

民事陳報狀

臺灣橋頭地方法院
字第 號
收狀人：蔡滄洲

案號：112 年度司票字第 748 號

股別：力股

陳 報 人 巴敏可 設：高雄市楠梓區德民路 360 之 1 號 6 樓

送達代收人：黃敏峯 設：高雄市楠梓區德民路 356 巷 30 之 9 號

郵遞區號：811 電話：0935473649

為貴院 112 年度司票字第 748 號，相對人：DELA CRUZ JUDE KRISTOFFER SANTIAGO(朱迪)及 MENOR BERNARD ABION(伯納度)及 DIANO CHARITO SENARLO (夏莉多)間聲請本票准許強制執行事件，債權人陳報補正債務人為非本國法定之公民，本案件為英語系外籍人士，不識中文內容並提出裁定全文中文翻譯英文乙份。

狀請鈞院鑒核。

此致

橋頭地方法院 公鑒



查明辦理

具狀人：巴敏可



撰狀人：黃敏峯



中華民國 112 年 7 月 12 日

台灣橋頭地方法院民事裁定

Taiwan Qiaotou District Court Civil Ruling

聲請人 Petitioner

巴敏可

相對人 Opposite

DELA CRUZ JUDE KRISTOFFER SANTIAGO(朱迪)

MENOR BERNARD ABION(伯納度)

DIANO CHARITO SENARLO (夏莉多)

當事人間聲請本票准許強制執行事件，本院裁定如下

The parties petition to grant a decree for compulsory execution, the Court rules as following

主文

相對人於一百一十一年六月五日共同簽發之本票一紙，內載憑票交付聲請人新台幣壹拾萬元自一百一十一年六月五日起清償日止，按年利息 6%計算之利息，得為強制執行。

程序費新台幣伍佰元由相對人負擔。

Main text

The opposite party issued a promissory note on 2022/6/5 expressing to pay the petition NT\$100,000 and the interest starting from 2022/6/5 till the settlement date at the annual interest rate of 6%, has been granted compulsory execution.

The opposite shall bear the proceeding expenses NT\$500 jointly and severally.

理由

- 聲請意旨略稱：聲請人執有相對人於 111 年 6 月 5 日簽發之本票一紙，內載金額新台幣 100,000 元，並未載到期日，並免除作成拒絕書。詎經聲請人於 111 年 6 月 5 日向相對人提示未獲付款，為此提出該本票一紙，聲請裁定強制執行。

The Reason

- Import of petition abbreviated:

The opposite party had issued a promissory note with a face amount of NT\$100,000 on 2022/6/5, and a maturity date had not stated, and waiver of protest. The opposite party has not been paid at presence after remind on 2022/6/5. The petitioner submits the promissory note thereafter, and petition for ruling granting compulsory.

- 本件應與票據法 第 123 條之規定相符，應予准許。
- In accordance with Article 123 of Negotiable Instruments Act, the ruling is granted.
- 依非訟事件法第 21 條第 2 項、第 24 條第 1 項、民事訴訟法第 78 條裁定如主文。
- In according with Item 2 Article 21, Item 1 Article 24 of Non-Contentious Matters Law and with Article 78 of Taiwan Code of Civil Procedure, the court rules as the Main Text.
- 如不服本裁定，應於裁定送達後 10 日之不變期間內，向本院提出抗告狀，並需繳抗告費新台幣 1000 元。
- Subject to review of the decision, the appeal must be filled within a period of 10 days with the appeal fee NT 1,000.
- 發票人如主張本票系偽造、變造，應於接到本裁定後 20 日之不變期間內，對執票人向本院另行提起債權不存在之訴。如已提起確認之訴者、得依非訟事件法第 195 條規定聲請法院停止執行。
- The opposite party claims that the promissory note was forged or altered, and the appeal must be filled within a period of 20 days after receiving the ruling. The claimant has been confirmed, In according with Article 195 of the Non-Litigation Law, the court granted to stop execution.

橋頭簡易庭
Qiaotou Simple court

司法事務官
Judicial officer

附註：

Note:

案件一經確定本院即依職權核發確定證明書，債權人毋庸具狀申請
The case is confirmed, the court will issue a certificate,
and the petitioner will not apply for it.

嗣後遞狀應註明案號及股別。

To identify the case number and stocks.