

FREE GUIDE · FILLABLE PDF

IS A DEBT FUND CHASING YOU?

Review your **debts, account seizures, mortgage** and potential options under **Spain's Second Chance Law**.

COMPLETE, SAVE AND TAKE TO YOUR LAWYER

10 practical steps, editable fields, document checklist and links to official Spanish sources.

ASO CORPORATE

STEP 01 · CHECK FOR URGENCY

Before you begin

Complete what you know. Leave uncertain answers blank. You do not need every document to start.

URGENT: DO NOT IGNORE A COURT NOTICE

If you receive a court order, enforcement notice, auction date or eviction notice, seek legal advice immediately. This guide does not stop deadlines or file a defence.

Tick any situations that apply:

- ☐ I received a court claim or notice
- ☐ My bank account or wages were seized
- ☐ I have missed mortgage payments
- ☐ A judicial auction or eviction is scheduled
- ☐ An unfamiliar debt company is chasing me
- ☐ I cannot pay several creditors
- ☐ I am listed on ASNEF or a similar register
- ☐ I have been offered a repayment agreement

Basic details (optional)

Full name

Town / province in Spain

Email address (optional)

Phone number (optional)

PRIVACY AND SECURITY

You can fill in and save this PDF on your device. It does not send data to the law firm. Avoid full ID numbers, passwords, complete IBANs and unnecessary third-party information.

STEP 02 · LIST YOUR DEBTS

Your debt overview

Record your main debts. If you have more than three, add a separate list.

DEBT 1

Original bank / lender

Who is chasing payment now?

Amount claimed (€)

Type: card, loan, etc.

Last payment (approx.)

DEBT 2

Original bank / lender

Who is chasing payment now?

Amount claimed (€)

Type: card, loan, etc.

Last payment (approx.)

DEBT 3

Original bank / lender

Who is chasing payment now?

Amount claimed (€)

Type: card, loan, etc.

Last payment (approx.)

Record payments already made and keep proof. A payment demand alone does not establish that the amount claimed is correct.

STEP 03 · CHECK THE TRANSFER

Who owns the debt?

The company sending the letter may own the debt or simply collect it for someone else.

Your original lender

Company demanding payment

Date of first payment demand

Reference number (partial only)

Which documents do you have?

- ☐ Original loan agreement
- ☐ Notice of assignment
- ☐ Account / payment statements
- ☐ Statement of amount due
- ☐ Letters, emails or formal notices
- ☐ Court claim and court documents

Three questions to check

1. Who can prove ownership of the debt?

2. What documents establish the assignment and balance?

3. Is the company the creditor or only a *servicer*?

IMPORTANT 2026 MORTGAGE RULE

Article 25 bis of Law 5/2019, added in October 2026, concerns transfers of lender rights within its scope. Applicability depends on dates, transaction type and the individual loan.

STEP 04 · REVIEW THE FIGURES

How much is claimed?

Separate principal, interest, charges, legal costs and previous payments rather than relying on the total.

Outstanding principal claimed (€)

Ordinary / default interest (€)

Fees and additional charges (€)

Court costs / legal sums (€)

TOTAL demanded (€)

Payments you can prove (€)

What needs to be clarified?

- [ ] No itemised breakdown provided
- [ ] Instalments / payments do not match
- [ ] Interest or fees appear questionable
- [ ] I do not know when the debt fell due

Explain any amounts or charges you dispute

DO NOT ASSUME THE DEBT IS TIME-BARRED

Limitation periods and possible interruption depend on the debt, relevant dates and applicable civil law, including Catalan civil law where relevant.

STEP 05 · CHECK COURT DEADLINES

Are there court proceedings?

Write down when each court notice arrived. A collection letter is not the same as a judicial order.

What court papers have you received?

- [ ] Payment order (monitorio)
- [ ] Civil court claim
- [ ] Money judgment enforcement
- [ ] Mortgage foreclosure
- [ ] Judicial auction date
- [ ] Eviction / repossession date

Court and case number (omit unnecessary personal data)

Date notice was received

Next date / deadline shown

What does the court require or notify?

COURT DEADLINE: ACT BEFORE IT EXPIRES

For Spanish **monitorio** proceedings, Article 815 LEC generally allows **20 days** to pay or oppose after service. Other proceedings have different deadlines and grounds. A lawyer must check the notice and calculation of time.

If proceedings exist, obtain the full court file. Completing this guide is not a defence, appeal or application for a stay.

STEP 06 · REVIEW ASSET SEIZURES

Garnishments and credit files

Identify the affected money or assets and who ordered the measure.

What has been seized or frozen?

- [ ] Bank account
- [ ] Wages or pension
- [ ] Vehicle
- [ ] Property / real estate
- [ ] Tax refund
- [ ] Another asset or right

Bank / institution applying seizure

Court / agency issuing the order

Amount attached / withheld (€)

Date of attachment

Are you listed on ASNEF or a credit default file?

- [ ] Yes
- [ ] No
- [ ] Not sure

Keep the listing notice and the original debt details.

TWO SEPARATE LEGAL CHECKS

Article 607 LEC limits attachment of wages and pensions; treatment of bank account balances needs case-specific review. Credit default listings must comply with AEPD requirements.

If wages are affected, keep recent payslips and evidence of every deduction.

STEP 07 · PROTECT YOUR PROPERTY

Your home and mortgage

Use this section if a loan is secured on real estate or foreclosure is a possibility.

Which statements describe the property?

- [ ] It is my main residence
- [ ] I rent my home
- [ ] It is a second home
- [ ] It is a commercial property
- [ ] It is mortgaged
- [ ] Auction / foreclosure has started

Town where the property is located

Estimated property value (€)

Outstanding mortgage balance (€)

Bank / mortgage holder / fund demanding payment

List any auction, repossession or eviction dates

HOME PROTECTION: CASE-BY-CASE REVIEW

2026 housing rules provide protections in certain cases. Whether they apply depends on the creditor, transaction, stage of proceedings and personal eligibility.

STEP 08 · ASSESS INSOLVENCY

Spain's Second Chance Law

Discharge of unpaid liabilities (EPI) requires a full review of debts, income, assets and circumstances.

Your approximate financial position

Net monthly income (€)

Essential monthly expenses (€)

Approximate total debt (€)

Approximate number of creditors

Which other factors apply?

- ☐ Tax / Social Security debts
- ☐ I own a home or other assets
- ☐ I am / was self-employed
- ☐ I receive wages, pension or benefits
- ☐ I previously filed for insolvency / EPI
- ☐ I signed guarantees or suretyships

Other liabilities to consider (no sensitive details)

EPI DOES NOT NECESSARILY WIPE OUT EVERY DEBT

Articles 486-489 of the Consolidated Insolvency Act regulate routes to discharge, requirements, exclusions and non-dischargeable debts. Multiple defaults do not automatically establish eligibility.

STEP 09 · COLLECT YOUR RECORDS

Document checklist

Tick what you already have. Missing documents do not prevent an initial review; identify what remains outstanding.

- [ ] Loan / credit card agreement
- [ ] Statements and payment proof
- [ ] Notice of transfer / assignment
- [ ] Court claim, orders and notices
- [ ] Payslips / pension / benefits
- [ ] AEAT / TGSS certificates
- [ ] ASNEF notices
- [ ] Mortgage deed, if applicable
- [ ] Demand letters and notices
- [ ] Balance certificate / statement
- [ ] Evidence of seizure / freezing
- [ ] Relevant tax returns
- [ ] Property and vehicle documents
- [ ] List of other creditors

Suggested priority: what comes first?

URGENT	A court notice, auction, eviction or deadline for filing an opposition is approaching.
REVIEW SOON	An unfamiliar company is demanding payment, assets are seized or amounts seem unsupported.
PREPARE	No court proceedings yet; gather contracts, amounts and creditor information.

Priority levels are indicative only; they do not replace a review of court orders, deadlines or protective and enforcement measures.

STEP 10 · PREPARE TO MEET A LAWYER

Your case summary

Use this page to prepare for legal advice. You can save it and share it only if you choose to.

In 4-5 lines, describe your main problem

Known court deadline / next action

Creditor / court involved

What is your goal? (verify, negotiate, defend, protect home, assess EPI)

Your three most important questions for a lawyer

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OFFICIAL SOURCES AND TERMS OF USE

Legal basis and sources

Official Spanish legal sources. Content reviewed on 7 November 2026.

01

Debt assignments · Bank of Spain

General guidance on loan transfers and the continuity of loan conditions.

OPEN OFFICIAL SOURCE

02

Spanish Civil Procedure Act · BOE

Articles 607 (wage attachment) and 815 (payment orders).

OPEN OFFICIAL SOURCE

03

Spanish Consolidated Insolvency Act · BOE

Articles 486-489 (discharge of unpaid liabilities).

OPEN OFFICIAL SOURCE

04

Royal Decree-Law 29/2026 · BOE

Housing measures and amendment of Law 5/2019, Article 25 bis.

OPEN OFFICIAL SOURCE

05

AEPD · credit information systems

Requirements for listing personal data in credit default databases.

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LEGAL NOTICE AND PRIVACY

Self-assessment guide only, not individual legal advice or a guarantee of results. Answers do not constitute a legal opinion or pause deadlines. Laws may change; verify the current rules and your own case.

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