

99066004024000, 99066004024000

# Discharge of residual debt Resolution

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/121361815/L100002>

| Modul                     | Sachverhalt  |
|---------------------------|--|
| Leistungsschlüssel        | 99066004024000, 99066004024000                         |
| Leistungsbezeichnung I    | Discharge of residual debt Resolution                  |
| Leistungsbezeichnung II   | Granting or refusal of residual debt discharge         |
| Typisierung               | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug |
| Quellredaktion            | Nordrhein-Westfalen                                    |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                            |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus                            |
| Begriffe im Kontext       |  |
| Leistungstyp              | Leistungsobjekt mit Verrichtung                        |
| Leistungsgruppierung      | Insolvenz (066)  |
| Verrichtungskennung       | Beschluss (024)  |
| SDG-Informationsbereich   | Insolvenzverfahren und Liquidation von Unternehmen     |
| Lagen Portalverbund       | Sanierung und Insolvenz (2160300)                      |
| Einheitlicher             |  |

| Modul                      | Sachverhalt   |
|----------------------------|---|
| Ansprechpartner            | Nein  |
| Fachlich freigegeben am    | 23.04.2021  |
| Fachlich freigegeben durch | Ministry of Justice of the State of North Rhine-Westphalia  |
| Handlungsgrundlage         | <p>§§ Sections 286 et seq. Paragraph 1 of the Insolvency Code (InsO)</p> <p> <a href="https://www.gesetze-im-internet.de/insol/_286.html">https://www.gesetze-im-internet.de/insol/_286.html</a><br/> <a href="https://www.gesetze-im-internet.de/insol/_286.html">https://www.gesetze-im-internet.de/insol/_286.html</a><br/> <a href="https://www.gesetze-im-internet.de/insol/_286.html">https://www.gesetze-im-internet.de/insol/_286.html</a> </p>   |
| Teaser                     | You can be released from your debts by successfully completing residual debt discharge proceedings.   |
| Volltext                   | <p>Residual debt discharge proceedings (see also text Residual debt discharge proceedings or Expiry of residual debt discharge proceedings) usually end with a court decision: granting or refusal of residual debt discharge by a decision of the insolvency court.</p> <p>If the proceedings have not been terminated prematurely, the insolvency court usually decides on the application for residual debt discharge once the assignment period has expired. The assignment period is 3 years (or 5 years in renewed proceedings. The court first gives the persons involved in the proceedings the opportunity to comment. Insolvency creditors and the trustee can apply for refusal of residual debt discharge.</p> <p>If a creditor files an application for refusal, the reason for refusal on which it relies must be substantiated with a comprehensible description of the facts. If you dispute these facts, the creditor must provide credible evidence. If the credibility is established, the insolvency court will determine the facts relevant to the decision ex officio.</p> <p>If, after hearing you and clarifying the facts, the court finds no grounds for refusal, it will reject the application for refusal of discharge of residual debt. If, however, a reason for refusal is established, the</p> |

## Modul

## Sachverhalt

insolvency court can decide to refuse residual debt discharge, taking into account all the circumstances of the individual case.

The granting of residual debt discharge is generally effective against all insolvency creditors. It relates to debts that were already established when the insolvency proceedings were opened and have not yet been repaid. It also applies to insolvency creditors who have not registered their claims. Residual debt discharge does not include so-called debts of the estate, i.e. obligations that have arisen in connection with the insolvency proceedings. Likewise, residual debt discharge does not cover other new debts that were only created after the opening of insolvency proceedings, in particular recurring obligations to pay maintenance or rent after the opening date. In addition, certain claims are excluded from the discharge of residual debt; these include fines, penalties, fines and administrative fines and liabilities arising from an intentionally committed tort (e.g. bodily injury, damage to property), provided that the creditors have stated the facts from which, in their opinion, this legal basis arises when filing their claim.

However, it should be noted that which liabilities are covered by the discharge of residual debt and which are not can only be determined specifically on the basis of the circumstances of each individual case.

If the discharge of residual debt has already been granted, it can also be revoked retrospectively if, for example, it subsequently transpires that the debtor has deliberately breached one of his obligations and thereby significantly impaired the satisfaction of the insolvency creditors or the debtor has deliberately or grossly negligently breached duties to provide information or cooperate after the discharge of residual debt has been granted, which are incumbent on him under this law during the insolvency proceedings.

## Erforderliche Unterlagen

### Voraussetzungen

Discharge of residual debt is granted if:

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|------------------------------|---|
|                              | <ul style="list-style-type: none"> <li>• An admissible application for residual debt discharge has been filed</li> <li>• So-called Good conduct phase has expired</li> <li>• No grounds for refusal have been established by the insolvency court at the request of a creditor.</li> </ul>    |
| Kosten                       |   |
| Verfahrensablauf             | <ul style="list-style-type: none"> <li>• Residual debt discharge is granted or refused at the end of the residual debt discharge proceedings. For more information on this procedure, please read the text Residual debt discharge procedure or Residual debt discharge procedure.</li> </ul> |
| Bearbeitungsdauer            |   |
| Frist                        |   |
| weiterführende Informationen | <a href="https://www.justiz.nrw/BS/formulare/insolvenz/restschuldbefreiungsverfahren/index.php">https://www.justiz.nrw/BS/formulare/insolvenz/restschuldbefreiungsverfahren/index.php</a>   |
| Hinweise                     | The refusal and revocation of residual debt discharge are generally entered in the debtor register for a period of 3 years. A grant of residual debt discharge is not entered in this register  |
| Rechtsbehelf                 |   |
| Kurztext                     | <ul style="list-style-type: none"> <li>• Granting of residual debt discharge</li> <li>• Refusal of discharge of residual debt</li> <li>• Decision on discharge of residual debt</li> </ul>  |
| Ansprechpunkt                |   |
| Zuständige Stelle            |   |
| Formulare                    |   |
| Ursprungsportal              | Restschuldbefreiung Beschluss, Discharge of residual debt Resolution  |