

Investment of pledged property in Jordanian law

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Abstract

Whereas the purpose of property foreclosure, investing and exploiting thereof, is to guarantee the creditor right, until full collecting the mortgaged asset price, in case the mortgagor failure to fulfill it in the fixed date, such purpose does not materialize unless the contract parties carry out their obligations thereunder, any breach of any relevant party, is considered a condition to guarantee by the other party. If the mortgaged property is entrusted to the mortgagee or mortgagor, without being utilized or invested, as being a means to general profit, especially if such asset generate income once invested; then if it is not being invested for its assigned purpose, shall lead to disrupting the economic wheel and money lose. On the other hand, it shall decrease its market value. Each of them has its interest to invest it. The mortgagor interest is not to keep such property mortgage to make it useless and deprives him from the benefit and money, which it used to produce. Moreover, the Mortgagee interest is to invest the mortgaged property in order to enable him collect his right from such income value and manage without such foreclosure or until its generated outcomes in addition to the mortgaged property are enough to fulfill the guaranteed debt.

Due to the importance of this theme (Investment of mortgaged property) the researcher has decided to adopt it as theme to his thesis. It is consisted of a prelude and two chapters, the prelude dealt with the concept of the mortgaged property, Its fundamentals and characteristics, whereas chapter(1) discussed the mortgaged – liable property , its investment importance and Legal qualification of the investor of the mortgaged object.

In chapter (2) the researcher has focused on explaining the effects and expiry of mortgaged property investment.

He concluded the research with a number of conclusions and recommendations.