



República de Colombia

Juzgado Promiscuo Municipal de Manta

Manta, diez (10) de agosto de dos mil veintitrés (2023)

Radicado: 25436-40-89-001-2017-00034-00

Demandante: Banco Agrario de Colombia

Demandado: Néstor Eliseo Méndez Camelo

Proceso: Ejecutivo Singular

Procede el despacho a resolver lo pertinente respecto a si aprueba o modifica la actualización de la liquidación de crédito presentada por la parte demandante.

El artículo 446 en sus numerales 3º y 4 º del C.G.P., establece “...3. Vencido el traslado, el juez decidirá si aprueba o modifica la liquidación por auto que solo será apelable cuando resuelva una objeción o altere de oficio la cuenta respectiva. El recurso, que se tramitará en el efecto diferido, no impedirá efectuar el remate de bienes, ni la entrega de dineros al ejecutante en la parte que no es objeto de apelación...” ... “4. De la misma manera se procederá cuando se trate de actualizar la liquidación en los casos previstos en la ley, para lo cual se tomará como base la liquidación que esté en firme.”

Se advierte que la liquidación del crédito aportada por la parte actora, no se ajusta a derecho, y presenta como falencia el valor indicando en “liquidación a corte 31 de enero de 2020”, como quiera que las sumas allí indicadas no corresponden a las señaladas en auto de 04 de marzo de 2020 a través del cual se modificó la actualización de la liquidación del crédito.

Así las cosas, este Despacho procedió a realizar la liquidación de crédito, así:

Pagaré No 725031470090770

CAPITAL:		\$2.503.600.00					
DESDE	HASTA		IBC	INTERES MORA (1,5 * IBC)	TASA DIARIA	DÍAS	TOTAL INTERESES MORA
01/02/20	29/02/20	\$2.503.600.00	19.06%	28.59%	0.068917%	29	\$50.036.47
01/03/20	31/03/20	\$2.503.600.00	18.95%	28.43%	0.068565%	31	\$53.214.05
01/04/20	30/04/20	\$2.503.600.00	18.69%	28.04%	0.067731%	30	\$50.871.20
01/05/20	31/05/20	\$2.503.600.00	18.19%	27.29%	0.066120%	31	\$51.316.84
01/06/20	30/06/20	\$2.503.600.00	18.12%	27.18%	0.065894%	30	\$49.491.53
01/07/20	31/07/20	\$2.503.600.00	18.12%	27.18%	0.065894%	31	\$51.141.24
01/08/20	31/08/20	\$2.503.600.00	18.29%	27.44%	0.066443%	31	\$51.567.44
01/09/20	30/09/20	\$2.503.600.00	18.35%	27.53%	0.066637%	30	\$50.049.35

01/10/20	31/10/20	\$2.503.600.00	18.09%	27.14%	0.065797%	31	\$51.065.95
01/11/20	30/11/20	\$2.503.600.00	17.84%	26.76%	0.064987%	30	\$48.810.40
01/12/20	31/12/20	\$2.503.600.00	17.46%	26.19%	0.063751%	31	\$49.478.49
01/01/21	31/01/21	\$2.503.600.00	17.32%	25.98%	0.063295%	31	\$49.124.12
01/02/21	28/02/21	\$2.503.600.00	17.54%	26.31%	0.064012%	28	\$44.872.92
01/03/21	31/03/21	\$2.503.600.00	17.41%	26.12%	0.063588%	31	\$49.352.00
01/04/21	30/04/21	\$2.503.600.00	17.31%	25.97%	0.063262%	30	\$47.514.95
01/05/21	31/05/21	\$2.503.600.00	17.22%	25.83%	0.062968%	31	\$48.870.63
01/06/21	30/06/21	\$2.503.600.00	17.21%	25.82%	0.062936%	30	\$47.269.61
01/07/21	31/07/21	\$2.503.600.00	17.18%	25.77%	0.062837%	31	\$48.769.15
01/08/21	31/08/21	\$2.503.600.00	17.24%	25.86%	0.063034%	31	\$48.921.35
01/09/21	30/09/21	\$2.503.600.00	17.19%	25.79%	0.062870%	30	\$47.220.51
01/10/21	31/10/21	\$2.503.600.00	17.08%	25.62%	0.062510%	31	\$48.515.24
01/11/21	30/11/21	\$2.503.600.00	17.27%	25.91%	0.063132%	30	\$47.416.85
01/12/21	31/12/21	\$2.503.600.00	17.46%	26.19%	0.063751%	31	\$49.478.49
01/01/22	31/01/22	\$2.503.600.00	17.66%	26.49%	0.064402%	31	\$49.983.73
01/02/22	28/02/22	\$2.503.600.00	18.30%	27.45%	0.066475%	28	\$46.599.66
01/03/22	31/03/22	\$2.503.600.00	18.47%	27.71%	0.067034%	31	\$52.026.11
01/04/22	30/04/22	\$2.503.600.00	19.05%	28.58%	0.068895%	30	\$51.745.85
01/05/22	31/05/22	\$2.503.600.00	19.71%	29.57%	0.070998%	31	\$55.102.76
01/06/22	30/06/22	\$2.503.600.00	20.40%	30.60%	0.073169%	30	\$54.955.74
01/07/22	31/07/22	\$2.503.600.00	21.28%	31.92%	0.075926%	31	\$58.927.54
01/08/22	31/08/22	\$2.503.600.00	22.21%	33.32%	0.078821%	31	\$61.173.97
01/09/22	30/09/22	\$2.503.600.00	23.50%	35.25%	0.082762%	30	\$62.160.55
01/10/22	31/10/22	\$2.503.600.00	24.61%	36.92%	0.086127%	31	\$66.844.20
01/11/22	30/11/22	\$2.503.600.00	25.78%	38.67%	0.089609%	30	\$67.303.62
01/12/22	31/12/22	\$2.503.600.00	27.64%	41.46%	0.095072%	31	\$73.786.66
01/01/23	31/01/23	\$2.503.600.00	28.84%	43.26%	0.098539%	31	\$76.477.85
01/02/23	20/02/23	\$2.503.600.00	30.18%	45.27%	0.102360%	20	\$51.253.83
01/03/23	31/03/23	\$2.503.600.00	30.84%	46.26%	0.104223%	31	\$80.889.10
01/04/23	30/04/23	\$2.503.600.00	31.39%	47.09%	0.105775%	30	\$79.445.44
01/05/23	31/05/23	\$2.503.600.00	30.27%	45.41%	0.102624%	31	\$79.648.47
01/06/23	30/06/23	\$2.503.600.00	29.76%	44.64%	0.101168%	30	\$75.985.50
01/07/23	31/07/23	\$2.503.600.00	29.36%	44.04%	0.100028%	31	\$77.633.57
TOTAL INTERESES MORATORIOS							\$2.356.312.89

Pagaré No 4481860000740339

CAPITAL:		\$442.101.00					
DESDE	HASTA	CAPITAL	IBC	INTERES MORA (1,5 * IBC)	TASA DIARIA	DÍAS	TOTAL INTERESES MORA
01/02/20	29/02/20	\$442.101.00	19.06%	28.59%	0.068917%	29	\$8.835.75
01/03/20	31/03/20	\$442.101.00	18.95%	28.43%	0.068565%	31	\$9.396.86
01/04/20	30/04/20	\$442.101.00	18.69%	28.04%	0.067731%	30	\$8.983.15
01/05/20	31/05/20	\$442.101.00	18.19%	27.29%	0.066120%	31	\$9.061.84
01/06/20	30/06/20	\$442.101.00	18.12%	27.18%	0.065894%	30	\$8.739.52
01/07/20	31/07/20	\$442.101.00	18.12%	27.18%	0.065894%	31	\$9.030.83
01/08/20	31/08/20	\$442.101.00	18.29%	27.44%	0.066443%	31	\$9.106.09

01/09/20	30/09/20	\$442.101.00	18.35%	27.53%	0.066637%	30	\$8.838.02
01/10/20	31/10/20	\$442.101.00	18.09%	27.14%	0.065797%	31	\$9.017.54
01/11/20	30/11/20	\$442.101.00	17.84%	26.76%	0.064987%	30	\$8.619.24
01/12/20	31/12/20	\$442.101.00	17.46%	26.19%	0.063751%	31	\$8.737.21
01/01/21	31/01/21	\$442.101.00	17.32%	25.98%	0.063295%	31	\$8.674.64
01/02/21	28/02/21	\$442.101.00	17.54%	26.31%	0.064012%	28	\$7.923.93
01/03/21	31/03/21	\$442.101.00	17.41%	26.12%	0.063588%	31	\$8.714.88
01/04/21	30/04/21	\$442.101.00	17.31%	25.97%	0.063262%	30	\$8.390.48
01/05/21	31/05/21	\$442.101.00	17.22%	25.83%	0.062968%	31	\$8.629.87
01/06/21	30/06/21	\$442.101.00	17.21%	25.82%	0.062936%	30	\$8.347.16
01/07/21	31/07/21	\$442.101.00	17.18%	25.77%	0.062837%	31	\$8.611.95
01/08/21	31/08/21	\$442.101.00	17.24%	25.86%	0.063034%	31	\$8.638.83
01/09/21	30/09/21	\$442.101.00	17.19%	25.79%	0.062870%	30	\$8.338.49
01/10/21	31/10/21	\$442.101.00	17.08%	25.62%	0.062510%	31	\$8.567.12
01/11/21	30/11/21	\$442.101.00	17.27%	25.91%	0.063132%	30	\$8.373.16
01/12/21	31/12/21	\$442.101.00	17.46%	26.19%	0.063751%	31	\$8.737.21
01/01/22	31/01/22	\$442.101.00	17.66%	26.49%	0.064402%	31	\$8.826.43
01/02/22	28/02/22	\$442.101.00	18.30%	27.45%	0.066475%	28	\$8.228.85
01/03/22	31/03/22	\$442.101.00	18.47%	27.71%	0.067034%	31	\$9.187.09
01/04/22	30/04/22	\$442.101.00	19.05%	28.58%	0.068895%	30	\$9.137.60
01/05/22	31/05/22	\$442.101.00	19.71%	29.57%	0.070998%	31	\$9.730.38
01/06/22	30/06/22	\$442.101.00	20.40%	30.60%	0.073169%	30	\$9.704.42
01/07/22	31/07/22	\$442.101.00	21.28%	31.92%	0.075926%	31	\$10.405.79
01/08/22	31/08/22	\$442.101.00	22.21%	33.32%	0.078821%	31	\$10.802.47
01/09/22	30/09/22	\$442.101.00	23.50%	35.25%	0.082762%	30	\$10.976.69
01/10/22	31/10/22	\$442.101.00	24.61%	36.92%	0.086127%	31	\$11.803.76
01/11/22	30/11/22	\$442.101.00	25.78%	38.67%	0.089609%	30	\$11.884.88
01/12/22	31/12/22	\$442.101.00	27.64%	41.46%	0.095072%	31	\$13.029.70
01/01/23	31/01/23	\$442.101.00	28.84%	43.26%	0.098539%	31	\$13.504.93
01/02/23	20/02/23	\$442.101.00	30.18%	45.27%	0.102360%	20	\$9.050.72
01/03/23	31/03/23	\$442.101.00	30.84%	46.26%	0.104223%	31	\$14.283.89
01/04/23	30/04/23	\$442.101.00	31.39%	47.09%	0.105775%	30	\$14.028.96
01/05/23	31/05/23	\$442.101.00	30.27%	45.41%	0.102624%	31	\$14.064.81
01/06/23	30/06/23	\$442.101.00	29.76%	44.64%	0.101168%	30	\$13.417.98
01/07/23	31/07/23	\$442.101.00	29.36%	44.04%	0.100028%	31	\$13.709.01
TOTAL INTERESES MORATORIOS							\$416.092.14

Pagaré No 725031470101219

CAPITAL:		\$3.749.990.00					
DESDE	HASTA	CAPITAL	IBC	INTERES MORA (1,5 * IBC)	TASA DIARIA	DÍAS	TOTAL INTERESES MORA
01/02/20	29/02/20	\$3.749.990.00	19.06%	28.59%	0.068917%	29	\$74.946.58
01/03/20	31/03/20	\$3.749.990.00	18.95%	28.43%	0.068565%	31	\$79.706.09
01/04/20	30/04/20	\$3.749.990.00	18.69%	28.04%	0.067731%	30	\$76.196.87
01/05/20	31/05/20	\$3.749.990.00	18.19%	27.29%	0.066120%	31	\$76.864.37
01/06/20	30/06/20	\$3.749.990.00	18.12%	27.18%	0.065894%	30	\$74.130.34
01/07/20	31/07/20	\$3.749.990.00	18.12%	27.18%	0.065894%	31	\$76.601.36

01/08/20	31/08/20	\$3.749.990.00	18.29%	27.44%	0.066443%	31	\$77.239.73
01/09/20	30/09/20	\$3.749.990.00	18.35%	27.53%	0.066637%	30	\$74.965.87
01/10/20	31/10/20	\$3.749.990.00	18.09%	27.14%	0.065797%	31	\$76.488.57
01/11/20	30/11/20	\$3.749.990.00	17.84%	26.76%	0.064987%	30	\$73.110.13
01/12/20	31/12/20	\$3.749.990.00	17.46%	26.19%	0.063751%	31	\$74.110.82
01/01/21	31/01/21	\$3.749.990.00	17.32%	25.98%	0.063295%	31	\$73.580.02
01/02/21	28/02/21	\$3.749.990.00	17.54%	26.31%	0.064012%	28	\$67.212.41
01/03/21	31/03/21	\$3.749.990.00	17.41%	26.12%	0.063588%	31	\$73.921.35
01/04/21	30/04/21	\$3.749.990.00	17.31%	25.97%	0.063262%	30	\$71.169.75
01/05/21	31/05/21	\$3.749.990.00	17.22%	25.83%	0.062968%	31	\$73.200.34
01/06/21	30/06/21	\$3.749.990.00	17.21%	25.82%	0.062936%	30	\$70.802.27
01/07/21	31/07/21	\$3.749.990.00	17.18%	25.77%	0.062837%	31	\$73.048.34
01/08/21	31/08/21	\$3.749.990.00	17.24%	25.86%	0.063034%	31	\$73.276.31
01/09/21	30/09/21	\$3.749.990.00	17.19%	25.79%	0.062870%	30	\$70.728.72
01/10/21	31/10/21	\$3.749.990.00	17.08%	25.62%	0.062510%	31	\$72.668.02
01/11/21	30/11/21	\$3.749.990.00	17.27%	25.91%	0.063132%	30	\$71.022.81
01/12/21	31/12/21	\$3.749.990.00	17.46%	26.19%	0.063751%	31	\$74.110.82
01/01/22	31/01/22	\$3.749.990.00	17.66%	26.49%	0.064402%	31	\$74.867.58
01/02/22	28/02/22	\$3.749.990.00	18.30%	27.45%	0.066475%	28	\$69.798.80
01/03/22	31/03/22	\$3.749.990.00	18.47%	27.71%	0.067034%	31	\$77.926.74
01/04/22	30/04/22	\$3.749.990.00	19.05%	28.58%	0.068895%	30	\$77.506.95
01/05/22	31/05/22	\$3.749.990.00	19.71%	29.57%	0.070998%	31	\$82.535.06
01/06/22	30/06/22	\$3.749.990.00	20.40%	30.60%	0.073169%	30	\$82.314.86
01/07/22	31/07/22	\$3.749.990.00	21.28%	31.92%	0.075926%	31	\$88.263.98
01/08/22	31/08/22	\$3.749.990.00	22.21%	33.32%	0.078821%	31	\$91.628.77
01/09/22	30/09/22	\$3.749.990.00	23.50%	35.25%	0.082762%	30	\$93.106.50
01/10/22	31/10/22	\$3.749.990.00	24.61%	36.92%	0.086127%	31	\$100.121.85
01/11/22	30/11/22	\$3.749.990.00	25.78%	38.67%	0.089609%	30	\$100.809.99
01/12/22	31/12/22	\$3.749.990.00	27.64%	41.46%	0.095072%	31	\$110.520.54
01/01/23	31/01/23	\$3.749.990.00	28.84%	43.26%	0.098539%	31	\$114.551.51
01/02/23	20/02/23	\$3.749.990.00	30.18%	45.27%	0.102360%	20	\$76.770.00
01/03/23	31/03/23	\$3.749.990.00	30.84%	46.26%	0.104223%	31	\$121.158.86
01/04/23	30/04/23	\$3.749.990.00	31.39%	47.09%	0.105775%	30	\$118.996.48
01/05/23	31/05/23	\$3.749.990.00	30.27%	45.41%	0.102624%	31	\$119.300.60
01/06/23	30/06/23	\$3.749.990.00	29.76%	44.64%	0.101168%	30	\$113.814.06
01/07/23	31/07/23	\$3.749.990.00	29.36%	44.04%	0.100028%	31	\$116.282.60
TOTAL INTERESES MORATORIOS							\$3.529.377.60

Teniendo en cuenta la anterior liquidación y la aprobada mediante auto del 04 de marzo de 2020, la liquidación de crédito final corresponde a la siguiente:

Pagaré No 725031470090770

Liquidación Aprobada a Enero de 2020	\$ 4.866.053.81
Liquidación Intereses Moratorios 01 de febrero de 2020 a 31 de Julio de 2023	\$2.356.312.89
Total Liquidación	\$ 7.222.366.70

Pagaré No 4481860000740339

Liquidación Aprobada a Enero de 2020	\$ 961.569.60
Liquidación Intereses Moratorios 01 de febrero de 2020 a 31 de Julio de 2023	\$ 416.092.14
Total Liquidación	\$ 1.377.661.74

Pagaré No 725031470101219

Liquidación Aprobada a Enero de 2020	\$ 7.623.474.91
Liquidación Intereses Moratorios 01 de febrero de 2020 a 31 de Julio de 2023	\$ 3.529.377.60
Total Liquidación	\$ 11.152.852.51

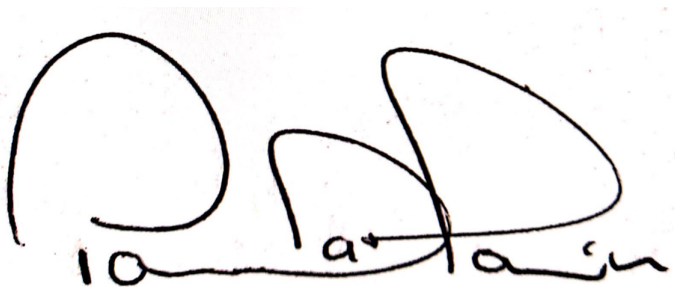
De lo anterior se concluye, que al **31 de julio de 2023**, el demandado adeuda un total de **\$ 19.752.880,95**

Por lo expuesto, el Juzgado

RESUELVE:

MODIFICAR la actualización de la liquidación del crédito presentada por la parte demandante, la cual arroja al **31 de julio de 2023** que la parte ejecutada adeuda un total del crédito aquí ejecutado de **\$ 19.752.880,95**

NOTIFÍQUESE Y CÚMPLASE,



PAULA LORENA MARIN HERNANDEZ

Jueza

NOTIFICACIÓN POR ESTADO

Hoy 11 de agosto de 2023 se notifica a las partes el proveído anterior por anotación en el Estado No 029



LUZ STELLA SANTANA S.
SECRETARIA