enforced, no challenges to the judge or clerk shall be allowed; the clerk shall return the document without the need for an order to that effect.

Article 449. *Auction of social interest.* If the seized asset is the social interest in a general partnership, limited liability company, limited partnership, or other partnership, the judge, before setting the date for the auction, shall notify the representative of the partnership of the appraisal of said interest so that the representative may state within ten (10) days whether the partners wish to acquire it at said price. If no such statement is made within this period, a date shall be set for the auction; if the partners wish to exercise this right, the representative shall deposit the price with the court upon making the statement, indicating the names of the acquiring partners.

The successful bidder for the share interest shall acquire the rights of the foreclosed party in the company. In this case, within one month of the date of registration of the auction, the other partners may decree the dissolution of the company, subject to the requirements set forth in the law or in the bylaws, if they do not wish to continue the company with the successful bidder.

Article 450. *Publication of the auction.* The auction shall be announced to the public by inclusion in a list to be published once in a newspaper with wide circulation in the locality or, failing that, in another mass media outlet designated by the judge. The list shall be

shall be published on Sunday at least ten (10) days prior to the date set for the auction, and shall indicate:

1. The date and time when the bidding will open.
2. The goods subject to auction, indicating their type, kind, and quantity, if they are movable property; if they are immovable property, their registration number, if any, and the address or location.
3. The appraisal corresponding to each item or group of items and the base price of the auction.
4. The file number and the court that will conduct the auction.
5. The name, address, and telephone number of the auctioneer who will display the goods being auctioned.
6. The percentage that must be deposited to place a bid.

An informal copy of the newspaper page or proof of publication in the media shall be added to the file before the opening of the bidding. The copy or proof of publication of the notice must be accompanied by a certificate of title and freedom of the property, issued within the month prior to the date scheduled for the auction.

When the assets are located outside the jurisdiction of the court where the proceedings are taking place, the publication must be made in a media outlet that circulates in the place where they are located.

*Article 451. Deposit for bidding.* Anyone wishing to bid at the auction must first deposit, in cash, at the court's request, forty percent (40%) of the appraised value of the respective property, and may bid within five (5) days prior to the auction or at the time indicated in the following article. Bids shall be confidential and shall remain in the custody of the judge. It shall not be necessary for those who have made bids within that period to be present at the auction.

However, the sole executor or creditor with the best right may bid on behalf of their credit for the assets being auctioned without having to deposit a percentage, provided that it is at least forty percent (40%) of the appraisal value; otherwise, they shall deposit the difference.

*Article 452. Auction hearing.* When the day and time for the auction arrive, the secretary or the person in charge of conducting it shall announce the number of envelopes received in advance and then urge those present to submit their bids in a sealed envelope within the hour. In addition to the bid signed by the interested party, the envelope shall contain the deposit provided for in the previous article, when necessary. The bid is irrevocable.

One hour after the start of the hearing, the judge or the person in charge of conducting the auction shall open the envelopes and read the bids that meet the requirements set forth in this article. The judge will then award the auctioned property to the highest bidder. In the event of a tie, the judge will invite the tied bidders who are present to increase their bids, if they so wish, and will award the property to the highest bidder. If no bidder increases their bid, the property will be awarded to the tied bidder who made the first bid.

Interested parties may allege irregularities that may affect the validity of the auction until before the award of the goods.

In the same proceeding, the sums deposited shall be returned to those who deposited them, except for the sum corresponding to the highest bidder, which shall be retained as security for their obligations for the purposes of the following article. Likewise, the return shall be ordered immediately when, for any reason, the auction is not carried out.

When the property subject to the proceedings has been divided into lots, if the price obtained from the auction of one or more of them is sufficient to pay the creditor, the auction shall be limited to these in the order in which the bids were made.

If, at the time of the auction, the auctioned item is subject to litigation, the winning bidder shall be considered the assignee of the disputed right.

The representative who bids or requests the award on behalf of their client shall require express authority. No one may bid on behalf of a third party without presenting a duly granted power of attorney.

Once the auction has taken place, a record shall be drawn up stating:

1. The date and time when the proceedings took place.
2. The names of the parties to the proceedings.
3. The two highest bids made and the names of the bidders.
4. The designation of the winning bidder, the determination of the auctioned goods, and the origin of the domain of the executed party in the case of goods subject to registration.
5. The auction price.

If the tender is declared void due to a lack of bidders, this shall be recorded in the minutes.

Paragraph. Electronic bids may be made under the responsibility of the judge or the person in charge of conducting the auction. The system used to conduct the bidding must guarantee the principles of transparency, integrity, and authenticity. The Administrative Chamber of the Superior Council of the Judiciary, with the support of the Ministry of Information and Communications Technology, shall regulate the implementation of electronic auctions.

Article 453. *Payment of the price and disapproval of the auction.* The winning bidder shall deposit the balance of the price within five (5) days following the proceedings, as ordered by the court of first instance, minus the amount deposited to make the bid, and shall present the receipt for payment of the auction tax, if any.

If the deadline expires without the deposit and payment of the tax having been made, the judge shall disapprove the auction and order the forfeiture of half of the sum deposited to make the bid, as a fine.

In the case of a bidder on behalf of his credit and if this is less than the auction price, he must deposit the balance of the price at the order of the court of first instance.

In the case of the previous paragraph, only the sole executor or creditor with the best right may make a bid.

When the bidder is the creditor with the best right, the auction shall only be approved if he also deposits the value of the costs incurred in the general interest of the creditors, unless there is a sufficient balance of the price to pay them.

If the person who bid on behalf of the credit does not timely submit proof of payment of the balance of the auction price and the auction tax, said credit shall be canceled in an amount equivalent to twenty percent (20%) of the appraised value of the goods for which the bid was made; if applicable, by means of an order that shall be final and without appeal, the extinction of the bidder's credit shall be decreed.

Article 454. *Auction by commissioner.* For the auction, the judge of the place where the goods are located may be commissioned, if requested by any of the parties; in such case, the commissioner shall proceed to carry it out after complying with the legal formalities.

The commissioner is authorized to receive the consignment titles for bidding and the balance of the auction price, which must be made payable to the principal and sent to the principal by the commissioner together with the consignment shipment. If the bidder does not deposit the balance in a timely manner, the commissioner shall record this in the minutes of the proceedings so that the principal may take the appropriate action.

Paragraph 1. At the request of the person entitled to request the auction of the goods, notaries, arbitration centers, conciliation centers, chambers of commerce, or legally authorized auctioneers may be commissioned.

The fees, expenses, and costs incurred by the auction before the aforementioned entities shall be borne by the party requesting the auction, shall not be refundable, and shall not be taken into account for the purposes of settling costs.

Paragraph 2. The Superintendency of Notaries and Registries shall set the fees for notarial services to be charged for conducting the auction proceedings. The fees for arbitration centers, conciliation centers, chambers of commerce, or auctioneers shall be set by the National Government.

Paragraph 3. The physical delivery of the titles referred to in paragraph 2 of this article shall not be required when they are dematerialized. In such cases, verification shall be carried out by consulting the information system of the respective bank.

Article 455. *Rectification of nullities and approval of the auction.* Irregularities that may affect the validity of the auction shall be considered rectified if they are not alleged before the award.

Requests for nullity made after the award shall not be heard.

[Corrected by Article 11, National Decree 1736 of 2012.](#) Once the duties set forth in the first paragraph of the previous article have been fulfilled, the judge shall approve the auction within the following five (5) days, by means of an order in which he shall provide for:

1. The cancellation of liens or mortgages, and of the encumbrance on the family home and family assets, if applicable, affecting the property subject to auction.
2. The cancellation of the seizure and the lifting of the attachment.
3. The issuance of a copy of the auction record and the approval order, which must be delivered within five (5) days following the issuance of the latter. In the case of property subject to registration, said copy shall be registered and recorded at the notary's office corresponding to the place of the proceedings; a copy of the deed shall then be added to the file.
4. The delivery by the sequestrator to the highest bidder of the auctioned property.
5. The delivery to the auctioneer of the titles to the auctioned property that the defendant has in his possession.
6. The issuance or registration of new titles to the highest bidder for the registered shares or public securities that have been auctioned, and the declaration that those previously issued to the defendant are canceled.

7. The proceeds from the auction shall be delivered to the creditor up to the amount of their claim and costs, and the remainder shall be delivered to the defendant, if it has not been seized. However, the judge shall reserve from the proceeds of the auction the amount necessary to pay taxes, utilities, administration fees, and parking or storage expenses incurred until the delivery of the auctioned property. If, within ten (10) days of delivery of the property to the auctioneer, the latter does not demonstrate the amount of the debts for such items, the judge shall order the reserved money to be delivered to the parties.

Failure to comply with the provisions of this article constitutes a very serious disciplinary offense.

Article 456. *Delivery of the auctioned property.* If the sequestrator does not comply with the order to deliver the property within three (3) days of receiving the respective communication, the winning bidder must request that the judge deliver it to them, in which case the procedure must be carried out within a period not exceeding fifteen (15) days after the request. In the latter event, no objections shall be admitted in the delivery proceedings, nor shall it be appropriate to claim a right of retention for the compensation due to the sequestrator under the provisions of Article 2259 of the Civil Code, which shall be paid from the proceeds of the auction before delivery to the parties.

Article 457. *Repetition of the auction and void auction.* Whenever the auction is rejected or declared invalid, it shall be repeated, and the same bid that applied to the previous auction shall be admissible.

When there is no auction due to a lack of bidders, the judge shall set a date and time for a new auction. However, if the second auction fails, any of the creditors may submit a new appraisal, which shall be subject to challenge in the manner provided for in Article 444 of this Code. The debtor shall have the same possibility when more than one (1) year has elapsed since the date on which the previous appraisal became final. For new auctions, the same requirements as for the first auction must be met.

Article 458. *Sale of securities listed on the stock exchange.* Once the credit has been settled, at the request of either party, the judge may order the sale of securities listed on duly authorized stock exchanges, through the same; but in the case of registered securities, in order to authorize the sale, the attachment must be registered in the issuer's registry.

If fifteen (15) days have elapsed without the sale being possible, the assets may be auctioned in accordance with the general rules, unless the parties insist that their disposal be carried out in the manner provided for in the preceding paragraph within the period indicated by them.

Article 459. *Delivery of the property subject to the obligation to give.* Once the judgment or order to proceed with the enforcement of the obligation to give movable property or goods other than money that have been seized has become final, the judge shall order the receiver to deliver them to the plaintiff and shall apply the provisions of Article 455, if applicable.

Article 460. *Execution of the act due.* For the execution of the act by a third party, the granting of the deed or the signing of the document by the judge, or the destruction of what has been done with the intervention of the latter, once the judgment ordering the execution to proceed has become final, the provisions of Articles 433, 434, and 435 shall be complied with, without this preventing the proceedings from continuing for the payment of default damages and costs.

Article 461. *Termination of proceedings due to payment.* If, prior to the commencement of the auction hearing, a document is submitted by the plaintiff or their representative with the authority to receive payment, certifying payment of the claimed obligation and costs, the judge shall declare the proceedings terminated and order the cancellation of the attachments and seizures, if the remainder has not been attached.

If there are final settlements of the claim and costs, and the defendant submits the additional settlement, accompanied by the title of consignment of said values to the court, the judge shall declare the proceedings terminated once it is approved and shall order the cancellation of the attachments and seizures, if the remainder is not attached.

In the case of enforcement proceedings for sums of money, and where there are no settlements of the claim and costs, the defendant may submit them for payment, accompanied by the title of their deposit to the court, specifying the interest or exchange rate, as applicable. Without suspending the proceedings, it shall be forwarded to the plaintiff for three (3) days, as provided for in Article 110; whether challenged or not, the judge shall approve it when he finds it to be in accordance with the law.

When there is cause to increase the value of the settlements, if within ten (10) days following the enforcement of the order approving them, the additional deposit order to the court has not been presented, the judge shall order that there are no further remedies, continue the enforcement for the balance, and deliver to the plaintiff the sums deposited as payment on his credit and the costs. If the deposit is made in a timely manner, the judge shall declare the proceedings terminated and order the cancellation of the attachments and seizures, if the remainder is not attached.

However, the rendering of accounts by the sequestration shall continue to be processed if it is pending, or it shall be ordered to be rendered if it has not been presented.

#### CHAPTER IV

##### Summons of creditors with security interests and joinder of proceedings

Article 462. *Summons of creditors with security interests.* If the certificate from the relevant registry office shows that there are pledges or mortgages on the seized assets, the judge shall order notification of the respective creditors, whose claims shall be

enforceable if they are not, so that they may be enforced before the same judge, either in separate proceedings or in those in which they are summoned, within twenty

(20) days following personal notification. If, within the proceedings in which the summons is issued, any of the creditors files a claim that falls within the jurisdiction of a higher court, the file shall be forwarded to that court for the proceedings to continue.

If, upon expiration of the term referred to in the preceding paragraph, the notified creditor has not filed any of the enforcement claims, he may only assert his rights in the proceedings to which he was summoned, within the period specified in the following article.

If the creditor has been appointed as curator *ad litem*, once notified, they must file the claim before the same judge. For these purposes, in the case of a non-possessory pledge, a copy of the registration of the pledge at the corresponding registry office shall serve as title. In the case of a mortgage, the judge, either ex officio or at the request of the curator or any of the parties, shall order by means of an order that shall not be subject to appeal that the notary before whom the mortgage deed was executed be notified to issue and deliver to the curator *ad litem* an authentic copy thereof, which shall be enforceable. In the case of an open mortgage or pledge, the enforceable title whose payment is being guaranteed by it must be submitted with the claim.

The trustee shall take the necessary steps to inform the creditor they represent of the existence of the proceedings as soon as possible, under penalty of incurring a breach of professional due diligence as provided for in paragraph 1 of Article 37 of Law 1123 of 2007.

When creditors with security interests in the same asset have been notified, some of whom have joined their claims to the proceedings in which they were summoned and others have brought separate enforcement proceedings before the same judge, those who have filed their claims in the former may dispense with their participation in the latter before the expiration of the term provided for in paragraph 4 of Article 468 and request that the proceedings corresponding to their respective claims be added to the file of the second proceeding in order to continue their processing therein. The proceedings in the first proceeding shall remain valid.

Article 463. *Joinder of claims.* Even before the payment order has been served on the defendant and until the order setting the first date for auction or the termination of the proceedings for any reason, new enforcement claims may be filed by the same claimant or by third parties against any of the defendants, to be joined with the initial claim, in which case the following rules shall apply:

1. The claim must meet the same requirements as the first and will be processed in the same manner, but if the payment order has already been served on the defendant, the new order will be served by publication.
2. The new executive order shall order the suspension of payments to creditors and summon all those who have enforceable claims against the debtor to appear and assert them by consolidating their claims within five (5) days. The summons shall be served at the expense of the creditor who consolidated the claim by including the details of the proceedings in a list to be published in the manner established in this code.
3. Once the deadline for creditors to appear has expired, the proceedings for each claim shall be carried out simultaneously in a separate file, as provided for the first claim; however, if exceptions are raised, they shall be decided in a single judgment, together with the proposals to the first claim, if these have not been resolved.
4. Before the judgment or order to proceed with enforcement, any creditor may request that their claim be declared to have a specific cause of preference, or that other claims be disregarded, by means of a written statement specifying the facts on which it is based and requesting the evidence it deems relevant, which request shall be processed as an objection.
5. Where applicable, a single judgment shall be issued ordering the enforcement of the first claim and the accumulated claims, and in it, or in the judgment deciding the exceptions unfavorably to the defendant, it shall be ordered:
  - a) That the proceeds from the auction of the seized assets shall be used to pay the claims in accordance with the order of priority established in substantive law;
  - b) That the defendant pay the costs incurred and those incurred in the general interest of the creditors, as well as those corresponding to each particular claim, and
  - c) That the settlement of all claims and costs be carried out jointly.
6. In enforcement proceedings brought exclusively for the enforcement of a mortgage or pledge, only other creditors with security interests in the same assets may join the claims.

Article 464. *Joinder of enforcement proceedings.* Several enforcement proceedings may be joined if they have a common defendant, provided that the party requesting the joinder seeks to pursue all or part of the same assets of the defendant.

The following rules shall apply to the joinder:

1. In order for an unsecured enforcement proceeding to be joined with another proceeding in which the effectiveness of the security interest is exclusively pursued, it is necessary for the party enforcing the security interest to request it.
2. The consolidation of proceedings shall proceed even if the payment order has not been notified. Consolidation shall not proceed if, in any of the enforcement proceedings, the opportunity referred to in paragraph 1 of the preceding article has been precluded. This circumstance shall be indicated in the request.

circumstance.

3. Enforcement proceedings before judges of different specialties may not be combined.

4. The request, procedure, and, where applicable, notification of the payment order shall be subject to the provisions of Articles 149 and 150. The order decreeing it shall provide for the summons ordered in paragraph 2 of Article 463. Thereafter, the provisions of paragraphs 3, 4, and 5 of the same article shall apply as appropriate.

5. Seizures and attachments carried out in the consolidated proceedings shall have effect with respect to all creditors. Claims shall be paid in accordance with the order of priority established in the substantive law.

*Article 465. Concurrence of seizures in proceedings of different specialties.* When, in an enforcement proceeding in labor, coercive jurisdiction, or alimony matters, the seizure of assets seized in a civil proceeding is ordered, the measure shall be communicated immediately to the civil judge, without the need for an order to that effect, by means of an official letter indicating the names of the parties and the assets in question.

The civil proceedings shall continue until the auction of said assets, but before the proceeds are delivered to the executor, the labor, family, or tax judge shall be requested to issue a final and binding settlement, duly specified, of the claim being collected before him and the costs, and based on this, by means of an order, the distribution shall be made among all creditors, in accordance with the priority established in substantive law. This order shall be communicated by official letter to the labor or family court judge or to the official conducting the enforcement proceedings. Both the latter and the labor, tax, and family creditors may file an appeal within ten (10) days of receipt of the official letter. The expenses incurred for the seizure, attachment, appraisal, and auction of the assets in the civil proceedings shall be paid from the proceeds of the auction and shall take precedence over the payment of labor, tax, and alimony claims.

*Article 466. Enforcement of assets seized in another proceeding.* Anyone who intends to enforce assets seized in another proceeding and does not wish to or cannot bring a joint action may request the seizure of any assets that are released for any reason and of the remainder of the proceeds from the seized assets.

When any of the measures referred to in the first paragraph are in force, the request to suspend the proceedings must also be signed by the creditors who requested them. The same creditors may submit the settlement of the claim, request the auction order and publish the relevant notices, or request the application of tacit withdrawal and the consequent termination of the proceedings.

The seizure order shall be communicated by official letter to the judge hearing the first proceedings, whose clerk shall record the date and time of receipt, at which point the seizure shall be deemed to have been completed unless there is a previous one, and shall so inform the judge who issued the official letter.

Once all the assets have been auctioned off and the credit and costs have been paid, the judge shall remit the remainder to the official who ordered the seizure.

When the proceedings are terminated due to withdrawal or settlement, or if after payment to the creditors there are surplus assets, these or all those pursued, as the case may be, shall be considered seized by the judge who ordered the seizure of the remainder or of the assets to be released, to whom a copy of the seizure and attachment proceedings shall be forwarded so that they may take effect in the second proceedings. In the case of assets subject to registration, the registrar of public instruments shall be notified that the seizure remains in force in the other proceedings.

A copy of the appraisal shall also be sent to the aforementioned judge, which shall be effective in the proceedings before him, subject to the rules of contradiction and updating established in this code.

## CHAPTER V

### Special adjudication or realization of the security interest

*Article 467. Special adjudication or realization of the security interest.* The mortgagee or pledgee may demand from the outset the adjudication of the mortgaged or pledged property for the total or partial payment of the secured obligation and request, in the alternative, that if the defendant owner objects through exceptions of merit, the enforcement be subject to the procedure provided for in the following article for the purposes contemplated therein.

1. The request for adjudication must be accompanied by a title that is enforceable, the mortgage or pledge agreement, a certificate from the registrar regarding the defendant's ownership of the property sought, and, in the case of a pledge without possession, a certificate regarding the validity of the lien. Such certificates shall be issued no more than one (1) month prior to the date of the claim. The appraisal referred to in Article 444 shall also be attached, as well as a statement of the credit balance as of the date of the claim.

2. The judge shall issue an executive order in the manner provided for in Article 430, in which he shall warn the defendant of the claim for adjudication. He shall also order the seizure of the mortgaged property and, in the case of pledged property, its seizure and attachment.

3. The defendant may, within ten (10) days, raise the following defenses:

a) Request the regulation or loss of interest; the reduction of the penalty, mortgage, or pledge; the setting of the exchange rate; or declare the executive title or the mortgage or pledge contract to be false, in which case the request shall be processed as an incident to be decided by an appealable order

appealable in deferred effect.

Once this order has been enforced, the award shall proceed as provided herein, unless the challenge to the enforceable title is successful, in which case the termination of the proceedings shall be decreed. If the challenge to the guarantee contract is successful, the enforcement shall continue according to the general rules.

If exceptions of merit are also proposed, such requests shall be processed and decided jointly with them.

- b) Formulate exceptions on the merits, which shall be processed in accordance with the provisions of Article 443.
- c) Object to the appraisal in the manner provided for in Article 444, which the judge shall process and decide in the manner indicated in that provision.
- d) Object to the settlement of the claim in the manner provided for in Article 446, which the judge shall decide in accordance with that rule.
- e) Request that the property be put up for auction prior to the award, in which case the procedure set forth in Articles 448 and 450 to 457 shall be followed, as applicable. If no bidders come forward, the award shall proceed as provided herein.

The request for a prior auction may also be made by the creditor of the remainder.

If only the appraisal and liquidation of the credit or either of them have been objected to, once the order resolving the objection is final, the property shall be awarded to the creditor.

4. When no opposition, objections, or requests for prior auction are filed, the judge shall award the property to the creditor by means of an order, for a value equivalent to ninety percent (90%) of the appraisal established in the manner provided for in Article 444. In the same order, the judge shall cancel any liens or mortgages, as well as any encumbrances on the family home and family assets; cancel any seizures or attachments; order that a copy of the order be issued for registration at a notary's office in the place where the proceedings are taking place and, if applicable, be registered at the corresponding registry office, a copy of which shall be added to the file; and shall order the delivery of the property to the plaintiff, as well as any titles to the awarded property that the defendant has in his possession.

If necessary, the judge shall commission the delivery of the property. Only in cases where the property has not been previously seized shall objections from third parties be heard.

5. If the value of the property awarded exceeds the amount of the credit, the creditor must deposit the difference with the respective court within three (3) days following the expiration of the period for filing an objection, if no objection is filed, or following the ruling that decides the matter. If the creditor does not make the deposit in a timely manner, the provisions of the final paragraph of Article 453 shall apply.

6. This procedure may not be used when the owner's address or whereabouts are unknown, when the property is seized, or when there are creditors with a better security interest.

## CHAPTER VI

### Special Provisions for the Effectiveness of the Security Interest

Article 468. *Special provisions for the effectiveness of the security interest.* When the creditor seeks payment of a monetary obligation exclusively from the proceeds of the assets encumbered by a mortgage or pledge, the following rules shall apply:

1. Requirements of the claim. In addition to meeting the requirements of any enforcement claim, the claim must indicate the assets subject to encumbrance.

The claim shall be accompanied by an enforceable title, as well as the mortgage or pledge, and in the case of the former, a certificate from the registrar regarding the defendant's ownership of the real estate sought and the encumbrances affecting it, within a period of ten (10) years, if possible. In the case of a pledge without possession, the certificate must refer to the validity of the lien. The certificate to be attached to the claim must have been issued no more than one (1) month in advance.

The claim must be brought against the current owner of the real estate, ship, or aircraft that is the subject of the mortgage or pledge.

If the payment of the obligation by the debtor has been agreed in several installments, the claim may request the value of all of them, in which case those not yet due shall become enforceable.

If the registrar's certificate shows that there is an attachment order in enforcement proceedings against the assets encumbered by a pledge or mortgage, the claim must state, under oath, whether the creditor has been summoned in those proceedings and, if so, the date of the notification.

2. Seizure and attachment. Simultaneously with the enforcement order and without the need for security, the judge shall order the seizure and attachment of the mortgaged or pledged property sought in the claim. The registrar shall register the seizure, even if the defendant is no longer the owner of the property. Once the seizure has been certified, if the property no longer belongs to the defendant, the judge shall, ex officio, substitute the current owner, who shall be notified of the payment order. In this process, there shall be no reduction of seizures or benefit of jurisdiction.

3. Order to proceed with enforcement. If no exceptions are proposed and the assets encumbered by a mortgage or pledge have been seized, or the defendant has provided security to avoid or lift the seizure, enforcement shall proceed so that the proceeds may be used to pay the plaintiff's claim and costs.

mortgage or pledge, or the defendant has provided security to avoid or lift it, the execution shall be ordered to proceed so that the proceeds thereof may be used to pay the plaintiff's claim and costs.

The seizure of real estate shall not be necessary in order to order the enforcement to proceed, but it shall be necessary in order to carry out the appraisal and set the date of the auction. When the seizure cannot be carried out due to opposition by the possessor, or is lifted for the same reason, the provisions of paragraph 3 of Article 596 shall apply, without it being necessary to amend the claim.

4. Intervention of third-party creditors. The writ of execution shall order the summons of third-party creditors who, according to the registrar's certificates accompanying the claim, appear to have a mortgage or pledge in their favor on the same property, so that within ten (10) days from their respective notification they may assert their claims, whether or not they are enforceable. The summons shall be made by personal notification, and if a curator *ad litem* is appointed, the deadline for him to file the claim shall be ten (10) days from the date of notification.

Once the third-party creditors have been summoned, all claims filed in a timely manner shall be processed jointly with the initial claim, and the judge shall issue a single writ of execution for those that meet the necessary requirements; for those that do not meet the requirements, the corresponding orders shall be issued separately. The order to proceed with enforcement shall establish the order of priority of the various claims and shall order the debtor to pay the costs incurred in the general interest of the creditors and those incurred by each creditor individually, which shall be settled jointly.

Once the deadline for the aforementioned creditors to appear has passed, the process will proceed until its completion. If, after payment has been made to the plaintiff and the creditors who appeared, there is money left over, the balance shall be retained so that those who did not appear may enforce their claims through enforcement proceedings to be conducted subsequently in the same case file, which must be initiated within thirty (30) days of the aforementioned payment, after which time the balance shall be delivered to the defendant.

5. Auction of assets. The first-degree mortgage creditor may bid based on the settlement of their claim; if the bidder is a second-degree mortgage creditor, they will require the authorization of the first-degree creditor, and so on for the other mortgage creditors.

If the price of the asset is lower than the value of the debt and costs, the asset shall be awarded for that amount; if it is higher, the judge shall order the creditor to deposit the difference between the last approved settlement of the debt and the costs, if any, with the court within three (3) days, in which case the auction shall be approved.

If the creditor fails to make the deposit in a timely manner, the provisions of the final paragraph of Article 453 shall apply.

If there are several creditors and costs have been settled in favor of all of them, the provisions of paragraph 7 of Article 365 shall apply.

When the proceedings concern the validity of the pledge and the latter is valued at no more than one minimum monthly wage, once the appraisal is final, the creditor may request its award within the following five (5) days, for which purpose the rules of this article shall apply as appropriate.

When, despite the auction or award of the property, the obligation is not extinguished, the creditor may pursue other assets of the defendant, without the need to provide security, provided that the defendant is the debtor of the obligation.

6. Concurrence of attachments. An attachment decreed on the basis of a mortgage or pledge subject to registration shall be registered even if another attachment on the same property is in force in an enforcement proceeding for the collection of an unsecured debt. Upon receipt of notification of the new attachment, the registrar shall simultaneously cancel the previous one and immediately report this in writing to the judge who ordered it, who, if the seizure has been carried out, shall forward a copy of the proceedings to the judge conducting the proceedings based on collateral so that it may take effect in those proceedings and shall notify the seizing party accordingly.

In the case of assets not subject to registration, when the judge in the secured proceedings, prior to carrying out the seizure, becomes aware that another enforcement proceeding without such security has already been carried out, he shall issue an official letter to the judge in this proceeding to proceed as provided in the preceding paragraph. If, in the proceeding based on collateral, seizure is carried out on pledged assets that have been seized in an enforcement proceeding without collateral, the judge in that proceeding shall issue an official letter to the judge in this proceeding, requesting that he cancel such measure and communicate that decision to the seizing party.

In any case, the remainder shall be considered seized in favor of the proceeding in which the seizure or attachment referred to in the two preceding paragraphs was canceled.

When different enforcement proceedings order the seizure of the same property based on security interests, the seizure corresponding to the lien that was first registered shall prevail.

The plaintiff in the proceeding whose attachment is canceled may assert his right in the other proceeding within the time limit specified in the first paragraph of section 4. In such a case, if more assets are being pursued in the first proceeding, its processing shall be suspended until the second proceeding is completed, once a copy of the complaint and the payment order have been submitted in that proceeding.

If the proceeds from the auctioned assets in the proceedings in which the seizure prevailed are insufficient to cover the claim collected by the plaintiff in the other proceedings, the latter shall be resumed in order to pay the outstanding portion.

If other creditors are involved in the proceedings in which the seizure is canceled, the proceedings shall continue with respect to them, but when distributing the proceeds of the auction, the amount corresponding to the mortgage or pledge creditor who appeared in the proceedings in which the seizure prevailed shall be reserved.

Once said creditor has been satisfied in full or in part in the other proceedings, the reserved sum or what remains of it shall be distributed among the other creditors whose claims have not been canceled; if there is any remainder and it has not been seized, it shall be delivered to the defendant.

When the attachment is lifted after a ruling on exceptions has been issued, the defendant may not raise them again in the other proceedings.

7. Obligations other than to pay sums of money. If the obligation secured by mortgage or pledge is to deliver a specific item or goods, to do or not to do something, the plaintiff shall proceed in accordance with the provisions of Article 428.

Paragraph. Articles 462, 463, and 600 shall not apply to the proceedings referred to in this article.

## CHAPTER VII

### Enforcement for the Collection of Tax Debts

Article 469. *Enforceable instruments.* Without prejudice to the provisions of special rules, the following shall also be enforceable in enforcement proceedings by coercive jurisdiction:

1. The liquid amounts declared by the comptroller's offices against those responsible for the treasury, contained in final and enforceable rulings.
2. Enforceable rulings by administrative or police officials imposing fines in favor of public law entities, if no other form of collection has been established.
3. Enforceable rulings imposing fines in favor of public law entities in proceedings before the authorities of the jurisdictional branch of the State.
4. Tax assessments contained in enforceable rulings issued by the respective tax officials, payable by taxpayers, certifications issued by national tax administrators or collectors on the amount of the corresponding assessments, and a copy of the private assessment of income tax and supplementary taxes for the collection of overdue payments.

Article 470. *Seizures.* If the debtor does not report assets for payment or if those reported are insufficient, the enforcement official shall request all kinds of information about those belonging to the debtor, and the entities or persons from whom it is requested must provide it, under penalty of successive fines of five (5) to ten (10) minimum monthly wages (smlmv), unless there is a legal reservation.

In the event of concurrent seizures, the provisions of Article 465 shall apply.

Article 471. *Joinder of claims and proceedings, and summons of mortgage creditors.* In coercive jurisdiction proceedings, the joinder of claims or proceedings with titles other than those determined in Article 469 is not admissible.

If the respective certificate from the registrar shows that the seized assets are encumbered, the enforcement officer shall notify the creditor of the existence of the proceedings, by personal notification, so that the creditor may assert its claim before the competent judge.

Any money remaining from the auction of the mortgaged property shall be sent to the judge conducting the proceedings for the collection of the secured claim or deposited to the order of the enforcement entity for the purposes indicated in the preceding paragraph, unless the creditor and the debtor indicate otherwise.

Article 472. *Commissions.* When commissions are applicable, officials vested with coercive jurisdiction shall preferably confer them on another employee of the same class, of equal or lower rank, without prejudice to their ability to commission municipal judges.

## SECTION THREE LIQUIDATION

### PROCESSES TITLE I

#### SUCCESSION PROCESS

### CHAPTER I

#### Preparatory Measures in Testated Successions

Article 473. *Opening and judicial publication of a sealed will in the event of opposition.* For the opening and publication of a sealed will in the event of opposition, the following procedure shall be followed:

1. Once the notary has delivered the cover of the will and a copy of the proceedings before him to the court, and once the signatures have been verified, a record shall be drawn up of the condition of the will, indicating its marks, seals, and other circumstances of interest, and a date and time shall be set for a hearing to resolve the opposition. If the address of the opponent is known, he shall be summoned

by any expeditious means of communication, recording this in the file and informing them of the date and time of the hearing. If the person who filed the opposition fails to appear without just cause or does not ratify it, the judge shall reject it outright, by order that is not subject to appeal. Otherwise, the judge shall order and examine the evidence requested at the hearing and any evidence ordered ex officio, and shall decide.

2. Once the opposition has been rejected, the will shall be opened and published, and shall be recorded by the judge with all the proceedings in one of the notary offices of the place.

3. If the signatures on the cover of the will are not recognized by the notary who authorized it or by any of the witnesses, or if they have not been duly certified, the judge shall proceed to open and publish it and shall record the respective testimony in the minutes.

The judge shall proceed in the same manner when, in the opinion of the notary or the witnesses, the cover shows clear signs of having been opened.

In the above cases, the judge shall rule that the will is not enforceable until its validity has been declared in a formal record, with the summons of those who would be intestate or testamentary heirs under a previous will.

Article 474. *Publication of a will executed before five (5) witnesses.* The publication of a will executed before five (5) witnesses shall proceed as follows:

The request shall be addressed to the judge of the place where it was executed, accompanied by the document containing it and proof of the testator's death.

The judge shall order the summons of the witnesses to attend a hearing, the date and time of which shall be specified, in order for them to recognize their signatures and that of the testator, in the manner provided for in Article 1077 of the Civil Code.

Once the hearing has been convened, if applicable, the judge shall declare the will nuncupative and proceed to initial all pages of the will with his secretary, indicating the date on which he does so, to leave a copy of the proceedings in his file, and to register the file with a local notary.

If the signatures of the testator or witnesses are not recognized or duly authenticated, or if the statements do not indicate that the document is the will of the deceased, the judge shall declare that the document does not have the character of a nuncupative will, without prejudice to the matter being dealt with in a trial, with a hearing of those who would have the character of intestate heirs or executors by virtue of a previous will.

Article 475. *Reduction of the oral will to writing.* The request to reduce the oral will to writing must be submitted to the judge of the place where it was granted, within thirty (30) days following the death of the testator, and shall be subject to the following rules:

1. The document shall be accompanied by proof of the testator's death, and it shall request that statements be taken from the witnesses and other persons who are claimed to have knowledge of the facts relating to the execution of the will, indicating their names, addresses, and places of residence or work.

2. If the request is admissible, the statements shall be heard at a hearing, for which a date and time shall be set, in order to clarify the points referred to in Articles 1094 and 1095 of the Civil Code.

3. Before the hearing is held, the possible interested parties shall be summoned by means of an edict that shall be posted in the office of the clerk for five (5) days and published in the manner provided for the summons.

4. Once the testimonies have been received, the same judge shall issue the ruling ordered by Article 1096 of the Civil Code, provided that the conditions set forth in said rule are met, and shall ascertain the facts indicated therein and order that the proceedings be recorded at the local notary's office, after issuing a copy for its files.

5. When the last will of the testator is not clearly apparent from the statements of the instrumental witnesses, the judge shall declare that no oral will has been made.

6. If, from the statements or other evidence presented at the same hearing, at the request of an interested party or by official decree of the judge, it appears that the testator died more than thirty (30) days after the date on which the will was executed, the judge shall declare it null and void as such.

## CHAPTER II

### Precautionary Measures

Article 476. *Safekeeping and affixing of seals.* Within thirty (30) days following the date of death of the deceased, any person who proves, at least summarily, their actual or presumed interest in the succession proceedings may request that the deceased's personal property and documents be secured under lock and seal.

The request shall be accompanied by proof of the death of the deceased and shall indicate the location of the property.

The judge who is to hear the succession proceedings and the municipal judge in whose territory the property is located shall have jurisdiction over these proceedings.

the property is located.

If the request is admissible, the judge shall order the measure and set a date and time for the proceedings, which shall be carried out within the following two (2) days.

Article 477. *Safekeeping and affixing of seals.* For the purpose of safekeeping and affixing seals, the judge shall proceed as follows:

1. He shall make a list of the household furnishings in everyday use and leave them in the possession of their owner, if there is one and he so requests.
2. He shall make a list of the account books and documents he finds, which he shall place in a cover that he shall close and seal. These documents shall be transferred to the court office for safekeeping and custody.
3. He shall lock the doors of the rooms or premises designated for the safekeeping of the movable property with a key that he shall keep in his possession, and shall affix the court seal to them.
4. He shall order the deposit of jewelry or precious objects in a specialized establishment, if there is one in the locality, or, if not, he shall order their seizure in accordance with Article 480.
5. He shall deposit any money found in the court deposit account.
6. He shall arrange for the police to guard the movable property left in custody and under seal, if he deems it appropriate.
7. The minutes of the proceedings shall be drawn up and signed by those who participated in them.
8. If opposition is presented during the proceedings, the provisions of paragraphs 1 and 2 of Article 596 shall apply to decide on its admission, and if it is admitted, the property shall be left in the possession of the opponent as its custodian.

Article 478. *Termination of custody.* If, within ten (10) days following the proceedings, the succession process has not been initiated, the judge shall lift the above measures, unless the seizure of the property has been requested.

Article 479. *Police measures.* The police authorities may only adopt the measure of affixing seals, subject to the provisions of Article 477; once the proceedings have been concluded, the proceedings shall be referred to the judge competent for the succession proceedings, who shall lift the seals as provided for in the preceding article and notify the official who affixed them.

Article 480. *Seizure and attachment.* Even before the opening of the succession proceedings, any person referred to in Article 1312 of the Civil Code, the permanent partner of the deceased, who can prove even summarily an interest, may request the seizure and attachment of the deceased's assets, whether personal or corporate, and those that form part of the marital or patrimonial property held by the spouse or permanent partner.

In order to carry out the seizure and attachment, the judge shall, in addition to the provisions of the general rules, proceed as follows:

1. When delivering the property to the sequestrator, the judge shall ensure that the property belongs to the deceased, spouse, or permanent partner and, to that end, shall examine the documents found or presented to him or her and question the interested parties and other persons attending the proceedings.
2. If the assets are in the possession of a person who has them by court order, the seizure shall not be carried out.
3. If it is proven that the measures ordered relate to property belonging to the spouse or permanent partner, they shall refrain from carrying them out. If they have already been carried out, the interested party may file a motion to have them lifted.
4. If there are consumable assets, the proceedings shall authorize the seizure to dispose of them.
5. The assets delivered to the sequestration shall be listed in the record.

Seizure and attachment may also be ordered after the succession process has begun and before the judgment approving the partition has been issued.

Article 481. *Termination of seizure.* The seizure shall terminate:

1. When, by order of the judge, the assets must be delivered to the administrator of the estate.
2. When, by court order, the assets must be handed over to an executor with custody of the assets.
3. When it is ordered that the assets be delivered to an heir, spouse, or surviving permanent partner recognized as such in the proceedings.

In these cases, if the sequestrator refuses to make the delivery, it shall be carried out with the intervention of the judge, without any opposition or right of retention being admitted.

### CHAPTER III

#### Unclaimed Inheritance

Article 482. *Declaration of escheat.* If, fifteen (15) days after the opening of the succession, the inheritance or a share thereof has not been accepted, and there is no executor with possession of the property who has accepted the position, the judge, either ex officio or at the request of the spouse, permanent partner, any of the relatives or dependents of the deceased, or anyone who intends to bring a claim in respect thereof, shall declare the inheritance vacant and appoint an administrator.

The application shall list and determine the known assets of the deceased and indicate their location, and shall be heard by the judge competent for the succession proceedings.

Article 483. *Procedure.* Once the above has been completed, the following procedure shall be followed:

1. The judge shall order the summons of all those who are believed to have the right to intervene in the succession in the manner provided for in this code. If there is a will, personal notification or, failing that, the summons of the heirs and legatees shall also be ordered.
2. When the deceased has foreign heirs, the consul of the country to which they belong may propose a candidate for administrator, whom the judge shall accept if he or she is suitable. The request shall be accompanied by proof of the existence of such heirs.
3. Once the administrator has taken office, the judge shall order him to provide security within ten (10) days, and if he fails to do so, the judge shall proceed to replace him. Once the security has been provided, the judge shall assign him the position and set a date and time for the delivery of the estate, listing the assets in detail in the respective record.
4. If two (2) years have elapsed since the death of the deceased without any heirs appearing, the judge, either ex officio or at the request of the administrator, shall order the auction of the estate, after giving written notice to the director of the Colombian Institute of Family Welfare.

The costs incurred by the administration and the fees charged by the judge to the administrator shall be deducted from the sale price, and the surplus shall be deposited with the Superior Council of the Judiciary.

5. In order to cover the payment of administration expenses or debts that could not be covered with the money from the inheritance, the auction of certain assets may be ordered at any time, subject to prior appraisal.

6. The auction of assets from the estate shall be subject to the provisions on this matter in the division process.

7. Creditors with enforceable titles against the deceased and those named in the will may request recognition of their claims at any time. Their request shall be forwarded to the administrator for three (3) days, after which a decision shall be made on its acceptance.

Requests made after the sale and completion of administration shall be resolved after referral to the Public Prosecutor's Office.

8. The administrator may deliver to the legatees the movable property and money bequeathed to them, in accordance with Article 1431 of the Civil Code, with the prior authorization of the judge at the request of the administrator or the interested party. When the request is not made by the administrator, the transfer ordered in the preceding paragraph shall be made.

If there are bequests of real estate, the legatees may request the award. Their requests shall be forwarded to the administrator for three (3) days, and the judge shall resolve them in a ruling to be issued six (6) months after the declaration of vacancy, or upon approval of the partition if heirs have come forward in the meantime.

Article 484. *Powers and duties of the administrator.* The administrator represents the estate in abeyance and shall have the powers and duties of a sequestrator, in addition to those specifically assigned to him by law. He shall be subject to the grounds for removal of the administrator and those of the sequestrator, and the procedure for rendering accounts shall be subject to the provisions established for sequestrators.

Article 485. *Declaration of vacancy.* If ten (10) years have elapsed since the death of the deceased without any heirs coming forward to claim the estate, the judge, either ex officio or at the request of the interested party, shall declare it vacant and shall allocate the money referred to in paragraph 4 of Article 483 as provided for by substantive law.

Article 486. *Transformation of proceedings into succession proceedings.* If heirs or spouses appear before the declaration of vacancy, the proceedings shall continue as succession proceedings, without the need for a new summons.

#### CHAPTER IV

##### Inheritance Proceedings

Article 487. *Preliminary provisions.* Testated, intestate, or mixed successions shall be settled by the procedure set forth in this Chapter, without prejudice to the notarial procedure provided for by law.

Marital or patrimonial partnerships that for any reason are pending liquidation on the date of the death of the deceased, and those dissolved on the occasion of said death, shall also be liquidated within the same process.

Paragraph. The partition of assets that a person spontaneously wishes to carry out during their lifetime to allocate all or part of their property, with or without reservation of usufruct or administration, must, subject to judicial authorization, be carried out by means of a public deed, which must also

respect compulsory allocations, the rights of third parties, and marital property. In the case of the latter, the consent of the spouse or partner shall be required.

The heirs, spouse, or permanent partner, and third parties who can prove a legitimate interest may request its rescission within two (2) years from the date on which they became aware or should have become aware of the partition.

This partition does not require a succession process.

NOTE: Paragraph declared ENFORCEABLE by the Constitutional Court in Ruling C-683 of 2014.

Article 488. *Lawsuit*. Upon the death of a person, any of the interested parties indicated in Article 1312 of the Civil Code or the permanent partner with a recognized property partnership may request the opening of the succession process. The lawsuit must contain:

1. The name and address of the claimant and an indication of their interest in bringing the claim.
2. The name of the deceased and their last address.
3. The name and address of all known heirs.
4. A statement as to whether the inheritance is accepted purely and simply or with the benefit of inventory, in the case of an heir. If no statement is made, it will be understood that the inheritance is accepted with the benefit of inventory.

Article 489. *Annexes to the claim*. The following annexes must be submitted with the claim:

1. Proof of the death of the deceased.
2. Copy of the will and the deed recording the proceedings, and of its opening and publication, as applicable.
3. Proof of civil status certifying the degree of kinship between the claimant and the deceased, in the case of intestate succession.
4. Proof of the existence of the marriage, marital union, or recognized property partnership if the claimant is the spouse or permanent partner.
5. An inventory of the deceased's assets and debts, and of the assets, debts, and compensation corresponding to the marital or property partnership, together with any evidence available in this regard.
6. An appraisal of the estate's assets in accordance with the provisions of Article 444.
7. Proof of the claim invoked, if the claimant is an heir.
8. Proof of the marital status of the beneficiaries, spouse, or permanent partner, when their existence is referred to in the claim, without prejudice to the provisions of Article 85.

Article 490. *Opening of the proceedings*. Once the claim has been filed with the legal requirements and attachments, the judge shall declare the succession proceedings open, order notification of the known heirs and the spouse or permanent partner for the purposes set forth in Article 492, and summon any others who believe they have the right to intervene in the proceedings, in the manner provided for in this code. If the petition does not identify any known heirs and the petitioner is not an heir, the judge shall order notification of the Colombian Family Welfare Institute or other legally competent entities. In any case, the judge shall also order notification of the National Tax and Customs Directorate.

The order denying the opening of the succession process is appealable.

Paragraph 1. The Superior Council of the Judiciary shall maintain the National Registry of the Opening of Succession Proceedings and shall regulate the manner in which it is publicized.

When circumstances so require, the judge shall order publication on a radio station with wide coverage in the locality or region of the deceased's last domicile.

Paragraph 2. [Corrected by Article 12, National Decree 1736 of 2012](#). The National Registry of the Opening of Succession Proceedings shall be available on the website of the Superior Council of the Judiciary.

Paragraph 3. If, in the course of the proceedings, the existence of an heir, spouse, or permanent partner becomes known, they shall be notified in person or by notice.

In the case of children, adolescents, or incapacitated persons, notification shall be made through their legal representative and, if applicable, a guardian *ad litem* shall be appointed.

Article 491. *Recognition of interested parties*. The following rules shall apply to the recognition of interested parties:

1. The order declaring the proceedings open shall recognize the heirs, legatees, spouse, permanent partner, or executor who have requested the opening of the proceedings, if proof of their respective status is provided.

2. Creditors may assert their claims in the proceedings until the inventory process is completed, during which time a decision will be made on their inclusion in the inventory.

3. From the time the proceedings are declared open until the judgment approving the final partition or distribution of assets becomes final, any heir, legatee, or assignee thereof, the spouse or permanent partner, or the executor may request recognition of their status. In the case of an heir, the provisions of paragraph 4 of Article 488 shall apply. If a partial partition has been approved, it may not be modified in the same proceedings.

If the allocation is subject to a condition precedent, proof of the fact that the condition has been fulfilled must be provided.

Interested parties who appear after the opening of the proceedings shall accept them in their current state.

4. When heirs or legatees have been recognized and others come forward, they shall only be recognized if they have equal or better rights.

The request of anyone claiming to be an heir or legatee with a better right shall be processed as an incidental proceeding, without prejudice to the defeated party asserting its right in a separate proceeding.

5. The acquirer of all or part of the rights of an assignee may request, within the time limit indicated in paragraph 3, to be recognized as an assignee, for which purpose the request shall be accompanied by proof of his or her status.

6. When, in ruling on the recognition of an interested party, the judge finds deficiencies in the proof of the status invoked or in the legal capacity of their representative or attorney-in-fact, they shall deny it until such deficiencies are remedied.

7. The orders accepting or denying the recognition of heirs, legatees, assignees, spouses, or permanent partners, as well as those deciding on the incident referred to in paragraph 4, are appealable with deferred effect; but if at the same time they decide on the opening of the succession, the appeal shall have devolutive effect.

*Article 492. Requirement for heirs to exercise their right of option, and for the surviving spouse or partner.* For the purposes set forth in Article 1289 of the Civil Code, the judge shall require any assignee to declare, within a period of twenty (20) days, which may be extended for another equal period, whether they accept or reject the assignment granted to them, and the judge shall order the requirement if the status of assignee appears in the file, or the petitioner submits the respective evidence.

The same procedure shall be followed with respect to the surviving spouse or partner who has not appeared in the proceedings, so that they may state whether they opt for community property, conjugal or marital portion, as the case may be.

The summons shall be made by notification of the order declaring the succession proceedings open, in the manner provided for in this code.

If the whereabouts of the assignee, spouse, or permanent partner are unknown and they have no representative or attorney-in-fact, they shall be summoned in the manner indicated in this code. Once the summons has been served, if they have not appeared, a guardian shall be appointed, who shall be requested to do so for the purposes indicated in the preceding paragraphs, as appropriate. The guardian shall represent the absent party in the proceedings until they appear, and in the case of assignees, may ask the judge to authorize them to repudiate. The guardian of the spouse or permanent partner shall proceed as provided for in Article 495.

Beneficiaries who have been notified personally or by notice of the opening of the succession process and who do not appear shall be presumed to have renounced the inheritance, in accordance with the provisions of Article 1290 of the Civil Code, unless they can prove that they had previously accepted it expressly or tacitly. Under no circumstances may these beneficiaries challenge the partition after the judgment approving it has become final.

When the succession process has been initiated by a creditor and no heir has accepted the inheritance, nor has the Colombian Institute of Family Welfare done so, the judge shall declare the process terminated two (2) months after the expiration of the summons provided for in Article 490, unless the spouse or permanent partner has appeared to assert their right.

*Article 493. Acceptance by the creditors of the assignee.* In order to initiate the succession process or to intervene in it, as long as no judgment approving the partition or award of assets has been issued, any creditor of an heir or legatee who has repudiated the assignment may request the judge to authorize them to accept it up to the amount of their credit, for which they must affirm under oath, which shall be deemed to have been given by the filing of the brief, that the repudiation causes them harm.

The judge shall grant the authorization if accompanied by a document proving the claim, even if it is subject to a term or pending condition. The order denying the request during the course of the proceedings is appealable with deferred effect; the order granting it is appealable with immediate effect.

*Article 494. Repudiation of allowances in favor of incapacitated or absent persons.* The request for authorization to repudiate allowances in favor of incapacitated or absent persons shall be processed as an incidental proceeding, with the intervention of the Public Prosecutor's Office and the family defender. The order deciding on the matter is appealable with deferred effect.

*Article 495. Choice between marital property and community property.* When the spouse or permanent partner can choose between marital property and community property, they must make the choice before the inventory and appraisal proceedings. If they remain silent, it shall be understood that they have opted for community property. If they are not entitled to community property, it shall be understood that they have opted for marital property.

it shall be understood that they have opted for joint property. If they are not entitled to joint property, it shall be understood that they have opted for the marital portion.

If the spouse or permanent partner chooses the marital portion or marital share, as the case may be, and abandons their own assets, these shall be included in the corresponding assets.

Article 496. *Administration of the inheritance.* From the opening of the succession process until the execution of the judgment approving the partition or allocation of assets, the administration of these assets shall be subject to the following rules:

1. It shall be administered by the executor with possession of the assets and, in the absence of the latter, by the heirs who have accepted the inheritance, in accordance with the provisions of Article 1297 of the Civil Code. The assets of the marital or patrimonial partnership shall be administered jointly by the surviving spouse, permanent partner, and executor, or by the latter and the aforementioned heirs, as the case may be.
2. In the event of disagreement between the heirs, or between them and the surviving spouse or permanent partner, or between any of the above and the executor, regarding the administration of the estate, the judge, at the request of any of them, shall order the seizure of the assets, without prejudice to the executorship.
3. Any differences that arise between the surviving spouse or permanent partner or the heirs and the executor shall be resolved by the judge, either outright if there are no facts to prove, or by means of an incidental proceeding if otherwise. The order resolving these requests is only subject to appeal for reconsideration.

Article 497. *Request to the executor.* From the moment the succession process is initiated, any of the heirs may request that the executor be asked to state whether he or she accepts the position, under the terms and for the purposes of Article 1333 of the Civil Code.

Article 498. *Delivery of assets to the executor.* The judge shall deliver to the executor who has accepted the position the assets under his or her management, in a proceeding for which the judge shall set a date and time. If the executor fails to appear, his appointment shall be declared expired, unless within three (3) days he presents at least summary evidence that he had justifiable grounds for doing so. With regard to corporate assets, the provisions of Article 496 shall be taken into account.

When there are several executors with joint ownership of assets and powers, the handover shall be made in a single act to all those who have accepted the position. If the testator divided the powers of the executors, the assets to be administered by each of them shall be separated during the proceedings.

The assets shall be deemed to have been delivered and the proceedings shall be dispensed with if the executor declares that he has the assets in his possession and presents a list of them.

Article 499. *Powers, duties, and removal of the executor.* The executor with possession of assets, in addition to the powers and duties assigned to him by the Civil Code, shall have those of a sequestrator.

Requests for the removal of the executor in the cases provided for in the Civil Code shall be resolved by means of an incidental proceeding. The order resolving the matter shall only be subject to appeal for reconsideration.

Article 500. *Restitution of property by the executor, rendering of accounts, and fees.* The executor holding the property shall deliver the property he has administered to the appropriate person. The proceeding shall be conducted with the intervention of the judge and no objections shall be admitted; however, it may be dispensed with if the assignees declare that they have received the property.

While the succession process is ongoing, the executor's accounts, once the term of office has expired, shall be processed as follows:

1. If they are not submitted spontaneously, the judge, at the request of any of the heirs, shall order them to be submitted within the period specified, which may not exceed twenty (20) days.
2. Once the accounts have been rendered, they shall be forwarded to the heirs for ten (10) days, and if they expressly accept them or remain silent, the judge shall approve them and order the payment of the balance in favor of or against the executor, by means of an order that is not subject to appeal and is enforceable.
3. Anyone who objects to the accounts must explain the reasons for their disagreement and make an estimate of them. The objection shall be processed by means of an incidental proceeding, and in the order resolving it, a fine of ten times the current minimum monthly wage (smlmv) shall be imposed on the executor if the accounts rendered differ by more than thirty percent (30%) from the judge's adjustment, or on the objector if the objection is found to be reckless.
4. If the accounts are rejected, the judge shall declare the proceedings terminated, so that they may be rendered in a separate proceeding.

When the testator has not specified the executor's fees, the judge shall regulate them in the order approving them. The provisions of this article shall apply, as appropriate, to receivers.

Article 501. *Inventory and appraisals.* Once the summons and communications provided for in Article 490 have been made, a date and time shall be set for the inventory and appraisal proceedings, in which the following rules shall apply:

1. The hearing may be attended by the interested parties listed in Article 1312 of the Civil Code and the permanent partner. The inventory shall be drawn up by mutual agreement between the interested parties in writing, indicating the values they assign to the assets, in which case it shall be

approved by the judge.

The assets of the estate shall include the property reported by any of the interested parties.

The liabilities of the estate shall include the obligations recorded in an enforceable title, provided that they are not objected to at the hearing, and those which, despite not having such status, are expressly accepted at the hearing by all the heirs or by the heirs and the spouse or permanent partner, when they concern the marital or patrimonial partnership. Otherwise, objections shall be resolved in the manner indicated in paragraph 3. Those who do not attend the hearing shall be deemed to accept the debts that the others have admitted.

The claims of creditors who attend the hearing shall also be included in the liabilities. If they are objected to, the judge shall resolve them in the manner indicated in paragraph 3, and if the objection is upheld, the creditor may assert his or her right in separate proceedings.

If no objections are raised, the judge shall approve the inventories and appraisals. The same shall be provided for in the ruling deciding on the objections raised.

2. When the marital or patrimonial partnership is to be liquidated in the succession process, the corresponding assets and liabilities shall be listed in the inventory, for which purpose the provisions of Article 4 of Law 28 of 1932 shall be followed, in compliance with the provisions of the preceding paragraph, as applicable.

The assets of the marital partnership shall include any compensation owed to the partnership by either spouse or permanent partner, provided that it is reported by the obligated party or that the obligated party expressly accepts the compensation reported by the other party, as well as any movable and immovable property expressly contributed in the marriage or marital agreement. In all other cases, the provisions of the following paragraph shall apply.

The liabilities of the marital or patrimonial partnership shall include compensation owed by the partnership to either spouse or permanent partner, for which the provisions of the preceding paragraph shall apply.

Assets that, according to the titles, belong to the surviving spouse shall not be included in the inventory. If they are included, the judge shall decide as indicated in the following paragraph.

The purpose of an objection to the inventory shall be to exclude items that are considered to have been improperly included or to include debts or compensation owed, either in favor of or against the estate.

All objections shall be decided at the continuation of the hearing by means of an appealable order.

3. To resolve disputes over objections related to inventories and appraisals or the inclusion or exclusion of corporate assets or debts, the judge shall suspend the hearing and order the taking of evidence requested by the parties and that which he or she considers *ex officio*, which shall be taken at the continuation of the hearing. In the same decision, the judge shall set a date and time for the hearing to continue and shall advise the parties that they must submit documentary evidence and opinions on the value of the assets no less than five (5) days prior to the date set for the hearing to resume, during which time they shall be kept in the court clerk's office at the disposal of the parties.

At the continuation of the hearing, the witnesses and experts who have been summoned shall be heard, and the judge shall decide in accordance with the evidence provided and examined. If the appraisals are not presented at the time indicated in the preceding paragraph, the judge shall average the values estimated by the interested parties, without exceeding twice the cadastral appraisal.

Article 502. *Additional inventories and appraisals.* When assets or debts have not been inventoried, additional inventories and appraisals may be submitted. These shall be transferred for three (3) days, and if objections are raised, they shall be resolved at a hearing to be held within five (5) days following the expiration of said transfer.

If the process is completed, the order for the transfer shall be notified by notice.

If no objections are raised, the judge shall approve the inventory and appraisals. The same shall be provided for in the ruling deciding on the objections raised.

Article 503. *Payment of debts.* Once the inventory and appraisals are final, if there is money available for the payment of any debt and the interested parties jointly request it, the judge may authorize the payment. If there is insufficient money to pay the inheritance debts or enforceable legacies, the spouse, the executor, or any of the heirs may request payment in kind or the sale of certain assets at public auction or on a stock exchange, if applicable.

The judge shall decide on the request after hearing the interested parties, for which purpose they shall be given three (3) days' notice in the manner provided for in Article 110, unless the request is made jointly.

The proceeds of the sale shall be used to pay the debts of the estate or the legacies, subject to the provisions of Article 1431 of the Civil Code.

Article 504. *Delivery of legacies in kind.* Legacies of movable property may be delivered to the assignee, taking into account the provisions of Article 1431 of the Civil Code, with the authorization of the judge.

Legatees may not initiate enforcement proceedings to collect their assignment until the partition or allocation of assets has been approved.

**Article 505. Exclusion of property from partition.** In the event of proceedings having been brought concerning the ownership of inventoried assets, the spouse or permanent partner, or any of the heirs, may request that those assets be excluded in whole or in part from the partition, as the case may be, without prejudice to the fact that if the dispute is decided in favor of the inheritance, the provisions of Article 1406 of the Civil Code shall apply.

This request may only be made before the partition is decreed and shall be accompanied by a certificate of the existence of the proceedings and a copy of the complaint, the order of admission, and its notification.

**Article 506. Benefit of separation.** Until the partition has been decreed or the award approved in the proceedings, the creditors of the estate and the creditors under the will may request that the benefit of separation be recognized.

The judge shall grant the benefit if it is appropriate under the Civil Code, provided that the request is accompanied by a document stating the credit, even if it is not enforceable, and indicating the assets it covers. This request shall be processed as an incidental proceeding, and the order deciding it shall only be subject to appeal.

**Article 507. Decree of partition and appointment of partitioner.** The petition to open the succession process is understood to include the request for partition, provided that the person who has filed it is entitled to do so.

Once the inventory and appraisal have been approved, the judge shall, at the same hearing, decree the partition and recognize the partitioner appointed by the interested parties or the testator; if they have not done so, the judge shall appoint a partitioner from the list of court officers.

When there are marital or patrimonial assets and, at the same hearing, the spouse or permanent partner states that they do not accept the testamentary partitioner, the judge shall appoint another from the list of court officers.

The order decreeing the partition implies judicial authorization to carry it out if there are incapacitated persons, in which case the judge shall appoint the partitioner. In any case, a deadline shall be set for the presentation of the work.

The interested parties may carry out the partition themselves or through their legal representatives, if they so request at the same hearing, even if there are incapacitated persons.

**Article 508. Rules for the partitioner.** In his work, the partitioner shall be subject to the following rules, in addition to those established in the Civil Code:

1. He may ask the heirs, spouse, or permanent partner for the instructions he deems necessary in order to make the awards in accordance with them, in everything they agree upon, or to reconcile their claims as far as possible.
2. When he considers that it is appropriate to apply the first rule of Article 1394 of the Civil Code, he shall express this to the judge, indicating the items that in his opinion should be auctioned, so that the judge may summon the heirs and the spouse to a hearing in order to hear their offers and decide what is appropriate. The basis for the bids shall be the total appraisal made in the proceedings, and the order awarding the bid shall have the same effect as the approval of the auction.  
Any of the interested parties may request at the hearing that outside bidders be admitted, in which case the auction shall proceed as provided in Article 515.
3. When there are items that cannot be divided or whose division would diminish their value, the award shall be made jointly and severally.
4. For the payment of outstanding debts listed in the inventory, a sufficient portion of the estate shall be set aside to cover the debts, which shall be awarded to the heirs jointly, or to them and the spouse or permanent partner if such debts are those of the marital or patrimonial partnership, unless all agree that the award of the portion of the estate shall be made in a different manner.
5. The judge may request the sale of certain assets at public auction or on the stock exchange, when deemed necessary to facilitate the partition. The request shall be forwarded to the heirs and the spouse in the manner provided for in Article 110 for three (3) days, after which the judge shall decide on the appropriate course of action.

The same request may be made when authorization to carry out the partition has been obtained from the interested parties, and if it is signed by all, the judge shall grant it.

**Article 509. Presentation of the partition, objections, and approval.** Once the partition has been presented, the following procedure shall be followed:

1. The judge shall issue a ruling of approval if the heirs and the surviving spouse or permanent partner so request. In all other cases, the judge shall transfer the partition to all interested parties for a period of five (5) days, within which they may raise objections, stating the facts on which they are based.
2. If no objections are raised, the judge shall issue a ruling approving the partition, which is not subject to appeal.
3. All objections raised shall be dealt with jointly as an incidental proceeding, but if none are upheld, the judge shall so declare in the

ruling approving the partition.

4. If the judge finds any objection to be well-founded, he shall resolve the incident by order, in which he shall order that the partition be redone within the period he specifies and shall state specifically how it should be modified. Said order shall be communicated to the partitioner by the most expeditious means.

5. Whether or not objections have been raised, the judge shall order that the partition be redone when it is not in accordance with the law and the spouse or permanent partner, or some of the heirs, are incapacitated or absent and have no representative.

6. Once the partition has been redone, the judge shall approve it by judgment if he finds it to be in accordance with the order that required its modification; otherwise, he shall issue an order requiring the partitioner to readjust it within the period specified.

7. The judgment concerning property subject to registration shall be recorded, as shall the shares, in the respective offices, in a copy that shall then be added to the file.

The partition and the ruling approving it shall be recorded at a notary's office in the place determined by the judge, which shall be noted in the file.

Article 510. *Replacement of the partitioner.* The judge shall replace the partitioner if he fails to present the partition or does not redo or readjust it within the specified period, and shall impose a fine of one (1) to ten (10) minimum monthly wages.

Article 511. *Auction of assets to pay debts.* Both the successful bidders and the creditors may request that the awarded assets be auctioned to pay debts.

The request must be made within five (5) days following the enforcement of the judgment approving the partition, or the notification of the order to comply with the decision of the superior court.

Article 512. *Delivery of assets to successful bidders.* The delivery of assets to successful bidders shall be subject to the rules of Article 308 of this code and shall be verified once the partition has been registered.

If, at the time of delivery, the property is in the possession of a person who can prove, even summarily, title of ownership from the deceased or the successful bidder, delivery shall be made without prejudice to the rights of the holder, but the holder shall be warned that in future all dealings shall be with the successful bidder, who in the first instance shall be deemed to have subrogated to the rights of the deceased.

If the goods are in the possession of a person who claims material possession, or of a holder who derives their rights from a third-party possessor, the provisions of Article 309 shall apply, provided that they prove, even summarily, their respective capacities.

No objections shall be admitted from the heirs, the sequestrator, or the executor. However, the heirs may claim a right of retention for improvements made to the property before the death of the deceased, or subsequently with the knowledge and consent of the successful bidder, in which cases the provisions of Article 310 shall apply.

Article 513. *Award of the inheritance.* The sole heir shall request that the inventoried assets be awarded to him or her, for which purpose he or she shall submit the corresponding work with the specifications set forth in the inventory proceedings and those of the titles of acquisition and their registration, in the case of assets subject to this. In the event that testamentary debts are to be paid, he or she shall determine the assets from which the payment is to be made.

The judge shall issue a ruling approving the award provided that the work meets the above requirements. The ruling shall be registered in the manner provided for the approval of the partition.

Article 514. *Additional award.* When, after the inheritance process has been completed, new assets of the deceased appear or if inventoried assets have not been awarded, the provisions of Articles 513 and 518 shall apply as appropriate.

Article 515. *Auctions during the process.* Auctions held during the succession process shall be subject to the provisions of Article 411.

When auctions involve assets subject to registration, they may not be decreed until a certificate of ownership and freedom of the assets has been presented, which shall be extended to a period of ten (10) years for real estate, if possible, and if seizure has been carried out. The case contemplated in paragraph 2 of Article 508 is exempt from the provisions of this article.

Article 516. *Suspension of partition.* The judge shall order the suspension of the partition for the reasons and in the circumstances set forth in Articles 1387 and 1388 of the Civil Code, provided that it is requested before the judgment approving the partition or award becomes final, and the certificate referred to in the second paragraph of Article 505 must be submitted with it. The order resolving the matter is appealable with suspensive effect.

Once the respective proceedings have been completed, the succession proceedings shall be resumed, taking into account the decisions made in those proceedings. The assignee whose claims have been upheld may request that the inventories and appraisals be redone.

Article 517. *Partition by the testator.* If the testator has made the partition in accordance with Article 1375 of the Civil Code, the following procedure shall be followed:

1. Once the inventories and appraisals have been approved, the judge shall issue a ruling approving the partition, provided that it relates solely to the inherited property, that it is not contrary to law, and that it is not necessary to form a list of debts or that the list provided by the testator is sufficient. If the partition includes the liquidation of the marital or patrimonial partnership, it shall be necessary for the spouse or permanent partner to expressly accept it.
2. If the requirements indicated in the previous paragraph are not met, the partition shall be carried out by the partitioner appointed, subject to the rules contained in this Chapter, respecting the testator's wishes as far as possible.

Article 518. *Additional partition.* An additional partition shall be made when new assets of the deceased or of the marital or patrimonial partnership appear, or when the partitioner failed to award inventoried assets. For these purposes, the following rules shall apply:

1. The request may be made by any of the heirs, the spouse, the permanent partner, or the partitioner when assets have been omitted, and it shall include a list of those to whom it applies.
2. The additional partition shall be heard by the same judge before whom the succession was filed, without the need for distribution. If the file has been registered, a copy of the proceedings for the recognition of heirs, the inventory, the partition or award, and the approval ruling, its notification and registration, and any other relevant documents shall be attached. Otherwise, the proceedings shall be carried out in the same file.
3. If the request is not signed by all the heirs and the spouse or permanent partner, the others shall be notified by notice and given ten (10) days to respond, in the manner provided for in Article 110.
4. Once the transfer period has expired, if objections are raised, a hearing shall be scheduled and the provisions of Article 501 shall apply.
5. The subsequent procedure shall be subject to the provisions of Articles 505 to 517.

Article 519. *Procedural succession.* If any of the assignees dies after having been recognized in the proceedings, any of their heirs may intervene in their place for the purposes of Article 1378 of the Civil Code, but in the partition or award of assets, the inheritance shall be made in the name and in favor of the deceased.

## CHAPTER V

### Accumulation of Successions

Article 520. *Succession of both spouses or permanent partners.* In the same succession proceedings, the inheritance of both spouses or permanent partners and the respective marital or patrimonial partnership may be settled. The judge responsible for the succession of either of them shall have jurisdiction.

For the purposes indicated in the preceding paragraph, the succession proceedings of one spouse or permanent partner may be directly joined with those of the other spouse or partner that are initiated at a later date; if they have been brought separately, any of the recognized heirs may request the joinder. In both cases, the request shall be accompanied by proof of the existence of the marriage or the property partnership of the deceased if it is not included in the file, and the provisions of Articles 149 and 150 shall apply. If, due to the amount involved, the judge is unable to hear the new case, he shall refer both to the competent court.

The request for joinder of proceedings may only be made before the partition or award of assets in any of them has been approved.

## CHAPTER VI

### Special Conflict of Jurisdiction

Article 521. *Abstention from continuing to process the case.* Any of the parties may request the judge hearing a succession case, if they consider him or her to be incompetent on the grounds of jurisdiction, to abstain from continuing to hear the case. The request shall indicate which judge has jurisdiction and shall be decided outright if it is submitted by all interested parties; otherwise, it shall be processed as an incidental proceeding. If the request is granted, the same order shall require that the file be forwarded to the appropriate judge, and the provisions of the second to fourth paragraphs of Article 139 shall apply.

Article 522. *Succession proceedings before different judges.* When two or more succession proceedings are brought against the same deceased person, any of the interested parties may request that the proceedings registered subsequently in the National Registry of Succession Proceedings be declared null and void.

The request shall be submitted with proof of the applicant's interest, certificates of the existence of the proceedings and their current status, and shall be processed as an incidental proceeding after the files have been received, the referral of which shall be ordered by the judge or court.

If the judge is aware that the same succession proceedings are being conducted before a notary, he or she shall instruct the notary to suspend the proceedings.

## TITLE II

LIQUIDATION OF MARITAL OR PATRIMONIAL COMPANIES FOR REASONS OTHER THAN THE DEATH OF THE SPOUSES OR PERMANENT PARTNERS

Article 523. *Liquidation of marital or patrimonial property due to a court ruling.* Either spouse or permanent partner may request the liquidation of the marital or patrimonial partnership dissolved by court order before the judge who issued the order, so that it may be processed in the same case file. The claim must contain a list of assets and liabilities, indicating their estimated value.

When the dissolution has been declared by a ruling issued by a religious authority, a copy of the ruling shall also be attached to the claim.

The judge shall order the transfer of the claim for ten (10) days to the other spouse or permanent partner by means of an order that shall be notified by the court if it has been filed within thirty (30) days following the enforcement of the judgment that caused the dissolution; otherwise, the notification shall be personal.

The defendant may only raise the preliminary objections set forth in paragraphs 1, 4, 5, 6, and 8 of Article 100. The defendant may also raise as objections *res judicata*, that the marriage or de facto marital union was not subject to the community property regime, or that the marital or patrimonial partnership has already been liquidated, which shall be processed as preliminary objections.

The defendant may also object to the inventory of assets and debts in the manner provided for in the succession process.

If the defendant does not raise any exceptions or if the proposals fail, the rules established for the summons, the inventory and appraisal proceedings, and the partition in the succession process shall be observed, as appropriate.

Once the claim has been admitted, the transfer has been made, or the preliminary objections have been resolved unfavorably to the defendant, as the case may be, the judge shall order the summons of the creditors of the marital partnership to assert their claims. The summons shall be subject to the rules provided for in this code.

Paragraph one. In the case of the liquidation of a marital partnership dissolved by a judgment of nullity issued by a religious authority, the judge shall rule on its approval in the order transferring the claim to the defendant, arrange for its registration in the civil marriage registry, and issue a copy thereof for the file.

Paragraph two. The provisions of this article shall also apply to the request of either of the permanent partners or their heirs for the liquidation of the property partnership, and to the additional liquidation of marital or property partnerships, even when the initial liquidation has been processed before a notary.

TITLE III

DISSOLUTION, NULLITY, AND LIQUIDATION OF PARTNERSHIPS

Article 524. *Standing.* Any of the partners may file a lawsuit to declare the nullity of the partnership agreement or the dissolution of the partnership, invoking any of the grounds provided for in the law or in the agreement.

The liquidation rules contained in this title shall not apply to insolvency proceedings governed by Law 1116 of 2006 or the provisions that modify, replace, or add to it.

Article 525. *Procedure.* The matters referred to in the preceding article shall be dealt with in accordance with the general rules of verbal proceedings.

Article 526. *Involvement of the company and its partners.* Before transferring the claim, the judge shall order the legal representative of the company to immediately inform all partners of the existence of the proceedings.

Article 527. *Defense by the company.* The company may exercise its defense under the terms set forth for summary proceedings. Article 528.

*Initial hearing.* At the initial hearing, the judge shall urge the partners to settle their differences and appoint a liquidator.

In all other respects, the provisions of Articles 372 and 373 shall apply.

Article 529. *Judgment.* If, in the judgment, the judge decrees the total nullity of the articles of association or the dissolution of the company, he or she shall:

1. Appoint a liquidator from the list of court officials and order their registration in the commercial register.
2. Set the liquidator's remuneration in accordance with the tables established by the Superior Council of the Judiciary.
3. Order that the words "in liquidation" be added to the company name.
4. Order the registration of the ruling in the commercial register of the Chamber of Commerce of the main domicile, and in the places where it has branches, agencies, or commercial establishments.
5. Order the liquidator to provide security for the management of the company's assets within the period specified, the amount of which shall be determined at his or her discretion

judgment.

6. Order the seizure and attachment of all assets owned by the company.

7. Order that the judges of the domicile of the company, its branches, agencies, or commercial establishments, and the officials who may have coercive jurisdiction, be notified of the existence of the proceedings, so that they refrain from initiating or continuing enforcement proceedings against the company.

The enforcement proceedings against the company, as well as the precautionary measures decreed and carried out therein, shall remain at the disposal of the judge hearing the liquidation, for which purpose they shall be immediately referred and incorporated.

Article 530. *Rules of liquidation.* The liquidation shall proceed as follows:

1. Once the liquidator has taken office, he or she shall prepare an inventory of assets and liabilities and submit it within the time limit granted by the judge, taking into account the size of the company and the number of creditors.

Liabilities shall be presented in accordance with the legal order of priority and shall be updated to the date on which the judgment declaring the nullity or ordering the liquidation becomes final, including principal, legal or contractual penalties, and the corresponding interest.

The assets shall be listed one by one, indicating quantity, quality, nomenclature, and any other information necessary for their identification.

2. Once the inventory of assets and liabilities has been submitted, the judge shall set a date and time for a hearing, at which he shall inform the creditors and partners.

In the order setting the date for the hearing, the judge shall order the liquidator to inform each creditor of the amount of their claim, as well as the date set, which must be immediately certified to the office, under penalty of removal.

In any case, the order setting the date for the hearing must be registered in the commercial register.

3. At the hearing, the judge shall inform the creditors and partners of the inventory of assets and liabilities so that any creditor may raise objections, request clarification, or request additional information.

If, in the opinion of a creditor or the partners, the inventory does not include all of the assets, they must report this circumstance, indicating the exact details of the asset and its location.

4. Anyone who raises an objection on the grounds that a claim is not valid, that it does not have the legal priority given by the liquidator, or that its amount is not as stated in the inventory, must state the reasons for their claim, request that evidence be taken, and provide any documents in their possession.

5. Once the evidence has been examined, if applicable, the judge shall decide on the objection at the same hearing.

6. Once the decision is final, the liquidator shall proceed to pay the claims in strict accordance with the legal order of priority.

7. The rules of the enforcement process shall apply to the appraisal and sale of assets.

8. If, after three (3) auction proceedings, it has not been possible to dispose of all the assets, the judge shall order the liquidator to, within ten (10) days following the last proceeding, submit a proposal for the distribution of assets among creditors.

9. If there are funds and other assets, the liquidator shall distribute the money, deducting the costs of the proceedings approved by the judge, among the creditors with the best rights, observing the principle of equality between each class and degree of legal priority.

The distribution proposal shall be disclosed to the creditors and partners at a hearing at which the judge shall also resolve any objections raised by the creditors or partners and proceed to award the assets.

10. Once the award order has been issued, the judge shall lift the precautionary measures and order the liquidator to physically deliver the assets to the successful bidders within ten (10) days.

11. Once the assets have been delivered to the creditors or the debts have been paid, as the case may be, the liquidator shall render final accounts to the judge, who, after approving them, shall order the payment of the final remuneration to the court officer and the termination of the proceedings.

#### TITLE IV

#### INSOLVENCY OF NATURAL PERSONS WHO ARE NOT TRADERS

#### Regulated by National Decree 2677 of 2012 CHAPTER I

## General Provisions

Article 531. *Admissibility.* Through the procedures provided for in this title, a natural person who is not a merchant may:

1. Negotiate your debts through an agreement with your creditors to normalize your credit relationships.
2. Validate the private agreements you reach with your creditors.
3. Liquidate your assets.

Article 532. *Scope of application.* The procedures set forth in this title shall only be applicable to natural persons who are not merchants.

The rules set forth herein shall not apply to natural persons who are not merchants and who are controlling shareholders of commercial companies or who are part of a group of companies, whose insolvency shall be subject to the regime provided for in Law 1116 of 2006.

Article 533. *Jurisdiction to hear debt negotiation and agreement validation proceedings involving non-commercial natural persons.* Debt negotiation and agreement validation proceedings involving non-commercial natural persons shall be heard by the conciliation centers in the debtor's place of residence expressly authorized by the Ministry of Justice and Law to conduct such proceedings, through the conciliators registered on their lists. Notaries in the place of residence of the debtor shall do so through their notaries and conciliators registered on the lists drawn up for this purpose in accordance with the regulations.

Conciliation lawyers may not hear these proceedings directly and, consequently, may only hear these matters through appointment by the relevant conciliation center.

When there are no conciliation centers authorized by the Ministry of Justice and Law or notary offices in the municipality of the debtor's domicile, the debtor may, at his or her discretion, file the application with any conciliation center or notary office located in the same judicial circuit or notarial circle, respectively.

Paragraph. The National Government shall take the necessary measures to ensure that all conciliators in the country receive ongoing training on the insolvency procedure for non-commercial natural persons.

Article 534. *Jurisdiction of the ordinary civil courts.* Disputes covered by this title shall be heard, in a single instance, by the municipal civil judge of the debtor's domicile or of the domicile where the debt negotiation or agreement validation proceedings are taking place.

The municipal civil judge shall also have jurisdiction to hear the asset liquidation proceedings.

Paragraph. The judge hearing the first of the disputes arising in the proceedings provided for in this law shall have exclusive jurisdiction over all other disputes arising during the proceedings or execution of the agreement. In such cases, there shall be no division of jurisdiction.

Article 535. *Free of charge.* Debt negotiation and agreement validation proceedings before conciliation centers of law schools and public entities shall be free of charge. Notaries and private conciliation centers may charge for their services.

The expenses incurred in such proceedings shall be borne by the requesting party, in accordance with the general rules of this code.

In the event that the fees are not paid, the application shall be deemed withdrawn.

Expenses incurred in such proceedings shall be those related to communications, the forwarding of files, and other secretarial expenses.

Article 536. *Fees for paid conciliation centers.* The National Government shall regulate the fees that conciliation centers and notaries may charge for processing debt negotiation and agreement validation procedures. Such fees may not constitute a barrier to access to the procedure provided for herein, must be commensurate with the insolvency situation of the natural person, and must not prevent private conciliation centers from providing the service.

Article 537. *Powers and duties of the conciliator.* Without prejudice to the provisions of other provisions, the conciliator shall have the following powers and duties in relation to the debt negotiation procedure:

1. To summon the debtor and their creditors in accordance with the provisions of this title.
2. Issue written summonses to those who, in your opinion, should attend the hearing.
3. Explain to the debtor and creditors the purpose, scope, and limits of the debt negotiation procedure and the payment agreement.
4. Verify the circumstances of insolvency and the provision of all information provided by the debtor.
5. Request the information deemed necessary for the proper guidance of the debt negotiation procedure.

6. Act as a conciliator during the insolvency proceedings.
7. Encourage the parties to submit settlement proposals based on the negotiation proposal submitted by the debtor.
8. Ensure that the payment agreement complies with the requirements for conclusion and content set forth in the code and formulate any settlement proposals deemed necessary in this regard, recording them in the respective minutes.
9. Draw up the minutes of the hearings held in the course of these proceedings and keep a record of them.
10. Register the minutes of the conciliation hearing and any amendments thereto with the conciliation center or the respective notary public.
11. Certify acceptance of the debt negotiation process, the failure of the negotiation, the conclusion of the agreement, and the declaration of compliance or non-compliance with it.
12. Based on the information submitted by the debtor in the application and other elements provided during the process, prepare the document containing the order in which the claims subject to the procedure must be addressed, in accordance with the provisions on the priority of claims in the Civil Code and other legal regulations that modify or add to it.

Paragraph. It is the duty of the conciliator to ensure that certain and indisputable rights, as well as minimum and uncompromising rights protected by the Constitution, are not undermined.

## CHAPTER II

### Debt negotiation procedure

Article 538. *Cases of insolvency.* For the purposes set forth in this title, it shall be understood that a natural person who is not a merchant may avail themselves of insolvency proceedings when they are in default.

A natural person shall be deemed to be in default when, as a debtor or guarantor, they fail to pay two (2) or more obligations to two (2) or more creditors for more than ninety (90) days, or when two (2) or more enforcement or coercive jurisdiction proceedings are brought against them.

In any case, the percentage value of the obligations must represent no less than fifty (50%) percent of the total liabilities for which they are responsible. To verify this situation, a statement by the debtor shall suffice, which shall be understood to be made under oath.

Article 539. *Requirements for the debt negotiation application.* The debt negotiation application may be submitted directly by the debtor or through a legal representative, and the following documents shall be attached thereto:

1. A report that accurately indicates the causes that led to the situation of cessation of payments.
2. The proposal for debt negotiation, which must be clear, express, and objective.
3. A complete and updated list of all creditors, in the order of priority of claims indicated in articles 2488 et seq. of the Civil Code, indicating the name, domicile, and address of each of them, email address, amount, differentiating between principal and interest, and the nature of the claims, interest rates, supporting documents, date of granting of the credit and maturity date, name, domicile, and address of the office or place of residence of the co-debtors, guarantors, or sureties. If any information is unknown, the debtor must state so.
4. A complete and detailed list of your assets, including those held abroad. The estimated values and the information necessary for their identification must be indicated, as well as detailed information on any encumbrances, liens, and precautionary measures affecting them, and it must be identified which of them are affected by family housing and which are subject to family assets that cannot be seized.
5. A list of any legal proceedings and any administrative proceedings or actions of a financial nature brought by or against the debtor, indicating the court or office where they are filed and their current status.
6. Certification of the debtor's income issued by their employer or, if they are self-employed, a declaration of their income, which shall be understood to be made under oath.
7. Amount of resources available for the payment of obligations, minus the necessary expenses for the subsistence of the debtor and any dependents, if any, for the preservation of assets, and the costs of the proceedings.
8. Information on whether or not the debtor has a current marital or property partnership. If so, the debtor must provide a copy of the public deed or judgment by which it was liquidated, or the judgment declaring the separation of property, if this occurred within two (2) years prior to the application. In any of these latter cases, you must attach a list of the assets with their estimated market value that were transferred.
9. A breakdown of the maintenance obligations for which they are responsible, indicating the amount and beneficiaries.

Paragraph one. The information contained in the application for debt negotiation and the statements made by the debtor in compliance with the provisions of this article shall be understood to have been made under oath, and the application must expressly include a

statement that there have been no omissions, inaccuracies, or errors that would prevent the true economic situation and ability to pay from being known.

Paragraph two. The list of creditors and assets shall be made as of the last calendar day of the month immediately preceding the month in which the application is filed.

Article 540. *Payments in kind.* In the debt negotiation proposal, the debtor may include payments in kind with their own assets to extinguish all or part of one or more of their obligations.

Article 541. *Appointment of the conciliator and acceptance of the position.* Within three (3) days of the filing of the application, the conciliation center shall appoint the Conciliator. The Conciliator shall express his or her acceptance within two (2) days of notification of the appointment, under penalty of being excluded from the list.

The position of conciliator is mandatory. In the event that the conciliator is unable to perform his duties and does not declare this, he may be challenged on the grounds provided for in this code.

Article 542. *Decision on the request for negotiation.* Within five (5) days of accepting the position, the conciliator shall verify whether the request meets the legal requirements.

If the application does not meet any of the requirements, the conciliator shall immediately point out the defects and give the debtor five (5) days to correct them. If, within the period granted, the debtor does not correct the defects in the application or does not pay the costs of the procedure, the application shall be rejected. The only remedy against this decision shall be an appeal for reconsideration before the same conciliator.

Article 543. *Acceptance of the debt negotiation request.* Once the conciliator has verified that the requirements in the debt negotiation request have been met and the debtor has paid the expenses, where applicable, the conciliator appointed by the conciliation center or the notary, as the case may be, shall accept it, initiate the debt negotiation procedure, and set a date for a negotiation hearing within twenty (20) days of accepting the application.

Article 544. *Duration of the debt negotiation procedure.* The term for carrying out the debt negotiation procedure is sixty (60) days, counted from the acceptance of the request. At the joint request of the debtor and any of the creditors included in the final list of claims, this term may be extended for an additional thirty (30) days.

Article 545. *Effects of acceptance.* Upon acceptance of the application, the following effects shall occur:

1. No new enforcement proceedings, proceedings for the return of property due to late payment of fees, or coercive jurisdiction proceedings against the debtor may be initiated, and any such proceedings that are in progress at the time of acceptance shall be suspended. The debtor may allege the nullity of the proceedings before the competent judge, for which it shall suffice to submit a copy of the certification issued by the conciliator regarding acceptance of the debt negotiation procedure.
2. The provision of residential public utilities in the debtor's home may not be suspended for late payment of obligations prior to acceptance of the application. If residential public utilities have been suspended, they must be restored and any subsequent obligations arising from this concept shall be paid as administrative expenses.
3. Within five (5) days of acceptance of the debt negotiation process, the debtor must submit an updated list of their obligations, assets, and legal proceedings, which must include all their debts incurred up to the day immediately prior to acceptance, in accordance with the order of priority established by law in the Civil Code.
4. The debtor may not request the commencement of another insolvency proceeding until the term provided for in Article 574 has expired.
5. The statute of limitations shall be interrupted and the expiration of actions shall not apply with respect to claims against the debtor that became enforceable prior to the commencement of such proceedings.
6. The payment of property taxes, administration fees, public services, and any other fees or contributions necessary to obtain clearance for the sale of real estate or any other property subject to registration may only be required in respect of claims arising after the acceptance of the application. The remainder shall be subject to the terms of the agreement or the results of the asset liquidation procedure. This treatment shall apply to any proper rem obligation affecting the debtor's assets.

Article 546. *Ongoing enforcement proceedings for maintenance.* Enforcement proceedings for maintenance that are ongoing at the time of acceptance of the application for the debt negotiation procedure are exempt from the provisions of the previous article and shall continue to be pursued in accordance with the procedure provided for by law, without it being appropriate to order their suspension or the lifting of precautionary measures.

In the event that assets are released or there is a remainder of the proceeds from the seized or auctioned assets within the enforcement proceedings for maintenance, these shall be made available to the debtor and the conciliator in charge of the debt negotiation procedure shall be informed thereof.

Article 547. *Third-party guarantors and co-debtors.* When a debtor's obligation is backed by third parties who have provided collateral on their assets, or who have become liable as co-debtors, guarantors, sureties, insurers, issuers of letters of credit, or in general through any arrangement intended to ensure payment, the following rules shall apply:

1. Enforcement proceedings that have been initiated against third-party guarantors or co-debtors shall continue, unless the plaintiff creditor expressly states otherwise.
2. If, at the time of acceptance, no proceedings have been initiated against third parties, creditors shall retain their rights against them intact.

Paragraph. The creditor shall inform the judge or conciliator of any payments or settlements of the obligation that may have occurred in any of the proceedings.

Article 548. *Communication of acceptance.* No later than the day after receiving updated information on the claims from the debtor, the conciliator shall notify all creditors listed by the debtor of the acceptance of the application, indicating the amount for which they were listed and the date on which the debt negotiation hearing will take place. The communication shall be sent in writing through the same companies authorized by this code to send personal notifications.

At the same time, the conciliator shall notify the judges hearing the legal proceedings indicated in the application, informing them of the commencement of the debt negotiation procedure. In the order recognizing the suspension, the judge shall review the legality and shall render null and void any action taken after the acceptance.

Article 549. *Administration expenses.* The expenses necessary for the subsistence of the debtor and his dependents, as well as the obligations that he must continue to pay during the insolvency proceedings, shall be paid preferentially and shall not be subject to the system established in the payment agreement for other claims.

The debtor may not grant guarantees without the consent of creditors representing half plus one of the value of the liabilities. The same rule shall apply to the acquisition of new credits in accordance with the regulations issued by the National Government.

Failure to pay administration costs is grounds for failure of the debt negotiation procedure.

The holders of these claims may initiate enforcement proceedings against the debtor or proceedings for restitution when this is based on default on the amounts owed after the start of the debt negotiation procedure.

Article 550. *Conduct of the debt negotiation hearing.* The debt negotiation hearing shall be subject to the following rules:

1. The conciliator shall provide the creditors with a detailed list of the claims and ask them whether they agree with the existence, nature, and amount of the obligations related to the debtor and whether they have any doubts or discrepancies regarding their own claims or those of others. If no objections are raised, this shall constitute the final list of claims.
2. If there are discrepancies, the conciliator shall propose settlement formulas in accordance with the purpose and principles of the insolvency regime, for which purpose he or she may suspend the hearing.
3. If, upon resumption of the hearing, the objections are not reconciled, the conciliator shall proceed as described in Articles 551 and 552.
4. If there are no objections or if they are reconciled, the debtor's proposal will be considered.
5. The conciliator shall request the debtor to present the payment proposal for the fulfillment of the obligations, which shall be submitted to the creditors for their consideration and opinion.
6. The conciliator shall ask the debtor and the creditors about the proposal and any counterproposals that arise and may formulate other alternatives for settlement.
7. Minutes of the hearing shall be drawn up and signed by the conciliator and the debtor. The original minutes and any amendments thereto shall be kept in the files of the conciliation center or the notary public. At any time, the parties may request and obtain a copy of the minutes drawn up there.

Article 551. *Suspension of the debt negotiation hearing.* If no agreement is reached at the hearing and provided that there is an objective possibility of settlement, the conciliator may suspend the hearing as many times as necessary, which must be resumed within ten (10) days at the latest.

In any case, the deliberations may not extend beyond the legal term for the conclusion of the agreement, under penalty of the procedure being deemed a failure.

Article 552. *Decision on objections.* If the objections cannot be reconciled at the hearing, the conciliator shall suspend it for ten (10) days so that, within the first five (5) days immediately following the suspension, the objectors may submit their objection to him in writing, together with the evidence they intend to present. Once this period has expired, an equal period shall run for the debtor or the remaining creditors to respond in writing to the objection raised and to provide any relevant evidence. The written submissions shall be forwarded

immediately by the conciliator to the judge, who shall rule outright on the objections raised, by means of an order that is not subject to appeal, and shall order the return of the proceedings to the conciliator.

Once the judge's decision has been received by the conciliator, a date and time shall be set for the continuation of the hearing, which shall be communicated in the same manner as for the acceptance of the application.

If no objections are raised within the period referred to in the first paragraph of this provision, the list of claims drawn up by the conciliator shall remain valid and the hearing shall continue on the tenth day following the day on which it was suspended, at the same time at which it was held.

Article 553. *Payment agreement.* The payment agreement shall be subject to the following rules:

1. It must be entered into within the period provided for in this chapter and during the hearing.
2. It must be approved by two or more creditors representing more than fifty percent (50%) of the total amount of the principal of the debt and must have the express acceptance of the debtor.

For the purposes of the decision-making majority, only the principal amounts shall be taken into account, without considering interest, fines, or legal or contractual penalties, as of the day immediately prior to the acceptance of the request. In the case of debts incurred in UVR, foreign currency, or any other unit of account, they shall be settled in their equivalent in pesos as of that same date.

3. It must cover all creditors involved in the negotiation.
4. It may cover any type of financial obligation incurred by the debtor, including those in which the State is the creditor.
5. If the agreement involves legal acts affecting assets subject to registration, a copy of the agreement shall be registered, without the need for a public deed.
6. It may provide for the disposal of the debtor's assets that have been seized in suspended enforcement proceedings, for which purpose the debtor shall request the lifting of the precautionary measure, attaching the minutes containing it.
7. All state credits shall be subject to the rules set forth in the agreement for other credits, and the existing special provisions shall not apply to them. However, in the case of tax credits, the agreement may not contain rules that imply forgiveness or reductions for taxes, fees, or contributions, except in cases permitted by tax provisions.
8. It shall respect the priority and privileges set forth in the law and shall provide for equal treatment for all creditors belonging to the same class or grade.
9. Under no circumstances shall the payment agreement imply a novation of obligations, unless expressly agreed otherwise by the debtor and by each creditor individually or by all creditors.
10. The agreement entered into between the debtor and its creditors, or any amendments thereto, may not provide for a term for the settlement of liabilities exceeding five (5) years from the date of the agreement, unless so provided by a majority of more than sixty percent (60%) of the claims or unless the obligation was originally agreed for a longer term.

Article 554. *Content of the agreement.* The payment agreement shall contain, at a minimum:

1. The manner in which the obligations covered by the agreement will be settled, in the legal order of priority of claims.
2. The terms in days, months, or years in which the obligations subject to negotiation will be paid.
3. The interest rate applicable to the various obligations and, if agreed, the forgiveness of such interest.
4. In the event that payments in kind are agreed upon, the determination of the assets to be delivered and the obligations that will be extinguished as a result.
5. The list of creditors who accept reductions or payments in kind.
6. In the event of payment in kind, substitution or reduction of guarantees, the express consent of the respective creditor shall be required, as in cases where the principal amount of the obligation is reduced.
7. The maximum term for compliance.

Article 555. *Effects of the conclusion of the payment agreement on ongoing proceedings.* Once the payment agreement has been concluded, the enforcement and repossession proceedings brought by the creditors shall remain suspended until compliance or non-compliance with the agreement has been verified.

Article 556. *Amendment of the agreement.* The agreement may be amended at the request of the debtor or a group of creditors representing at least one-quarter of the outstanding claims, in accordance with the certification issued for that purpose by the conciliator based

with the payment report submitted to him for that purpose by the debtor.

The request must be submitted to the conciliation center or notary public that heard the initial proceedings, accompanied by an updated list of creditors and information regarding the dates and conditions under which payments were made on the claims that were the subject of the payment agreement. Where the conciliation center or notary public before which the debt negotiation proceedings took place no longer exists, the application may be submitted to any other center or notary public.

Once the request has been accepted, the conciliator shall notify the creditors in the manner provided for the acceptance of the request and shall summon them to a hearing to amend the agreement within the following ten (10) days.

During the agreement reform hearing, creditors will first be asked about their agreement regarding the update of the final list of creditors. If there are any disputes regarding the claims, the rules established for the conclusion of the agreement will be applied. Subsequently, the modification proposal submitted by the debtor will be submitted for consideration, the approval and characteristics of which will be subject to the rules set forth in this article. If such approval is not obtained, the previous agreement will remain in force. No suspensions will be allowed at this hearing.

Article 557. *Challenge to the agreement or its amendment.* The payment agreement may be challenged when:

1. It contains clauses that violate the legal order of priority of claims, either because they alter the order established in the Constitution and in the law or because they establish orders different from those established therein, unless there has been an express waiver by the affected creditor with the respective clause.
2. It contains clauses that establish privileges for one or more of the claims belonging to the same class or order, or otherwise violate the equality between creditors, unless the affected creditor has expressly waived the respective clause.
3. Do not include all creditors prior to acceptance of the application.
4. Contain any other clause that violates the Constitution or the law.

Dissenting creditors must challenge the agreement at the same hearing at which it was voted on. The challenger shall submit their objection in writing to the conciliator within five (5) days of the hearing, attaching the evidence they intend to present, under penalty of being considered void. Once this period has expired, an equal period shall run for the debtor and the other creditors to submit their written arguments and provide any relevant documentary evidence. The written submissions shall be forwarded immediately by the conciliator to the judge, who shall rule on the challenge.

If the judge does not find the nullity proven, or if it can be remedied by interpretation, he shall so declare in the ruling resolving the challenge and shall return the proceedings to the conciliator so that the payment agreement can be enforced. Otherwise, the judge shall declare the agreement null and void, stating the reasons for doing so, and shall return it to the conciliator so that the agreement may be corrected within ten (10) days. If, within that period, the agreement is corrected in compliance with the requirements for its conclusion, the conciliator shall immediately forward it to the judge for confirmation. If the judge finds it to be in order, he or she shall proceed to order its execution.

In the event that the agreement is not corrected within the aforementioned period, the conciliator shall inform the judge of this circumstance so that he or she may order the commencement of the asset liquidation process and forward the proceedings. Similarly, asset liquidation shall be ordered when, despite the correction, the deficiencies that gave rise to the nullity remain.

Paragraph one. The judge shall rule on the challenge in accordance with the principle of preservation of the agreement. If the nullity is partial and can be remedied without altering the basis of the agreement, the judge shall interpret it and indicate the meaning in which it does not contravene the law.

Paragraph two. Absent creditors may not challenge the agreement.

Article 558. *Compliance with the agreement.* Once the term established in the agreement for compliance has expired, the debtor shall request the conciliator to verify compliance, for which purpose it shall specify how the obligations were fulfilled, attaching the documents that prove this. The conciliator shall notify the creditors so that they may comment on this fact within the following five (5) days. If the creditor remains silent, it shall be understood that they consent to the debtor's statement. If the creditor disputes the debtor's statement, the procedure provided for breach of the agreement shall be followed.

Once compliance has been verified, the conciliator shall issue the corresponding certification and notify the judges hearing the enforcement proceedings against the debtor or against the co-debtors or guarantors, so that they may be terminated.

The debtor may request the initiation of a new debt negotiation procedure only after five (5) years have elapsed from the date of full compliance with the previous agreement, based on the certification issued by the conciliator.

Article 559. *Failure of negotiation.* If, after the period provided for in Article 544 has elapsed, no payment agreement has been reached, the conciliator shall declare the negotiation a failure and immediately refer the proceedings to the civil judge hearing the case, so that he or she may order the opening of the asset liquidation process.

Article 560. *Breach of agreement.* If the debtor fails to comply with the obligations agreed upon in the payment agreement, any of the creditors or the debtor himself shall inform the conciliator in writing of this situation, giving a precise account of the facts constituting the breach. Within ten (10) business days of receiving such a request, the conciliator shall schedule a hearing to review and consider, on a one-time basis, the amendment of the payment agreement, in accordance with the procedure set forth in Article 556.

If differences arise at the hearing regarding the occurrence of events of breach of the agreement, and these are not reconciled, the conciliator shall order the suspension of the hearing so that the party alleging the breach may formulate it in writing within the following five (5) days, together with the grounds for the breach and the evidence it intends to present. Once this period has expired, an equal period shall run for the debtor or the remaining creditors to comment in writing on the alleged breach and provide any relevant evidence. The written submissions shall be forwarded immediately by the conciliator to the judge, who shall decide on the matter outright, by means of an order that is not subject to appeal.

If the supporting document is not submitted within the period referred to in the previous paragraph, the objection shall be deemed withdrawn and the debt negotiation hearing shall continue.

If the breach is not proven, the judge shall order that the proceedings be returned to the conciliator, who shall notify the parties thereof so that the agreement may continue to be enforced.

If the breach is proven, in the same order declaring it, the judge shall order that the proceedings be returned to the conciliator so that the amendment of the agreement may be considered.

If, at the end of the reform hearing, the agreement is not modified, or if the modification is agreed upon and the debtor defaults again, the conciliator shall refer the case to the civil judge for the opening of the asset liquidation process.

Article 561. *Effects of the failure of the negotiation, the nullity of the agreement, or its breach.* The failure of debt negotiations due to the expiration of the term provided for in Article 544 and the declaration of nullity of the payment agreement or its breach that are not remedied through the mechanisms provided for in this chapter shall give rise to the opening of the asset liquidation proceedings provided for in Chapter IV of this title.

### CHAPTER III

#### Validation of the Private Agreement

Article 562. *Validation of private agreement.* A non-commercial natural person who, due to the loss of their job, the dissolution and liquidation of the marital partnership, or other similar circumstances, faces difficulties in meeting their liabilities, resulting in a cessation of payments within the following 120 days, may request validation of the private agreement entered into with a plurality of creditors representing more than sixty percent (60%) of the total amount of the principal of their obligations.

This debt negotiation procedure shall follow the following special rules:

1. The application shall be processed under the same terms as those established for the debt negotiation procedure and must meet the same requirements set forth in Article 539. In this case, the private agreement shall replace the proposed agreement provided for in paragraph 2 of the same article.
  2. The private agreement submitted for validation must be in writing, acknowledged before a judicial or notarial authority by those who sign it, and meet all the requirements set forth in Articles 553 and 554 for the payment agreement.
  3. Acceptance of the request for validation shall not produce the effects provided for in paragraphs 1, 2, and 5 of Article 545, nor those provided for in Article 547. These effects shall only take effect as of the ruling that validates it.
  4. Creditors who jointly entered into the private agreement with the debtor may not raise objections or challenge the content of the agreement, but may express their opinion and provide evidence to refute the objections raised by other creditors who were not party to the agreement.
  5. The validated agreement shall be enforceable and binding on all creditors of the debtor, including those who did not participate in its conclusion or voted against it.
- If no objections to the legality of the agreement or the claims taken into account for its conclusion were raised during the hearing, the agreement shall remain in force and the Conciliator shall record this at the hearing. If there are objections to the legality of the agreement or to the claims, the respective rules of the debt negotiation procedure shall apply.
6. The judge's decision not to validate the agreement will prevent the debtor from submitting a new request for validation during the period provided for in Article 544. However, the debtor may request the opening of a debt negotiation procedure if he or she is in default.
  7. In all other respects, the debtor shall be subject to the debt negotiation procedure.

CHAPTER IV

Asset Liquidation

Article 563. *Commencement of asset liquidation.* The asset liquidation of a natural person who is not a trader shall commence in the following events:

1. Failure to negotiate a payment agreement.
2. As a result of the nullity of the payment agreement or its amendment, declared in the challenge procedure provided for in this Title.
3. Due to non-compliance with the payment agreement that could not be remedied under the terms of Article 560.

Paragraph.

When the liquidation of assets occurs as a result of the nullity or breach of the payment agreement, the judge shall order its commencement in the same order in which he or she declares such situations. In the event of failure of the negotiation, the conciliator shall refer the proceedings to the judge, who shall order the commencement of the liquidation proceedings outright.

Article 564. *Order to commence proceedings.* When issuing the order to commence proceedings, the judge shall:

1. The appointment of the liquidator and the setting of his or her provisional fees.
2. The order to the liquidator to notify, within five (5) days of taking office, the debtor's creditors included in the final list of claims and the spouse or permanent partner, if applicable, of the existence of the proceedings and to publish a notice in a newspaper with wide national circulation summoning the debtor's creditors so that they may become parties to the proceedings.
3. The order to the liquidator to update the valued inventory of the debtor's assets within twenty (20) days of taking office.

For this purpose, the liquidator shall use as a basis the list submitted by the debtor in the debt negotiation application. For the valuation of real estate and motor vehicles, he shall take into account the provisions of paragraphs 4 and 5 of Article 444.

4. Notify all judges conducting enforcement proceedings against the debtor to refer them to the liquidation, including those conducted for alimony. The incorporation must take place before the transfer for objections to the claims, under penalty of these claims being considered untimely. However, untimeliness shall not apply to alimony proceedings.
5. All debtors of the bankrupt party shall be warned to pay only the liquidator, advising them of the ineffectiveness of any payment made to another person.

Paragraph. The requirement to publish the opening order shall be deemed to have been fulfilled by registering the order in the National Register of Summoned Persons referred to in Article 108 of this code.

Article 565. *Effects of the order to commence proceedings.* The declaration to commence the liquidation of assets shall have the following effects:

1. The prohibition of the debtor from making payments, compensations, payments in kind, settlements, withdrawals, acquiescence, unilateral or mutual termination of ongoing proceedings, conciliations, or transactions on obligations prior to the commencement of the liquidation, or on the assets that are in his or her estate at that time.

Obligations shall be met in accordance with the rules of the bankruptcy proceedings. However, in the case of maintenance obligations in favor of minor children, these may be met at any time, with immediate notification to the judge and the liquidator.

Payments and other transactions that violate this rule shall be null and void.

2. The debtor's assets shall be used exclusively to pay obligations prior to the commencement of the liquidation proceedings. Assets acquired by the debtor after that date may only be pursued by creditors of obligations incurred after that date.
3. The inclusion of all obligations owed by the debtor that arose prior to the opening order.

Maintenance obligations in favor of minor children shall take precedence over all others. The costs of administering the debt negotiation procedure shall be paid in preference to the claims included in the final list of creditors drawn up in this procedure.

4. The integration of the debtor's assets, which shall consist of the property and rights owned by the debtor at the time of the opening of the liquidation proceedings.

The assets of the debtor's spouse or permanent partner shall not be included in the liquidation estate, nor shall those

have been included in the family's unattachable assets, those that have been used for the family home, or those that are unattachable.

5. The interruption of the statute of limitations and the ineffectiveness of the expiration of actions with respect to the obligations of the debtor that were perfected or enforceable prior to the commencement of the liquidation process.

6. The enforceability of all term obligations owed by the debtor. However, the commencement of the estate liquidation process shall not entail the enforceability of obligations with respect to joint and several co-debtors.

7. The referral of all enforcement proceedings being brought against the debtor, including those relating to maintenance payments. Any precautionary measures that may have been ordered in these proceedings in respect of the debtor's assets shall be made available to the judge hearing the estate liquidation.

Enforcement proceedings that are incorporated into the liquidation of assets shall be subject to the outcome of the liquidation and must be incorporated before the transfer for objections to claims, under penalty of being time-barred. Where the merits of the objections raised have not yet been decided in the enforcement proceedings, they shall be considered objections and shall be resolved as such.

In enforcement proceedings against co-debtors or any type of guarantor, the rules provided for the debt negotiation procedure shall apply.

8. The termination of employment contracts in respect of those contracts in which the debtor is the employer, with the corresponding payment of compensation to the workers, in accordance with the provisions of the Substantive Labor Code, without the need for any administrative or judicial authorization, shall be subject to the rules of the bankruptcy proceedings, the obligations arising from such termination without prejudice to the preferences and priorities that correspond to them.

9. The preference of the rules of the asset liquidation process over any other that may be contrary to it.

Paragraph. The processes of restitution of possession against the debtor shall continue their course. The unpaid credits that gave rise to the restitution process shall be subject to the rules of liquidation.

Article 566. *Deadline for becoming a party and filing objections.* From the date of the admission order and until the twentieth day following the publication in the press of the notice announcing the opening of the liquidation, creditors who have not been parties to the debt negotiation proceedings must appear in person or through a legal representative, presenting at least summary evidence of the existence of their claim.

As soon as this period has expired, the judge, by means of an order that cannot be appealed, shall transfer the documents received for a period of five (5) days, so that the creditors and the debtor may file objections and submit the evidence they intend to assert. Once this period has expired, an equal period shall run for the objections that have been submitted to be refuted and for the relevant evidence to be provided. The judge shall rule on the objections submitted in the order summoning the award hearing.

Paragraph. Creditors who have been included in the debt negotiation procedure shall be recognized in the class, grade, and amount set forth in the final list of creditors. They may not object to the claims that have been the subject of the negotiation, but they may challenge new claims that are submitted during the asset liquidation procedure.

Article 567. *Inventories and appraisals of the debtor's assets.* The judge shall forward the inventories and appraisals submitted by the liquidator to the parties for ten (10) days by means of an order that does not admit appeals, so that they may submit their observations and, if they deem it appropriate, provide a different appraisal. Such comments shall be immediately forwarded by the clerk's office to the other interested parties for a period of five (5) days so that they may respond to the comments submitted. The judge shall rule on the inventories and appraisals in the same order that sets the date for the award hearing.

Article 568. *Ruling on objections, approval of inventories and appraisals, and summons to a hearing.* Once the procedure set forth in the two preceding articles has been completed, the judge shall, in the same order, rule on:

1. The claims submitted and any objections raised against them.
2. The inventories and appraisals submitted by the liquidator and any observations made in relation to them.

In the same order, the judge shall summon a hearing for adjudication within twenty (20) days and shall order the liquidator to prepare a draft adjudication within ten (10) days. The draft adjudication shall remain in the clerk's office at the disposal of the interested parties, who may consult it before the hearing is held.

Article 569. *Settlement agreement within the liquidation of assets.* At any time during the liquidation and before the award hearing is held, the debtor and a plural number of creditors representing at least fifty percent (50%) of the total amount of the obligations included in the proceedings, or failing that, those included in the final list of claims in the negotiation, may enter into a settlement agreement within the asset liquidation. The agreement must meet the same requirements as those set forth in Articles 553 and 554.

Once presented to the judge presiding over the liquidation of assets, the judge will verify its legality, for which purpose he or she will have the same powers as those provided for in Article 557.

The order that does not approve the agreement shall order that the liquidation continue.

The order approving the agreement shall provide for the suspension of the liquidation during the period specified for its fulfillment. If any of the parties to the liquidation reports a breach, the procedure provided for in Article 560 shall be followed, and if the breach is proven, the judge shall order the liquidation to be resumed in the same order.

Article 570. *Award hearing.* At the award hearing, the judge shall hear the arguments of the parties regarding the draft award presented by the liquidator and shall then issue the award order, which shall follow the following rules:

1. It shall determine the manner in which the obligations included in the liquidation shall be met with the debtor's assets, in the order of legal priority of claims.
2. It shall comprise all the assets to be awarded, including existing cash, which shall be distributed in accordance with the legal priority of claims.
3. It shall respect equality among creditors, awarding, as far as possible, to each and every one of the same class, in proportion to their respective claims, items of the same nature and quality.
4. First, the money will be distributed, followed by real estate, then tangible personal property, and finally intangible property.
5. Block allocation shall be preferred, in accordance with the nature of the assets. If this cannot be done, the assets shall be allocated separately, always seeking to generate the highest value.
6. The allocation of assets to several creditors shall be carried out jointly and severally in the proportion corresponding to each one.
7. The judge shall make the award applying criteria of similarity, equality, and equivalence between the assets, with the aim of obtaining the most equitable result possible.

The recipient creditor who chooses not to accept the award must inform the court at the hearing.

The judge shall immediately proceed to award the assets to the remaining creditors in accordance with the order of priority.

Any assets not received shall be used to pay creditors who accept the allocation up to the amount of their recognized claims.

Any remaining assets shall be awarded to the debtor.

Article 571. *Effects of the award.* The award order shall have the following effects:

1. The outstanding balances of the obligations covered by the liquidation shall be converted into natural obligations and shall produce the effects provided for in Article 1527 of the Civil Code.

This effect shall not apply if, as a result of objections raised during the agreement negotiation or asset liquidation proceedings, the judge finds that the debtor failed to list assets or credits, concealed them, or simulated debts. Nor shall this rule apply if the revocation or simulation actions proposed in the course of the proceedings are successful, or with respect to outstanding balances for maintenance obligations.

The debtor's unsatisfied creditors may not pursue assets acquired by the debtor after the commencement of the liquidation proceedings.

2. For the transfer of ownership of assets subject to registration, it shall be sufficient to register the award order in the corresponding registry, without the need to execute any other document. Such order shall be considered without value for the purposes of taxes and registration fees, and the new purchaser shall not be liable for any obligations attached to the awarded or acquired assets, such as property taxes, valuations, administration fees, public services, or, in general, those derived from the status of owner.
3. In the case of movable property, transfer of ownership shall take place on the day following the enforcement of the order.
4. The liquidator shall proceed with the physical delivery of the movable and immovable property within thirty (30) days following the enforcement of the award order, in the condition in which they are found.

Once this period has expired, the liquidator shall submit to the judge a final account of his management, including a detailed list of payments made, accompanied by the relevant evidence. The judge shall rule on the accounts submitted, after giving the parties three (3) days' notice, and shall declare the asset liquidation procedure terminated.

Paragraph 1. The effect provided for in paragraph 1 of this article shall also apply to individual debtors who are merchants and who

are undergoing judicial liquidation proceedings under the terms established in Law 1116 of 2006.

Paragraph 2. Natural persons who are traders and non-traders benefiting from the rule set forth in paragraph 1 may only file a new application for judicial or asset liquidation ten (10) years after the liquidation process has been completed.

## CHAPTER V

### Provisions common to the preceding chapters

Article 572. *Revocatory and simulation actions.* During debt negotiation, private agreement validation, or asset liquidation proceedings, the revocation or simulation of the following acts performed by the debtor may be claimed:

1. Contracts for valuable consideration, the creation of mortgages, pledges, and in general any act for valuable consideration involving the transfer, disposal, limitation, or dismemberment of ownership of assets representing more than ten percent (10%) of the total assets, and which have been entered into within the eighteen (18) months prior to the acceptance of the initiation of the respective proceedings.

The revocation shall proceed if it is also proven that the act in question caused damage to the creditors and that the third party who acquired the property knew or should have known about the poor state of the debtor's business.

2. Any gratuitous act entered into to the detriment of creditors within the twenty-four (24) months prior to the acceptance of the request for debt negotiation.

3. Acts between spouses or permanent partners and separations of property entered into by mutual agreement within the twenty-four (24) months prior to the acceptance of the debt negotiation request, provided that they have caused prejudice to creditors.

Any creditor may request revocation prior to the commencement of debt negotiation proceedings, validation of the private agreement, or asset liquidation, as applicable, and may only be filed during the course of such proceedings, under penalty of expiration.

The request for revocation of bankruptcy proceedings provided for in this article shall follow the summary proceedings procedure, and shall be heard by the same judge who hears objections, challenges to the agreement, non-compliance, or liquidation of assets, without the need for a new distribution.

The order declaring the revocation shall only benefit creditors who are recognized in the respective proceedings.

The creditor who successfully brings the revocation action shall be recognized as a reward with a sum equivalent to ten percent (10%) of the value recovered for the proceedings.

Article 573. *Credit information.* The conciliator or judge shall immediately report to the entities that administer financial, credit, commercial, and service databases the information relating to the acceptance of the debt negotiation request, the conclusion of the payment agreement and its fulfillment, the initiation of the private agreement validation procedure, or the opening of the asset liquidation procedure and its termination.

For the purposes provided for in Article 13 of Law 1266 of 2008, it shall suffice to demonstrate the commencement of the asset liquidation process. In such cases, the expiration period for the negative information shall begin one (1) year after the date of said ruling.

However, if, after the termination of the asset liquidation, the debtor pays the outstanding balances, the respective creditor shall inform the entity that administers the respective database so that the data is immediately deleted.

Article 574. *Request for new insolvency proceedings.* A debtor who complies with a payment agreement may only request new insolvency proceedings five (5) years after the date of full compliance with the previous agreement, based on the certification issued by the conciliator.

A debtor whose assets have been liquidated under the terms provided for in this title may only request the proceedings provided for herein ten (10) years after the award decision is issued.

Article 575. *Disclosure.* The National Government, through institutional television programs and the official websites of the public entities that comprise it, shall permanently disclose the procedures provided for in this title, how to apply for them, their benefits, and their effects.

Article 576. *Regulatory Prevalence.* The rules established in this title shall prevail over any other rule that is contrary to it, including those of a tax nature.

## SECTION FOUR

### VOLUNTARY JURISDICTION PROCESSES SOLE

#### TITLE

### VOLUNTARY JURISDICTION PROCEDURES

CHAPTER I

General Rules

Article 577. *Matters subject to its procedure.* The following matters shall be subject to voluntary jurisdiction proceedings:

1. The license requested by the father or mother or guardians to dispose of or encumber the property of their wards, or to perform other acts affecting them, in cases where the Civil Code or other laws so require.
2. Licenses for voluntary emancipation.
3. The appointment of guardians, advisors, or administrators.
4. Declaration of absence.
5. Declaration of presumed death due to disappearance.
6. The award, modification, or termination of decision-making support promoted by the person entitled to [the legal act \(Amended by Art. 36 of Law 1996 of 2019\)](#).
7. The authorization required in the case of adoption.
8. Authorization to lift the family's unattachable assets.
9. Any other matter of voluntary jurisdiction that does not have a different procedure specified.
10. Divorce, separation of bodies and property by mutual consent, without prejudice to the jurisdiction attributed to notaries.
11. The correction, replacement, or addition of civil status or name entries, or the annotation of pseudonyms in civil status records or registration documents.
12. Other matters determined by law.

Article 578. *Complaint.* The complaint must meet the requirements set forth in Articles 82 and 83, with the exception of those referring to the defendant or their representatives. It shall be accompanied by the annexes and evidence provided for in paragraphs 1, 3, and 5 of Article 84, and those necessary to prove the plaintiff's interest.

Article 579. *Procedure.* The following rules shall apply to the proceedings:

1. Once the complaint has been filed, the judge shall order the appropriate summonses and publications and notify the agent of the Public Prosecutor's Office in the proceedings referred to in paragraphs 1 to 8 of Article 577 and in the cases expressly provided for by law.
2. Once the above has been completed, the judge shall order the evidence he or she deems necessary and shall convene a hearing to examine it and issue a ruling.
3. When the judgment requires further intervention by the judge, the latter shall order whatever he or she deems appropriate for its rapid and effective enforcement.

Article 580. *Effects of the judgment.* The statements made and the authorizations granted shall remain in effect until they are modified or replaced by another judgment in a subsequent proceeding, if possible.

CHAPTER II

Special provisions

Article 581. *Licenses or authorizations.* In the application for a license to lift the unattachable family estate or to dispose of the property of incapacitated persons, the necessity must be justified and the destination of the proceeds must be stated, where applicable.

When licenses or authorizations are granted, the ruling shall set the term within which they must be used, which may not exceed six (6) months, and once expired, they shall be deemed to have expired.

When licenses are granted to dispose of the property of incapacitated persons, the disposal shall not be made at public auction, but the judge shall take such measures as he or she deems appropriate to protect the property of the incapacitated person.

Article 582. *Recognition of the testamentary guardian and possession of the office.* In proceedings for the recognition of the testamentary guardian and possession of the office, the following rules shall be observed.

1. When the guardian directly requests to be given possession of the position, he or she must accompany the request with a copy of the will, the death certificate of the testator, and proof of the ward's incapacity and, where applicable, that he or she is not under parental authority. If the evidence is sufficient, the probationary period will be waived and a ruling will be issued recognizing the guardian, in which case a bond will be set in the cases

provided for and a deadline for its presentation.

2. Once the bond has been posted, the judge shall set the time and date for delivering the ward's property to the custodian by inventory, which shall include the items reported by the applicant under oath. The provisions of Article 87 of Law 1306 of 2009 shall apply, as appropriate, to the delivery.

3. The adult minor may request that the guardian be required to state whether he or she accepts the position, and the judge shall so order and indicate the legal term established for such a statement. If the guardian submits an excuse or alleges incapacity within that term, the matter shall be processed with the intervention of the Public Prosecutor's Office.

If the guardian accepts the position, the procedure shall be as indicated in the preceding paragraphs.

Article 583. *Declaration of absence.* The following rules shall be observed for the declaration of absence of a person:

1. The petition shall include a list of the assets and debts of the absent person.
2. In the order of admission, the judge shall appoint a provisional administrator, who, once appointed, shall assume the administration of the assets. Likewise, the judge shall order the publication of a notice on one (1) Sunday in one of the newspapers with the highest circulation in the capital of the Republic, and in a newspaper with wide circulation in the last known address of the absent person and on a radio station with coverage in that location, containing:
  - a) The identification of the person whose declaration of absence is sought, their last known address, and the name of the plaintiff.
  - b) A request to anyone with information about the absent person to report it to the court.
3. Upon receiving information about the whereabouts of the absent person, the judge shall make the inquiries he or she deems necessary in order to clarify the facts, using all means of information he or she considers appropriate. Otherwise, he or she shall appoint a guardian *ad litem* for the absent person.
4. Once the above procedures have been completed, the judge shall convene a hearing at which he shall examine the necessary evidence and issue a ruling. If the ruling is favorable to the request, he shall appoint a legitimate or dative administrator. The provisions of paragraphs 2 and 3 of the preceding article shall apply to this administration and, where applicable, the rules on the administration of property provided for in Law 1306 of 2009.
5. The termination of the administration of the absent person's property shall be decreed in the cases provided for in Article 115, paragraph 5, of Law 1306 of 2009. The request may be made by any interested party or by the Public Prosecutor's Office. When the delivery of property is appropriate, the judge shall carry it out.

Article 584. *Presumption of death due to disappearance.* For the declaration of presumed death of a person, the following rules shall be observed:

1. The judge shall comply with the provisions of paragraphs 2, 3, and 4 of the preceding article, as applicable, subject to paragraph 2 of Article 97 of the Civil Code, except for the publication in the *Official Gazette*.
2. If the judgment declares the presumed death of the missing person, it shall set the presumed date on which it occurred, in accordance with the provisions of the Civil Code, order the decision to be transcribed to the civil registry official of the same place so that he or she may issue the death certificate, and order the publication of the heading and operative part of the judgment, once it has become final, in the manner provided for in paragraph 2 of the preceding article.
3. Once the judgment has been published, the process of succession of the deceased and the liquidation of the marital partnership may be initiated separately, but the judgment approving the partition or award issued therein may be rescinded in favor of the persons indicated in Article 108 of the Civil Code, if they initiate the respective proceedings within ten (10) years following the date of said publication.

In the judgment of the proceedings, if applicable, the restitution of property in its current state shall be ordered; but if it has been disposed of, the decision shall be made in accordance with substantive law.

Article 585. *Petition for simultaneous proceedings for declaration of absence and death due to disappearance.* The same petition may request a declaration of absence and subsequently a declaration of death due to disappearance, in which case the corresponding proceedings shall be conducted in separate files, without interfering with each other, and the requests shall be resolved with different judgments.

Article 586. Awarding of decision-making support requested by the person subject to the legal act. For the awarding of support requested by the person subject to the legal act, the following rules shall be observed:

1. The claim filed by the holder of the legal act must state their express wish to request decision-making support for the conclusion of one or more specific legal acts.
2. The assessment of support provided to the holder of the legal act by a public or private entity may be attached to the claim.

3. If the person does not attach an assessment of support, or if the judge considers that the assessment report provided by the person responsible for the legal act is insufficient to establish support for the performance of the legal act or acts for which the process was initiated, the judge may request a new assessment of support or officially request the public entities responsible for carrying out such assessments, in accordance with Article 11 of this law.
4. In any case, as a minimum, the support assessment report must include:
- a) The supports that the person requires for communication and decision-making in the areas that the person considers relevant.
  - b) The procedural and reasonable adjustments that the person requires to actively participate in the process.
  - c) Suggestions for mechanisms that allow the person to develop their decision-making skills in order to achieve greater autonomy in this area.
  - d) The persons who can act as support in the person's decision-making for each relevant aspect of their life, and in particular for the performance of the legal acts for which the process was initiated.
  - e) A general report on the person's life plan.
5. The order admitting the claim shall order notification of the persons who have been identified as support persons in the claim.
6. Upon receipt of the support assessment report, the judge shall, within five (5) days, forward it for a period of ten (10) days to the persons involved in the process and to the Public Prosecutor's Office.
7. Once the transfer has been completed, the judge shall order the evidence he or she deems necessary and shall convene a hearing to hear the person responsible for the legal act, the persons named in the order of admission, and to examine the other evidence ordered, in accordance with Article 34 of this law.
8. Once the evidentiary period has expired, a judgment shall be issued, which shall include:
- a) The legal act or acts defined by the judgment that require the requested support.
  - b) The identification of the person or persons designated as support.
  - c) The definition of the duties of the person or persons designated as support.
  - d) Family support programs, when relevant, and any other measures deemed necessary to ensure the autonomy and respect for the will and preferences of the person.
  - e) Under no circumstances may the judge rule on the need for support in carrying out legal acts that are not covered by the proceedings.
  - f) Safeguards designed to prevent and ensure that there are no conflicts of interest or undue influence of the support person on the individual.
9. The support role of the persons designated for this purpose shall be recognized. If the person designated as support submits an excuse within the following five (5) days, refuses to be designated as support, or alleges incapacity, a proceeding shall be initiated to decide on the matter.

[\(Amended by Article 37 of Law 1996 of 2019\)](#)

Article 587. Modification and termination of the award of support. At any time, the following may request the modification or termination of the support awarded:

- a. The person who is the subject of the legal act;
- b. The person other than the one who initiated the judicial award process and who demonstrates a legitimate interest may request;
- c. The person designated as support, when there is just cause;
- d. The judge ex officio.

The judge shall notify the persons designated as support and the person responsible for the act, if applicable, and shall forward the request for ten (10) days so that they may comment on it.

If no opposition is filed, the judge shall modify or terminate the award of support, in accordance with the request.

(Amended by Article 42 of Law 1996 of 2019)

BOOK FOUR

PRECAUTIONARY MEASURES AND BAIL TITLE I

PRECAUTIONARY

MEASURES CHAPTER I

General Rules Article

588. *Ruling and communication on precautionary measures.*

When the request for precautionary measures is made outside of a hearing, the judge shall decide, at the latest, on the day following the distribution or presentation of the request.

In the case of seizure or registration of a claim on property subject to registration, the judge shall communicate this to the registrar by the most expeditious means.

The decree of precautionary measures shall be communicated in the same manner to the person who must comply with the order. Article 589. *Precautionary measures in the taking of extrajudicial evidence.*

In matters relating to intellectual property infringements, unfair competition, and other matters in which a special law expressly permits the practice of extra-procedural precautionary measures, these may be requested, decreed, and practiced in the course of extra-procedural evidence.

The judge shall issue them when the petitioner proves compliance with the requirements of said law.

If the law requires a bond to be posted in order to implement the precautionary measure, the judge shall immediately set the amount thereof, and it shall be posted after the proceedings within the period indicated by the judge, which may not exceed that established by law for the initiation of the respective proceedings. If the bond is not provided in a timely manner, the applicant shall pay any damages that may have been caused, a fine of up to one hundred times the current legal monthly minimum wage (100 smlmv), and the precautionary measure shall be lifted. Until the bond is provided, the applicant may not withdraw the precautionary measure, unless the party harmed by it agrees to do so.

Paragraph. Extrajudicial evidence and extrajudicial precautionary measures carried out before a person exercising jurisdictional functions may be invoked before any other authority or individual with jurisdictional functions.

Article 590. *Precautionary measures in declaratory proceedings.*

In declaratory proceedings, the following rules shall apply to the request, decree, practice, modification, substitution, or revocation of precautionary measures:

1. From the filing of the claim, at the request of the claimant, the judge may order the following precautionary measures:

a) The registration of the claim on assets subject to registration and the seizure of the others when the claim concerns ownership or another principal real right, directly or as a consequence of a different claim or in support of another, or on a universality of assets.

If the first instance judgment is favorable to the plaintiff, at the plaintiff's request, the judge shall order the seizure of the property that is the subject of the proceedings.

b) The registration of the claim on assets subject to registration that are owned by the defendant, when the proceedings seek payment of damages arising from contractual or non-contractual civil liability.

If the judgment of first instance is favorable to the plaintiff, at the plaintiff's request, the judge shall order the seizure and attachment of the assets affected by the registration of the claim, and of those reported as belonging to the defendant, in an amount sufficient to satisfy the claim.

The defendant may prevent the implementation of the precautionary measures referred to in this paragraph or request that they be lifted if he provides security for the value of the claims to guarantee compliance with any judgment in favor of the plaintiff or compensation for damages due to the impossibility of complying with it. He may also request that they be replaced by other precautions that offer sufficient security.

c) Any other measure that the judge deems reasonable for the protection of the right that is the subject of the dispute, to prevent its infringement or avoid the consequences thereof, to prevent damage, to cease any damage that may have been caused, or to ensure the effectiveness of the claim.

In order to order the precautionary measure, the judge shall assess the legitimacy or interest of the parties to act and the existence of the threat or violation of the right.

Likewise, the judge shall take into account the appearance of good law, as well as the necessity, effectiveness, and proportionality of the measure and, if deemed appropriate, may order a less burdensome or different measure than the one requested. The judge shall establish its scope, determine its duration, and may, ex officio or at the request of a party, order the modification, replacement, or termination of the precautionary measure adopted.

In the case of precautionary measures related to pecuniary claims, the defendant may prevent their implementation or request their lifting or modification by providing a bond to guarantee compliance with any judgment in favor of the plaintiff or compensation for damages due to the impossibility of complying with it. A bond may not be provided when the precautionary measures are not related to economic claims or seek to materially anticipate the ruling.

2. In order for any of the above precautionary measures to be ordered, the plaintiff must provide security equivalent to twenty percent (20%) of the value of the claims estimated in the complaint, to cover the costs and damages arising from their implementation. However, the judge, either ex officio or at the request of a party, may increase or decrease the amount of the bond when deemed reasonable, or set a higher amount at the time of ordering the measure. It shall not be necessary to provide a bond for the practice of seizures and attachments after a favorable judgment in the first instance.

Paragraph one. In any proceeding and before any jurisdiction, when the practice of precautionary measures is requested, it may be brought directly before the judge, without the need to exhaust pre-trial conciliation as a requirement for procedural admissibility.

Paragraph two. The precautionary measures provided for in subparagraphs b) and c) of paragraph 1 of this article shall be lifted if the plaintiff does not seek enforcement within the period referred to in Article 306.

Article 591. Registration of the claim. To register the claim, a communication shall be sent to the competent authority responsible for keeping the register, informing it of the parties to the proceedings, the subject matter of the proceedings, the name, nomenclature, location of the property, and the registration number or registration details if the former does not exist. The registrar shall refrain from registering the claim if the property does not belong to the defendant.

The registration of the claim does not remove the property from the market, but anyone who acquires it subsequently shall be subject to the effects of the judgment in accordance with the provisions of Article 303. If real encumbrances are subsequently constituted on the property or ownership is restricted, such effects shall extend to the holders of the corresponding rights.

The validity of the registration of another claim or seizure shall not prevent the registration of a subsequent claim, nor shall the registration of a claim prevent the registration of a subsequent seizure.

If the judgment is favorable to the plaintiff, it shall order its registration and the cancellation of any entries relating to transfers of ownership, encumbrances, and limitations on ownership made after the registration of the claim, if any. Once this has been done, the registration of the claim shall be canceled, without affecting the registration of other claims. If the above order is omitted from the judgment, either ex officio or at the request of a party, the judge shall issue it by means of an order that shall not be subject to appeal and shall be communicated ex officio to the registrar.

Article 592. Registration of the claim in other proceedings. In proceedings concerning ownership, demarcation and boundary marking, easements, expropriations, and division of common property, the judge shall order the registration of the claim ex officio before notifying the defendant of the order of admission. Once registered, the registrar shall forward the order to the judge, together with a certificate on the legal status of the property.

Article 593. Seizures. Seizures shall be carried out as follows:

1. The registration authority shall be notified of any property subject to registration, along with the necessary information for registration: if such property belongs to the person affected by the measure, the registration authority shall register it and issue, at the applicant's expense, a certificate of its legal status for a period of ten (10) years, if possible. Once the seizure has been registered, the certificate on the legal status of the property shall be sent by the registrar directly to the judge.

If any asset does not belong to the affected party, the registrar shall refrain from registering the attachment and shall notify the judge; if it is registered, the judge shall, either ex officio or at the request of a party, order the cancellation of the attachment. When the asset is being pursued to enforce the security interest, the provisions of paragraph 2 of Article 468 shall apply.

2. The rights that a person occupying property owned by another has by reason of improvements or crops shall be perfected by notifying that person and the person obliged to make the respective payment that they shall deal with the receiver for all matters relating to the improvements and their products or benefits.

For the seizure of improvements planted by a person on vacant land, that person shall be notified to refrain from disposing of or encumbering them.

3. The seizure of movable property not subject to registration and the seizure of movable or immovable property shall be effected by means of the seizure of such property, except in the cases referred to in the following paragraphs.

4. The seizure of a credit or other similar right shall be effected by notifying the debtor by means of the delivery of the corresponding official letter, in which he shall be warned that in order to make the payment he must constitute a certificate of deposit to the orders of the court. If the debtor refuses to sign the

Upon receipt of the official letter, any person witnessing the event may do so on his behalf.

Upon receiving the notification, the debtor must provide information about the existence of the debt, when it becomes due, its value, any previous seizure orders that have been communicated to him, and whether he was previously notified of any assignment or whether he accepted it, indicating the name of the assignee and the date of the assignment, under penalty of being liable for the corresponding payment, all of which will be stated in the seizure order.

The notification to the debtor interrupts the statute of limitations on the claim, and if the debtor does not pay it in a timely manner, the judge will appoint a receiver who may initiate legal proceedings for that purpose. If the title to the claim is found, it will be delivered to the receiver; otherwise, the copies requested by the receiver will be issued so that he or she may initiate the proceedings.

The attachment of the successive credit includes maturities after the date on which it was decreed and previous maturities that have not been canceled.

5. The attachment of rights or credits that the person against whom the attachment is decreed pursues or has in another proceeding shall be communicated to the judge hearing the case for the corresponding purposes, and shall be considered perfected from the date of receipt of the communication in the respective court office.

6. Shares in corporations or limited partnerships, bonds, registered deposit certificates, mutual fund units, similar securities, registered public securities, and, in general, securities to order shall be communicated to the manager, administrator, or liquidator of the respective issuing company or enterprise, or to the administrative representative of the public entity or the managing entity, as the case may be, so that they may take note of it, which must be reported to the court within three (3) days, under penalty of a fine of two (2) to five (5) times the legal monthly minimum wage. The seizure shall be considered effective from the date of receipt of the official letter, and from that date onwards, no transfer or encumbrance may be accepted or authorized.

The seizure of shares, securities, bonds, and government securities, negotiable instruments, and bearer securities shall be completed upon delivery of the respective security to the receiver.

The attachments provided for in this section extend to dividends, profits, interest, and other benefits corresponding to the attached right, for which a certificate of deposit must be issued at the court's request, under penalty of becoming liable for said securities.

The sequestrator may advance the judicial collection, demand accountability, and promote any other measures authorized by law for that purpose.

7. The interest of a partner in a general partnership and limited partnership, or shares in a limited liability company, or in any other type of company, shall be communicated to the authority responsible for the registration of companies, which may not register any transfer or encumbrance of such interest, nor any reform of the company that involves the exclusion of the aforementioned partner or the reduction of their rights therein.

The provisions of the third paragraph of the preceding section shall apply to this attachment, and it shall be communicated to the representative of the company in the manner established in the first paragraph of section 4, so that he or she may comply with the provisions of that paragraph.

8. If the debtor or the person against whom the attachment is decreed is a limited partner, the managing partner or partners or the liquidator shall be notified, as the case may be. The attachment shall be deemed to have taken effect from the date of receipt of the official letter.

9. The attachment of accrued or future wages shall be communicated to the payer or employer in the manner indicated in the first paragraph of paragraph 4 so that the payer or employer may withhold the proportion determined by law from the respective amounts and issue a certificate of deposit, warning them that otherwise they will be liable for such amounts.

If the deposits are not made, the judge shall appoint a receiver who shall proceed with the judicial collection, if necessary.

10. The seizure of sums of money deposited in banks and similar institutions shall be communicated to the corresponding entity as provided for in the first paragraph of section 4, indicating the maximum amount of the measure, which may not exceed the value of the credit and costs plus fifty percent (50%). The latter shall issue a certificate of deposit and make it available to the judge within three (3) days of receipt of the communication; upon receipt of the official letter, the seizure shall be deemed complete.

11. The seizure of undivided rights in movable property shall be communicated to the other co-owners, warning them that all matters relating to those rights must be dealt with by the receiver.

Paragraph 1. In all cases where data messages are used, the senders shall record their dispatch and the recipients, whether public offices or private individuals, shall have the duty to review them daily and process them immediately.

Paragraph 2. Failure to comply with the order issued by the judge, in all cases provided for in this article, shall result in the recipient of the respective official letter incurring successive fines of two (2) to five (5) minimum monthly wages.

Article 594. *Unattachable assets.* In addition to the unattachable assets specified in the Constitution or in special laws, the following may not be attached:

1. Property, income, and resources included in the general budget of the Nation or of territorial entities, accounts of the general participation system, royalties, and social security resources.
2. Savings deposits made in credit institutions, in the amount specified by the competent authority, except for the payment of alimony.
3. Public property and property intended for public service when this service is provided directly by a decentralized entity of any kind, or through a concessionaire of these entities; however, up to one-third of the gross income from the respective service may be seized, without the total amount seized exceeding this percentage.

When the public service is provided by private individuals, the assets used for it may be seized, as well as the gross income it generates, and the seizure shall be carried out in the same way as for industrial companies.

4. Municipal resources originating from transfers from the Nation, except for the collection of obligations arising from contracts entered into in the course of their development.
5. Sums that have been or must be advanced by public law entities to contractors for the construction of public works, until such construction has been completed, except in the case of obligations in favor of the workers of such works, for wages, social benefits, and compensation.
6. Salaries and social benefits in the proportion provided for in the respective laws. The exemption from seizure does not extend to salaries and benefits that have been legally disposed of.
7. Decorations and scrolls received for meritorious acts.
8. Military uniforms and equipment.
9. Land or places used as cemeteries or burial grounds.
10. Property intended for religious worship of any denomination or church that has signed a concordat or international treaty or domestic public law agreement with the Colombian State.

(Underlined section declared **CONDITIONALLY ENFORCEABLE** by the Constitutional Court in Ruling C-346-19 of July 31, 2019)

11. Televisions, radios, personal computers or similar equipment, and items essential for personal communication, kitchen utensils, refrigerators, and other furniture necessary for the subsistence of the affected person and their family, or for individual work, except in the case of the collection of credit granted for the acquisition of the respective property. High-value luxury goods are excluded.
12. Fuel and food items for the sustenance of the person against whom the kidnapping was decreed and their family for one (1) month, at the discretion of the judge.
13. Personal and non-transferable rights.
14. Rights of use and habitation.
15. Goods incorporated in a security representing them, unless the measure includes the seizure of the security.
16. Two-thirds of the gross income of territorial entities.
17. Domestic animals and emotional support animals referred to in Article 687 of the Civil Code. (Adds paragraph 17 to

Article 3 of Law 2473 of 2025)

Paragraph. Judicial or administrative officials shall refrain from issuing seizure orders on non-seizable assets. In the event that it is legally permissible to issue the order despite the non-seizable nature of the assets, the legal basis for its admissibility must be invoked in the seizure order.

Upon receipt of a seizure order affecting non-seizable resources, which does not indicate the legal basis for the exception, the recipient of the seizure order may refrain from complying with the judicial or administrative order, given the non-seizable nature of the resources. In such a case, the entity receiving the measure must inform the authority that issued the measure on the next business day of its failure to comply with the measure because the resources are unattachable. The authority that issued the measure must decide within three (3) business days of the date of dispatch of the communication whether any legal exception to the rule of unseizability applies. If, after three (3) business days, the recipient has not received any official communication, the precautionary measure shall be deemed revoked.

In the event that the judicial or administrative authority insists on the seizure measure, the recipient entity shall comply with the order, but shall freeze the funds in a special account that accrues interest under the same conditions as the account or product from which the debit is made on account of the seizure. In any case, the amounts withheld shall only be made available to the court when the judgment or order that ends the proceedings so orders.

enforceable judgment or order that ends the proceedings so ordering. Article 595. *Seizure*.

The following rules shall apply to the seizure of property:

1. The order decreeing the seizure shall indicate the date and time of the proceeding and shall designate a sequesteror who must attend, under penalty of a fine of ten (10) to twenty (20) minimum monthly wages. Even if the sequesteror does not attend, the proceeding shall be carried out if the interested party so requests for the purposes of paragraph 3.
2. The parties, by mutual agreement, before or after the proceedings have been carried out, may appoint a sequesteror or arrange for the property to be left with the defendant as sequesteror, in which cases the judge shall take the appropriate precautions.
3. In the case of real estate occupied exclusively as the residence of the person against whom the measure was decreed, the judge shall leave it with the sequesteror and shall take the necessary precautions, unless the interested party requests that it be handed over to the sequesteror appointed by the judge.
4. The delivery of goods to the receiver shall be made after they have been listed in the record, indicating their condition.
5. In the case of undivided rights in real estate, the seizure proceedings shall be carried out as provided for in paragraph 11 of Article 593.
6. Except as provided in the following paragraphs and in Article 51, the receiver shall immediately deposit the vehicles, machinery, merchandise, furniture, furnishings, and other goods in the warehouse at his disposal or, in the absence thereof, in a general storage warehouse or other place offering full security, of which he shall inform the judge in writing the following day, and shall take the appropriate measures for their preservation and maintenance. With regard to public service vehicles, the provisions of paragraph 9 shall apply.

However, in the case of motor vehicles, the official carrying out the seizure shall deliver them into custody to the creditor, if the latter so requests and has provided, before the judge hearing the case, security to guarantee the preservation and integrity of the property. In this case, the deposit shall be free of charge.

7. In the case of livestock or goods stored in warehouses, they shall be left with the necessary security measures in place at their current location until the receiver deems it appropriate to transfer them and can carry out, under normal market conditions, the sale or exploitation operations for which they are intended, endeavoring to follow the current management system.
8. When the seized property is a commercial establishment, or an industrial or mining company, or any other type of company, the factor or administrator shall continue to perform his or her duties as receiver and shall render accounts periodically in the manner indicated by the judge. However, at the request of the interested party, the judge shall hand over the administration of the establishment to the appointed receiver, and the administrator shall continue in office under the authority of the receiver and may not perform any act without his authorization or dispose of any property or money.

An inventory shall be made immediately by the receiver and the parties or persons designated by them, without the presence of the judge being necessary, and a copy thereof, signed by those involved, shall be added to the file.

Machinery that is in service shall be left in the same place, but the receiver may remove it once the auction has been decreed, for which purpose he may request the assistance of the police.

9. The seizure of assets intended for a public service provided by private individuals shall be carried out in the manner indicated in the first paragraph of the previous section.
10. The seizure of pending or future harvests shall be carried out on the property, leaving them at the disposal of the sequestration officer, who shall take the necessary measures for their administration, collection, and sale under normal market conditions.
11. When the seized property is money, the judge shall order that a certificate of deposit be immediately issued for it.
12. In the case of securities, jewelry, and precious objects in general, the sequestration agent shall deliver them into the custody of a specialized entity, after fully specifying them, and shall inform the judge of this the following day.

13. When seizure cannot be carried out immediately or must be suspended, the judge or commissioner may secure the warehouses, rooms, or other premises where the goods or documents are located with locks, affix seals to ensure their preservation, and request police surveillance.

Paragraph. In the case of the seizure of motor vehicles, the judge shall commission the respective traffic inspector to carry out the apprehension and seizure of the property.

Article 596. *Objections to seizure*. The following rules shall apply to objections to seizure:

1. Situation of the holder. If, at the time of seizure, the property is in the possession of a person who claims and demonstrates title as holder, specifying the main terms and conditions, prior to the proceedings and originating from the party against whom the measure was ordered, the seizure shall be carried out without prejudice to the rights of that person, who shall be advised to deal with the receiver, who shall exercise the

rights of said party based on the respective deed that will serve as title, until a new one is drawn up.

2. Oppositions. The provisions relating to the delivery procedure shall apply mutatis mutandis to oppositions.

3. Enforcement of rights over the property whose seizure is lifted. Once the seizure of movable property not subject to registration has been lifted, the attachment shall cease to exist. In the case of property subject to seizure in the process of enforcement, within three (3) days following the enforcement of the order favorable to the opponent, which lifts the seizure, or refrains from enforcing it due to the opposition, the interested party may express that they insist on pursuing the rights that the defendant has in them, in which case the corresponding appraisal shall be carried out; otherwise, the seizure shall be lifted.

Article 597. *Lifting of the seizure and attachment.* The seizure and attachment shall be lifted in the following cases:

1. If requested by the person who requested the measure, when there are no co-defendants or third parties; if there are, by that person and those parties, and in the case of succession proceedings, by all the recognized heirs and the spouse or permanent partner.
2. If the claim that gave rise to the proceedings is withdrawn, in the same cases as in the previous paragraph.
3. If the defendant provides security to guarantee the claim and the payment of costs.
4. If the termination of the enforcement proceedings is ordered due to the revocation of the payment order or for any other reason.
5. If the defendant is acquitted in declaratory proceedings, or if the proceedings are terminated for any other reason.
6. If the plaintiff in declaratory proceedings does not file the request referred to in the first paragraph of Article 306 within thirty (30) days following the enforcement of the judgment containing the conviction.
7. In the case of an attachment subject to registration, when the registrar's certificate shows that the party against whom the measure was issued is not the owner of the respective property, without prejudice to the provisions for the effectiveness of the mortgage or pledge guarantee.
8. If a third-party possessor who was not present at the seizure proceedings requests the judge hearing the case, within twenty (20) days of the proceedings, if the judge hearing the case did so, or upon notification of the order to add the commission office, to declare that they had physical possession of the property at the time the proceedings were carried out, and obtains a favorable decision. The request shall be processed as an incidental proceeding, in which the applicant must prove his or her possession.

The incident may also be brought by the third-party possessor who was present at the proceedings without legal representation, but the deadline for doing so shall be five (5) days.

If the incident is decided unfavorably for the person promoting it, a fine of five (5) to twenty (20) minimum monthly wages will be imposed.

9. When there is another previous seizure or attachment.

10. When, five (5) years after the registration of the measure, the file in which it was decreed cannot be found. For this purpose, the respective judge shall post a notice in the court clerk's office for a period of twenty (20) days, so that interested parties may exercise their rights. Once this period has expired, the judge shall decide on the matter.

In the cases of paragraphs 1, 2, 9, and 10, it shall not be necessary to have notified the order admitting the claim or the writ of execution in order to decide on the respective request.

Whenever the seizure or attachment is lifted in the cases referred to in paragraphs 1, 2, 4, 5, and 8 of this article, those who requested such measure shall be ordered to pay costs and damages, either ex officio or at the request of a party, unless the parties agree otherwise.

At any time, any interested party may request that the order to cancel the precautionary measures be repeated.

11. When the seizure is imposed on one of the public resources indicated in Article 594, and this results in fiscal or budgetary unsustainability of the defendant entity, the Attorney General of the Nation, the Minister of the respective branch, the Mayor, the Governor, or the Director of the National Agency for Legal Defense of the State may request its lifting.

Paragraph. The provisions of paragraphs 1, 2, 5, 7, and 10 of this article shall also apply to the lifting of the registration of the lawsuit.

Article 598. *Precautionary measures in family proceedings.* In proceedings for annulment of marriage, divorce, cessation of the civil effects of religious marriage, separation of bodies and property, liquidation of marital partnerships, dissolution and liquidation of property partnerships between permanent partners, the following rules shall apply:

1. Either party may request the seizure and attachment of property that may be subject to community property and that is in the possession of the other party.
2. The seizure and attachment carried out in these proceedings shall not prevent the completion of those decreed on the same assets in the process of enforcement, before the judgment in favor of the plaintiff in those proceedings becomes final; to that end, upon receipt of the communication from the

However, simultaneously with its registration, the registrar shall cancel the previous one and immediately inform the judge presiding over the family proceedings in writing, who, if the seizure has been carried out, shall forward a copy of the proceedings to the court where the enforcement proceedings are being conducted so that it may take effect therein, and shall notify the seizing party of what has happened. The remainder not seized in other enforcement proceedings and the assets released in those proceedings shall be considered seized for the purposes of the family matter.

Once the judgment rendered in proceedings for annulment, divorce, cessation of the civil effects of religious marriage, separation of bodies and property has become final, the priority shall cease, and the judge shall immediately notify the registrar so that he or she refrains from registering new attachments, except for mortgages.

3. The above measures shall remain in force until the judgment is enforced; however, if as a result of this it is necessary to liquidate the marital or patrimonial partnership, they shall remain in force during the liquidation process.

If, within two (2) months following the enforcement of the judgment dissolving the marital or patrimonial partnership, the liquidation of the partnership has not been initiated, the precautionary measures shall be lifted ex officio.

4. Either spouse or permanent partner may file a motion to lift the measures affecting their own property.

5. If the judge deems it appropriate, he or she may also adopt the following measures, as the case may be:

a) Authorize the separate residence of the spouses, and if they are minors, arrange for them to be placed in the home of their parents or closest relatives or in the home of a third party.

b) Leave the children in the care of one or both spouses, or a third party.

c) Specify the amount that each spouse must contribute, according to their financial capacity, to the living expenses and support of the other spouse and their children, and to the education of the children.

d) In the event that the woman is pregnant, order the measures provided for by law to prevent premature birth.

e) At the request of a party, order the seizure and attachment of corporate and personal assets in order to guarantee the payment of alimony to which the spouse and children are entitled, if applicable.

f) At the discretion of the judge, any other measure necessary to prevent further acts of domestic violence or to cease its effects and, in general, in family matters, may act ex officio in adopting the personal protection measures required by the couple, the child or adolescent, the mentally disabled person, and the elderly person; to this end, he or she may order and take any evidence he or she deems relevant, including statements from the child or adolescent.

6. In alimony proceedings, the precautionary measure provided for in paragraph c) of section 5 shall be ordered and the immigration authorities shall be notified so that the defendant cannot leave the country without providing sufficient guarantee to support compliance with the obligation for up to two (2) years.

## CHAPTER II

### Precautionary measures in enforcement proceedings

Article 599. *Seizure and attachment.* From the moment the claim is filed, the claimant may request the seizure and attachment of the defendant's assets.

When enforcement is sought for the obligations of a deceased person, before the estate is settled, only the assets of the deceased may be seized and impounded.

The judge, when ordering the seizure and attachment, may limit them to what is necessary; the value of the assets may not exceed twice the amount of the claim, interest thereon, and reasonably calculated costs, except in the case of a single asset or assets affected by a mortgage or pledge securing that claim, or when division would diminish their value or marketability.

At the time of seizure, the judge shall, ex officio, limit it in the manner indicated in the preceding paragraph if the value of the property clearly exceeds the aforementioned limit, or appears in purchase invoices, accounting books, cadastral certificates, property tax receipts, or other official documents, provided that such evidence is presented to the judge during the proceedings.

In enforcement proceedings, the defendant who raises objections on the merits or the third party affected by the precautionary measure may request the judge to order the plaintiff to provide security of up to ten percent (10%) of the current value of the enforcement to cover any damages caused by its practice, under penalty of lifting. The bond must be provided within fifteen (15) days of notification of the order. No appeal may be lodged against the above order. In order to establish the amount of the bond, the judge shall take into account the type of assets subject to the precautionary measure and the apparent validity of the objections on the merits.

The bond referred to in the previous article does not apply when the enforcing party is a financial institution or an entity supervised by the Superintendency of Finance of Colombia or a public law entity.

or a public law entity.

In the case of a bond issued by an insurance company, its effectiveness may also be claimed by the insured or beneficiary directly from the insurer, in accordance with the provisions of the Commercial Code.

Paragraph. The defendant may request that, from the list of assets owned by him and his income, the judge order the seizure and attachment of those indicated by him in order to prevent others from being seized, except when the seizure is based on a security interest. The judge, after giving the plaintiff two (2) days' notice, shall grant the request provided that they are sufficient, subject to the criteria established in the two preceding paragraphs.

Article 600. *Reduction of seizures.* At any stage of the proceedings, once the seizures and attachments have been completed, and before a date is set for auction, the judge, at the request of a party or on his own initiative, when, based on the documents indicated in the fourth paragraph of the previous article, he considers that the precautionary measures are excessive, shall require the enforcing party to state, within five (5) days, which of them he dispenses with or to provide the necessary explanations. If the value of any of the assets exceeds twice the amount of the debt, interest, and reasonably calculated costs, the judge shall order the release of the others, unless they are subject to a mortgage or pledge guaranteeing the debt collected, or unless the value or marketability of the seized assets would be impaired.

When there is a seizure of remaining assets, the judge must make the released assets available to the proceedings in which the seizure was ordered.

Article 601. *Seizure of assets subject to registration.* The seizure of assets subject to registration shall only be carried out once the attachment has been registered. In any case, it must be completed before the auction is ordered; in the event that the seizure is lifted, the provisions of paragraph 3 of Article 596 shall apply.

The registrar's certificate shall not be required when the attachment is of the economic exploitation that the defendant has on vacant land, or the possession of movable or immovable property.

Article 602. *Deposit to prevent or lift seizures and attachments.* The defendant may prevent seizures and attachments requested by the plaintiff or request the lifting of those already carried out if they provide security for the current value of the enforcement plus fifty percent (50%).

Where there is a seizure of the remainder or the seized assets are pursued in another proceeding, they shall be made available to that proceeding or to the proceeding in which the seizure was ordered.

## TITLE II

### BAIL

Article 603. *Types, amount, and timing for establishing them.* The bonds required by law or this code may be real, bank, or insurance company bonds, in cash, public debt securities, term deposit certificates, or similar securities held in financial institutions.

The order requiring the bond to be provided shall indicate its amount and the period within which it must be provided, when the law does not specify these. If it is not provided in a timely manner, the judge shall rule on the effects of the refusal, in accordance with the provisions of this code.

Cash bonds shall be deposited in the judicial deposit account of the respective office. Any bond provided may be replaced by cash or by another bond offering equal or greater effectiveness.

Article 604. *Qualification and cancellation.* Once the bond has been provided, the judge shall assess its sufficiency and accept or reject it, observing the following rules:

1. The mortgage bond shall be granted in favor of the respective court or tribunal, and within the term specified for its provision, a certificate from the notary public shall be submitted regarding the date of the mortgage deed, a copy of the draft thereof authenticated by the same official, the title deed to the property, a certificate of its ownership history and freedom from encumbrances for a period of ten (10) years, if possible, and the cadastral appraisal certificate. Notaries shall give priority to these deeds, and a registered copy shall be submitted to the judge within six (6) days of registration.

2. In the case of collateral, the certificate of the price of the assets in the last transaction on a legally operating stock exchange, or an appraisal, must be attached.

The goods pledged as collateral must be delivered to the judge together with the application for acceptance of the bond, if their nature so permits, and the judge shall order their deposit in a specialized establishment; in all other cases, the application shall indicate the location of the property so that it may be seized, which the judge shall order and carry out immediately, after appointing the sequestrator and setting a date and time for the procedure; if opposition is raised and the judge considers it justified, the seizure shall be waived.

3. If the security deposit does not meet the above requirements, the judge will refuse to approve it and it will be deemed not to have been constituted, and in the case of a mortgage, it will be canceled.

4. Unless otherwise provided by law, bonds shall be canceled once the risk they cover has been extinguished or the obligation arising therefrom has been fulfilled

, or the value of the bond has been deposited at the judge's orders.

BOOK FIVE

MISCELLANEOUS MATTERS

TITLE I

JUDGMENTS AND AWARDS ISSUED ABROAD AND COMMISSIONS OF FOREIGN JUDGES CHAPTER I

Judgments and awards

Article 605. *Effects of foreign judgments.* Judgments and other orders of a similar nature, handed down by foreign authorities in contentious or voluntary jurisdiction proceedings, shall have in Colombia the force granted to them by existing treaties with that country, and in the absence thereof, the force recognized there for those handed down in Colombia.

The exequatur of arbitral awards rendered abroad shall be subject to the rules governing the matter.

Article 606. *Requirements.* For a foreign judgment to be effective in the country, it must meet the following requirements:

1. It must not relate to rights in rem established on property that was located in Colombian territory at the time the proceedings in which the judgment was rendered commenced.
2. It must not be contrary to Colombian laws or other public policy provisions, except those relating to procedure.
3. It must be enforceable in accordance with the law of the country of origin, and a duly certified copy must be presented.
4. That the matter in question does not fall within the exclusive jurisdiction of Colombian judges.
5. That there is no ongoing proceeding or final judgment by national judges in Colombia on the same matter.
6. That if a judgment has been rendered in contentious proceedings, the requirement of proper service of process and the right of the defendant to be heard has been complied with, in accordance with the law of the country of origin, which is presumed by the enforceability.
7. That the requirement of exequatur is met.

Article 607. *Exequatur procedure.* The request for exequatur of a foreign judgment, in order for it to take effect in Colombia, shall be filed by the interested party with the Civil Cassation Chamber of the Supreme Court of Justice, unless, in accordance with international treaties, it corresponds to another judge, and the party affected by the judgment shall be summoned before it, if it has been handed down in a contentious proceeding.

When the judgment or any document provided is not in Spanish, a certified translation shall be submitted together with a copy of the original.

The following rules shall be taken into account for exequatur:

1. The evidence deemed relevant must be requested in the claim.
2. The Court shall reject the claim if any of the requirements set forth in paragraphs 1 to 4 of the preceding article are not met.
3. The claim shall be forwarded to the affected party with the judgment and to the appropriate attorney general, depending on the nature of the matter, in the manner indicated in Article 91, for a period of five (5) days.
4. Once the transfer period has expired, the evidence shall be ordered and a hearing shall be set to examine it, hear the parties' arguments, and issue the ruling.
5. If the Court grants the exequatur and the foreign judgment requires enforcement, the competent judge shall hear the case in accordance with the general rules.

CHAPTER II

Taking of evidence and other proceedings

Article 608. *Admissibility.* Without prejudice to the provisions of international treaties and agreements on judicial cooperation, Colombian judges shall execute letters rogatory on evidence ordered by foreign judicial officials or arbitration tribunals, and notifications, summonses, and similar acts ordered by them, provided that they do not conflict with national laws or other public policy provisions.

Article 609. *Jurisdiction and procedure.* The commissions referred to in the preceding article shall be heard by the civil judges of the circuit of the place where they are to be carried out, unless, in accordance with international treaties, they correspond to another judge.

The commissions shall be ordered to be executed provided that the letter rogatory is duly authenticated. If it is not in Spanish, the judge shall order its prior translation at the expense of the interested party.

If the letter rogatory meets the above requirements, it shall be forwarded to the Public Prosecutor's Office for three (3) days for its opinion, after which the appropriate decision shall be made.

Once the proceedings have been completed, the letter rogatory shall be returned to the requesting foreign authority through the Ministry of Foreign Affairs. The same procedure shall be followed when the commission has not been fulfilled.

## TITLE II

### PROVISIONS RELATING TO THE NATIONAL AGENCY FOR LEGAL DEFENSE OF THE STATE

Article 610. *Intervention of the National Agency for Legal Defense of the State.* In proceedings before any jurisdiction, the National Agency for Legal Defense of the State may act at any stage of the proceedings in the following cases:

1. As an intervening party, in matters where a public entity is a party or where it is considered necessary to defend the financial interests of the State.
2. As legal representative of public entities, with the power to file lawsuits.

Paragraph 1. When the National Agency for Legal Defense of the State acts as an intervening party, it shall have the same powers legally attributed to the public entity or entities involved as a party in the respective proceedings, and in particular, the following:

- a) To propose preliminary and substantive objections, to support or oppose the claim.
- b) To provide and request the taking of evidence and to intervene in its taking.
- c) File ordinary and extraordinary appeals.
- d) Appeal against rulings that approve settlement agreements or terminate the proceedings for any reason.
- e) Request the implementation of precautionary measures or request their removal, without the need to provide security.
- f) Call on a guarantor.

Paragraph 2. When the National Agency for Legal Defense of the State acts as legal representative of a public entity, the latter shall grant power of attorney to the former.

The actions of the National Agency for Legal Defense of the State shall, in all cases, be carried out through the attorney or attorneys it appoints under the rules for granting powers of attorney.

Paragraph 3. The National Agency for Legal Defense of the State may file writs of protection on behalf of public entities.

Likewise, in any writ of protection, the National Agency for Legal Defense of the State may request the Constitutional Court to review the matter referred to in Article 33 of Decree 2591 of 1991.

Article 611. *Suspension of proceedings due to intervention by the National Agency for Legal Defense of the State.* Proceedings before any jurisdiction shall be suspended for a period of thirty (30) days when the National Agency for Legal Defense of the State expresses its intention to intervene in the proceedings by means of a written submission to the judge hearing the case. The suspension shall take effect automatically for all parties from the moment the respective written notice is filed. This suspension shall only apply in cases where the National Agency for the Legal Defense of the State has not acted in the proceedings and provided that the proceedings are at a stage subsequent to the expiration of the deadline for filing the complaint.

Article 612. (Repealed by Art. 87 of Law 2080 of 2021)

\*case law\*

Article 613. *Extrajudicial conciliation hearing in contentious-administrative matters.* When extrajudicial conciliation is requested, the petitioner must prove that a copy has been delivered to the National Legal Defense Agency of the Nation, under the same terms as those provided for the summoned party, so that the National Legal Defense Agency of the State may decide whether or not to intervene in the Conciliation Committee of the summoned entity, as well as in the corresponding conciliation hearing.

It shall not be necessary to exhaust the requirement of admissibility in enforcement proceedings, regardless of the jurisdiction in which they are brought, nor in other proceedings in which the plaintiff requests precautionary measures of a financial nature or when the plaintiff is a public entity.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling C-834 of 2013.

Public entities in declaratory proceedings brought before the contentious-administrative jurisdiction against individuals may request the precautionary measures provided for declaratory proceedings in the General Code of Procedure.

Article 614. *Extension of case law.* In order to resolve requests for the extension of case law referred to in Articles 10 and 102 of Law 1437 of 2011, public entities must request a prior opinion from the National Agency for Legal Defense of the State. Within ten (10) days, the Agency shall inform the respective public entity of its intention to issue an opinion. The opinion of the National Agency for Legal Defense of the State shall be issued within a maximum period of twenty (20) days.

The term referred to in paragraph 4 of section 3 of Article 102 of Law 1437 of 2011 shall begin to run on the day following receipt of the opinion of the National Agency for Legal Defense of the State or the expiration of the term referred to in the preceding paragraph, whichever occurs first.

Article 615. Article 150 of Law 1437 of 2011 is hereby amended to read as follows: "Article 150. *Jurisdiction of the Council of State in the second instance and change of venue.* The Council of State, in the Administrative Litigation Chamber, shall hear in the second instance appeals against judgments handed down in the first instance by the administrative courts and appeals against orders subject to this means of challenge, as well as complaints when the courts do not grant the appeal, or when the appeal is granted with an effect other than that which corresponds, or when extraordinary appeals for review or unification of jurisprudence are not granted.

The Council of State, in its Administrative Litigation Chamber, shall hear requests for a change of venue for a proceeding or action, which may be granted on an exceptional basis when circumstances exist in the place where the proceeding is being conducted that could affect public order, the impartiality or independence of the administration of justice, procedural guarantees, or the safety or integrity of the parties involved.

Additionally, a change of venue may be ordered when deficiencies in the management and speed of the proceedings are noted, subject to the opinion of the Administrative Chamber of the Superior Council of the Judiciary.

Paragraph. In all jurisdictions, requests for a change of venue may be made by the National Agency for Legal Defense of the State.

Article 616. (Repealed by Article 87 of Law 2080 of 2021)

\*case law\*

### TITLE III NOTARIAL

#### PROCEDURES

Article 617. *Notarial procedures.* Without prejudice to the powers established in this Code and in other laws, notaries may hear and process, as a preventive measure, the following matters:

1. Authorization to dispose of the property of incapacitated persons, whether adults or minors, in accordance with Article 581 of this Code.
2. The declaration of absence referred to in Article 583 of this Code.
3. The formal inventory of the property of minors under parental authority or incapacitated adults, in the event of marriage, declaration of de facto marital union or declaration of de facto patrimonial partnership of one of the parents, as well as the declaration of non-existence of property belonging to the minor or incapacitated adult, where applicable, in accordance with the provisions of Articles 169 and 170 of the Civil Code.
4. The custody of the minor child or disabled adult and the regulation of visitation rights, by mutual agreement.
5. Declarations of the establishment, dissolution, and liquidation of the de facto property partnership, and the existence and termination of the civil effects of the de facto marital union between permanent partners, by mutual agreement.
6. From the declaration of assets of the undeclared, unsettled patrimonial company that enter into the marital partnership.
7. From the cancellation of mortgages to a greater extent, in cases of subrogation.
8. From the request for replacement copies of the first copies that are enforceable.
9. Corrections of errors in civil registries.
10. From the voluntary cancellation and replacement of unattachable family assets.

Paragraph. When disputes or objections arise in these matters, the proceedings shall be referred to the competent judge.

### TITLE IV

CODE IMPLEMENTATION PLAN AND MONITORING COMMISSION

Article 618. *Action Plan for the Implementation of the General Code of Procedure.* The Administrative Chamber of the Superior Council of the Judiciary, with the harmonious collaboration of the Ministry of Justice and Law, within six (6) months following the enactment of this law, shall prepare the corresponding Action Plan for the Implementation of the General Code of Procedure, which shall include, at a minimum, the following components with respect to judicial offices with jurisdiction in civil, commercial, family, and agrarian matters:

1. Special decongestion plan, including a prior actual inventory of cases classified by specialty, type of case, thematic affinity, amounts, date of distribution, and status of the proceedings, among others.
2. New management model, internal structure, and operation of the offices, as well as the judicial service offices and centers.
3. Regulation of matters within its jurisdiction that are related to the functions attributed in this code.
4. Creation and redistribution of judicial offices, adjustments to the judicial map, and decentralization of judicial services according to the demand for and supply of justice.
5. Use and adaptation of the physical and technological infrastructure of offices, courtrooms, and service centers to ensure the security and integrity of information.
6. Selection, where appropriate, of human talent through the judicial career system in accordance with the profile required for the implementation of the new code.
7. Training and capacity-building program for cultural transformation and development among judicial officials and employees in the skills required for the implementation of the new code, with an emphasis on oral proceedings, new trends in the management of hearings, and the use of information and communications technologies.
8. Model for customer service and communication with users.
9. Training of officials from entities with responsibilities in processes governed by oral proceedings.
10. Financial and budgetary planning and control in accordance with the cost-benefit study for the implementation of the code.
11. System for monitoring and controlling the execution of the action plan.

Article 619. *Commission for Monitoring the Execution of the Action Plan for the Implementation of the General Code of Procedure.* The execution of the Action Plan for the Implementation of the General Code of Procedure shall be the responsibility of the Administrative Chamber of the Superior Council of the Judiciary.

A Commission for Monitoring the Execution of the Action Plan for the Implementation of the General Code of Procedure is hereby established, composed of:

1. The Minister of Justice and Law, who shall chair it.
2. The Minister of Finance and Public Credit.
3. The Attorney General of the Nation.
4. The President of the Civil Cassation Chamber of the Supreme Court of Justice.
5. Two (2) Presidents of specialized civil or family chambers of the superior court of the judicial district, appointed by the Civil Cassation Chamber of the Supreme Court of Justice.
6. Four (4) lawyers who are experts in procedural law with academic, litigation, or judicial experience, appointed by the President of the Monitoring Commission referred to in this article.
7. Two (2) representatives of non-governmental civil society organizations specializing in justice issues, appointed by the President of the Monitoring Commission referred to in this article.

Paragraph 1. The President of the Administrative Chamber of the Superior Council of the Judiciary shall be a permanent guest of the Commission.

Paragraph 2. The members referred to in paragraphs 1, 2, 3, 4, and 5 may delegate only to Deputy Ministers, Deputy Attorneys General or Deputy Prosecutors, and the Vice President, respectively.

Paragraph 3. The delegates referred to in paragraphs 6 and 7 shall have a voice but no vote.

Paragraph 4. The Administrative Chamber of the Superior Council of the Judiciary and other public entities shall be required to provide the information requested by the Commission.

TITLE V

OTHER AMENDMENTS, REPEALS, AND EFFECTIVE DATE

Article 620. Paragraph 2 of Article 1 of Law 640 of 2001 is hereby amended to read as follows: "Paragraph 2. The parties shall attend the conciliation hearing in person and may do so together with their representative. However, in cases where the domicile of one of the parties is not in the municipality where the hearing is to be held or one of the parties is outside the national territory, the conciliation hearing may be held with the appearance of their representative duly authorized to conciliate, even without the attendance of the party they represent."

(Article REPEALED by Law 2220 of 2022)

Article 621. Article 38 of Law 640 of 2001 is hereby amended to read as follows:

"Article 38. *Requirement for procedural admissibility in civil matters.* If the matter in question is conciliable, extrajudicial conciliation in law as a requirement for procedural admissibility must be attempted before resorting to civil jurisdiction in declaratory proceedings, with the exception of divisory proceedings, expropriation proceedings, and those in which the summons of indeterminate parties is demanded or mandatory.

Paragraph. The foregoing is without prejudice to the provisions of paragraph 1 of Article 590 of the General Code of Procedure." (Article

REPEALED by Law 2220 of 2022)

Article 622. Amend paragraph 4 of Article 2 of the Labor and Social Security Procedural Code, which shall read as follows:

"4. Disputes relating to the provision of social security services that arise between members, beneficiaries or users, employers and administrative or service provider entities, except for those relating to medical liability and contracts."

Article 623. Amend the final part of paragraph 4 of Article 247 of Law 1437 of 2010 (Sic), which shall read as follows:

"Once the deadline for the parties to submit their arguments has expired, the case shall be transferred to the Public Prosecutor's Office for a period of ten (10) days, without withdrawal of the file."

Article 624. Amend Article 40 of Law 153 of 1887, which shall read as follows:

"Article 40. The laws concerning the substantiation and rituality of trials prevail over the previous ones from the moment they come into force.

However, appeals filed, evidence ordered to be taken, hearings convened, proceedings initiated, terms that have begun to run, ongoing incidents, and notifications that are being served shall be governed by the laws in force when the appeals were filed, the evidence was ordered, the hearings or proceedings were initiated, the terms began to run, the incidents were brought, or the notifications began to be served.

The jurisdiction to hear the case shall be governed by the legislation in force at the time the claim was filed, unless the law eliminates such authority.

Article 625. *Transition of legislation.* Proceedings in progress when this code comes into force shall be subject to the following rules of transition of legislation:

1. For ordinary and summary proceedings:

a) If the order decreeing evidence has not been issued, the proceeding shall continue to be processed in accordance with the previous legislation until the judge decrees it.

In the order ordering the evidence, the judge shall also convene the preliminary hearing and trial referred to in this code. From the moment the order ordering evidence is issued, the proceedings shall be conducted in accordance with the new legislation.

b) If the order ordering evidence has already been issued, the evidence shall be taken in accordance with the previous legislation. Once the evidentiary stage has been completed, the preliminary hearing and trial referred to in this code shall be convened, solely for the purposes of arguments and sentencing. From the order convening the hearing, the proceedings shall be conducted in accordance with the new legislation.

c) If the pleadings stage has been completed in the proceedings and a ruling is pending, the judge shall issue it based on the previous legislation. Once the ruling has been issued, the proceedings shall be conducted in accordance with the new legislation.

2. For verbal proceedings of greater and lesser amounts:

a) Once the proceedings preceding the hearing referred to in Article 432 of the Code of Civil Procedure have been exhausted, the initial hearing provided for in Article 372 of the General Code of Procedure shall be convened and shall continue in accordance with the latter.

b) If the hearing referred to in Article 432 of the Code of Civil Procedure has already been convened, the proceedings shall be conducted in accordance with the previous legislation. Once the judgment has been handed down, the proceedings shall be conducted in accordance with the new legislation.

3. For summary verbal proceedings:

a) Once the proceedings preceding the hearing referred to in Article 439 of the Code of Civil Procedure have been exhausted, the initial hearing provided for in Article 392 of the General Code of Procedure shall be convened and shall proceed in accordance with the latter.

b) If the hearing referred to in Article 439 of the Code of Civil Procedure has already been convened, the proceedings shall be conducted in accordance with the previous legislation. Once the judgment has been handed down, the proceedings shall be conducted in accordance with the new legislation.

4. For enforcement proceedings: [Amended by Article 13, National Decree 1736 of 2012](#)

Ongoing enforcement proceedings shall be processed until the expiration of the term for proposing exceptions based on the previous legislation. Once this term has expired, the proceedings shall continue in accordance with the rules established in the General Code of Procedure.

In those enforcement proceedings in progress in which, upon entry into force of this code, the transfer to propose exceptions has been precluded, the proceedings shall be carried out based on the previous legislation until a judgment or order is issued to proceed with enforcement. Once any of these orders has been issued, the proceedings shall continue in accordance with the rules established in the General Code of Procedure.

b) If the proceedings on the merits of the exceptions have not been initiated or are ongoing, the judge shall summon the hearing provided for in this code for enforcement proceedings.

c) If the proceedings are ready for a ruling, the judge shall issue it in writing within the applicable time frame.

5. Notwithstanding the provisions of the preceding paragraphs, the appeals filed, the evidence ordered to be taken, the hearings convened, the proceedings initiated, the time limits that have begun to run, ongoing incidents, and notifications that are being served shall be governed by the laws in force when the appeals were filed, the evidence was ordered, the hearings or proceedings were initiated, the terms began to run, the incidents were brought, or the notifications began to be served.

6. In all other proceedings, the general rule set forth in the preceding paragraph shall apply.

7. [Amended by Article 14, National Decree 1736 of 2012](#). The tacit withdrawal provided for in Article 317 shall apply to ongoing proceedings, but the time limits provided for in its two paragraphs shall be counted from the enactment of this law.

8. The rules on jurisdiction provided for in this code do not alter the jurisdiction of judges to hear cases for which a lawsuit has already been filed. Therefore, the amount regime does not change the jurisdiction that has already been established for that factor.

However, medical liability proceedings currently being heard by labor judges shall be referred to the competent civil judges, in their current state.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling [C-755](#) of 2013.

9. [Eliminated by Article 15, National Decree 1736 of 2012](#). The extension of the duration of the proceedings provided for in Article 121 of this Code shall be applicable, by decision of the judge or magistrate, to proceedings in progress at the time of enactment of this Code.

Article 626. *Repeals*. The following provisions are hereby repealed:

a) [Amended by Article 16, National Decree 1736 of 2012](#). Upon enactment of this law, the following are repealed: Articles [126](#), [128](#), the phrase "and to take statements from the witnesses indicated by the applicants" in [Article 129](#), [Articles 130](#) and [133](#), the phrase "once the proceedings indicated in Article 130 have been carried out" in [Article 134](#), the expressions "and there is no time to carry out the proceedings referred to in Article 130" and "without such formalities" in [Articles 136](#) and [202](#) of the Civil Code; Articles [9](#) and [21](#) of Decree 2651 of 1991; Articles [8](#), paragraph [2](#), final part, [209 A](#), and [209 B](#) of Law 270 of 1996; Article [148](#) of Law 446 of 1998; [211](#) and [544](#) of the Code of Civil Procedure; paragraph [1](#) of Article 19 and the expression "by public lottery" in Article [67](#), paragraph [1](#), of Law 1116 of 2006; paragraph [2](#) of Article 40 of Law 1258 of 2008; the expression "which shall require personal appearance" in Article [71](#), paragraph [1](#) of Article 215, and paragraph [2](#) of Article 309 of Law 1437 of 2011; the expression "No attorney shall be required" in Article 58, paragraph [4](#), subparagraph [e](#)) of paragraph 5 of Article 58, and paragraph [8](#) of Article 58 of Law 1480 of 2011; Article [34](#) of Decree-Law 19 of 2012; and any provision that is contrary to those that come into force as of the enactment of this law.

b) As of October 1, 2012, the following are repealed: Articles [19](#), [90](#), [91](#), [346](#), [449](#), and [690](#) of the Code of Civil Procedure; and all those that are contrary to those that come into force as of October 1, 2012.

c) [Amended by Article 17, National Decree 1736 of 2012](#). As of the effective date of this law, pursuant to paragraph 4 of Article 627, the Code of Civil Procedure issued by Decrees [1400](#) and 2019 of 1970 and the provisions that amend it; Decree 508 of 1974; Articles [151](#), [157](#) to [159](#), the expressions "by means of scientific evidence" and "in accordance with the provisions of Law 721 of 2001" of 214, the expression "In the respective proceedings, the judge shall establish the probative value of scientific evidence or other evidence if he or she deems it appropriate" of [217](#), [225](#) to [230](#), [402](#), [404](#), [405](#), [409](#), [410](#), the expression "as long as it does not precede" and paragraphs [1](#) and [2](#) of Article 757, [766](#), paragraph final, and [1434](#) of the Civil Code; Articles [6](#), [8](#), [9](#), [68](#) to [74](#), [804](#) paragraph [1](#), [805](#) to [816](#), [1006](#), the expressions "according to the conditions of the corresponding policy" and "in a serious and well-founded manner" in paragraph [3](#) of Article 1053, and Articles [2027](#) to [2032](#) of the Commercial Code; Article

88 of Decree 1778 of 1954; Articles 11, 14, and 16 to 18 of Law 75 of 1968; Article 69 of Decree 2820 of 1974; Decree 206 of 1975; Article 25 of Law 9 of 1989; Article 36 of Decree 919 of 1989; Decree 2272 of 1989; Decree 2273 of 1989; Decree 2303 of 1989; Articles 139 to 147 and 320, 321, 322, 323, 324, and 325 of Decree-Law 2737 of 1989; the expression "The processes of dissolution and liquidation of a patrimonial partnership between permanent partners shall be handled by the procedure established in Title XXX of the Code of Civil Procedure and shall be heard by family court judges in the first instance." Article 7 and paragraph 8 of Law 54 of 1990; Articles 10, 11, 21, 23, 24, 41, 46 to 48, 50, 51, 56, and 58 of Decree 2651 of 1991; Articles 7 and 8 of Law 25 of 1992; Articles 24 to 30, and 32 of Law 256 of 1996; Article 54, paragraph 4, of Law 270 of 1996; Articles 62 and 94 of Law 388 of 1997; Articles 2 to 6, 9, 10 to 15, 17, 19, 20, 22, 23, 25 to 29, 103, 137, and 148, except for paragraphs 1 and 2 of Law 446 of 1998; Articles 43 to 45 of Law 640 of 2001; Article 49, paragraph 2, Article 58, paragraph 3, and the expression "For the purposes of this article, the procedure established in Article 194 of the Commercial Code or in the rules that modify, add to, or supplement it shall apply" in Article 62, paragraph 2, of Law 675 of 2001; Articles 7 and 8 of Law 721 of 2001; Law 794 of 2003; Articles 35 to 40 of Law 820 of 2003; Article 5 of Law 861 of 2003; Article 111, paragraph 5, Law 1098 of 2006; Article 25 of Law 1285 of 2009; Articles 40 to 45 and 108 of Law 1306 of 2009; Articles 1 to 39, 41, 42, 44, 113, 116, 117, 120, and 121 of Law 1395 of 2010; Article 80 of Law 1480 of 2011; and any other provisions that contradict it.

Article 627. *Validity.* The validity of the provisions established in this law shall be governed by the following rules:

1. **Corrected by Article 18, National Decree 1736 of 2012.** Articles 24, 30, paragraph 8, 31, paragraph 2, 33, paragraph 2, 206, 467, and 610 to 627 shall enter into force upon the enactment of this law.
2. The extension of the duration of the proceedings provided for in Article 121 of this code shall be applicable, by decision of a judge or magistrate, to proceedings in progress at the time of enactment of this law.
3. The Superior Council of the Judiciary shall take the necessary measures to ensure that the files of proceedings or matters in which no action has been taken in the two (2) years prior to the enactment of this code are not recorded in the inventory of pending proceedings. Consequently, these proceedings or matters may not, under any circumstances, be considered for the purposes of workload analysis or judicial congestion.
4. Articles 17(1), 18(1), 20(1), 25, 30(8) and paragraph, 31(6) and paragraph, 32(5) and paragraph, 94, 95, 317, 351, 398, 487 paragraph, 531 to 576, and 590 shall enter into force on October 1, 2012.
5. As of July 1, 2013, the Administrative Chamber of the Superior Council of the Judiciary shall be responsible for issuing the provisional and temporary licenses provided for in Decree 196 of 1971, as well as for approving the establishment of legal clinics provided for in Article 30 of said Decree.  
("As well as the approval for the establishment of legal clinics provided for in Article 30 of said Decree." Expression repealed by Art. 20 of Law 2113 of 2021)
6. The other articles of this law shall enter into force on January 1, 2014, gradually, as the training programs for officials and employees are implemented and the physical and technological infrastructure, the number of courtrooms required per day, and the other elements necessary for the functioning of the oral and hearing process are made available, as determined by the Superior Council of the Judiciary, and within a maximum period of three (3) years, at the end of which this law shall enter into force in all judicial districts of the country.

The President of the Honorable Senate of the Republic,

JUAN MANUEL CORZO ROMÁN.

The Secretary General of the Honorable Senate of the Republic,

EMILIO RAMÓN OTERO DAJUD.

The President of the Honorable House of Representatives, SIMÓN

GAVIRIA MUÑOZ.

The Secretary General of the Honorable House of Representatives, JESÚS

ALFONSO RODRÍGUEZ CAMARGO.

REPUBLIC OF COLOMBIA NATIONAL GOVERNMENT

Publish and comply.

Given in Bogotá, D.C., on July 12, 2012.

JUAN MANUEL SANTOS CALDERÓN  
The Minister of Justice and Law, JUAN  
CARLOS ESGUERRA PORTOCARRERO.

NOTE: Published in Official Gazette 48489 on July 12, 2012.

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