

99066008000000

File insolvency claims

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/6000502-99066008000000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99066008000000
Leistungsbezeichnung I	File insolvency claims
Leistungsbezeichnung II	File insolvency claims
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul
Sachverhalt
Fachlich freigegeben durch
Handlungsgrundlage

- § 28 Insolvenzordnung (InsO) – Aufforderungen an die Gläubiger und die Schuldner
- § 29 InsO – Terminbestimmung
- §§ 35 ff. InsO – Insolvenzmasse, Einteilung der Gläubiger
- § 174 ff. InsO – Feststellung der Forderungen

Teaser

All creditors who are known when insolvency proceedings are opened are requested by the insolvency court or insolvency administrator to register their insolvency claims with the insolvency administrator within a certain period of time.

Volltext

Registration of claims in accordance with Section 174 of the Insolvency Code (InsO)

All creditors who are known when insolvency proceedings are opened are requested by the insolvency court or insolvency administrator to register their insolvency claims with the insolvency administrator within a certain period of time.

By registering, you as a creditor ensure that your claims are recognised and can be taken into account in the distributions. This means that you are effectively registered as a creditor and, as soon as the claim is recognised, you have the corresponding powers in the insolvency proceedings, such as the right to vote, the right to object, the right to file an application and the right to appeal.

Of course, you can also assert your claims against the debtor even if you have not been expressly contacted. The request is addressed to all creditors and is therefore also publicised in the public announcement media with the court order. You can also obtain information directly from the court on request.

Erforderliche Unterlagen

- Exact description and quantification of the claims
- Documentary evidence (e.g. judgement, enforcement order, cost assessment order, cheque, bill of exchange, deed of debt, contract)
- power of attorney for legal representation, if

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applicable

Form of the application

It is advisable to use the electronically fillable form to list your claims.

Record the claims with the following details:

- Name of the claim (for example: wage, salary, purchase, loan, service or work contract, bill of exchange claim, claim for damages)
- Amount in euros (EUR),
- broken down into principal claim, interest, costs and calculated total amount
- For interest claims: Interest rate, period and capital up to the day before the opening of insolvency proceedings (for interest accruing thereafter, see subordinated claims)
- Claims in another currency: conversion into euros (exchange rate at the time of the opening of insolvency proceedings)
- Whether it is a claim arising from an intentional tort (e.g. claim for damages due to intentional bodily injury) or an intentional breach of a statutory maintenance obligation in breach of duty and the facts from which this arises This information is particularly important when filing, as the discharge of residual debt does not include claims arising from intentional tort and from arrears of statutory maintenance which the debtor has intentionally failed to pay in breach of duty. (However, this only applies if such a claim is also registered and established accordingly)

Note: For claims that are not based on a monetary amount and for undetermined sums, enter an estimated amount.

Details of a majority of creditors

In addition to the above information, inform the insolvency administrator of the participation ratio of the individual creditors, i.e

- whether one of the creditors is claiming payment for

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- all creditors (joint creditors),
- the payment is to be made to all creditors jointly (e.g. in the case of a community of heirs, civil law partnership / GbR) or
 - the payment must be made to the individual creditors according to certain fractions.

Designate security rights

When filing with the insolvency administrator, please designate

- the exact security interest you are claiming and
- Type and reason for creation (e.g. retention of title, transfer of ownership by way of security, assignment by way of security, lien) and enclose the relevant evidence (e.g. extract from the land register)

Subordination applications only on request

The Insolvency Code provides for certain claims to be satisfied on a subordinate basis. These include, for example, interest accruing after the opening of insolvency proceedings, costs for participating in insolvency proceedings, claims from capital-replacing loans, fines and contractually agreed subordinated claims.

- Only register subordinated claims with the insolvency administrator at the express request of the insolvency court.
- The insolvency administrator will indicate the subordination of the claim in the insolvency schedule and determine a ranking.

Voraussetzungen

- substantiated claims at the time prior to the opening of insolvency proceedings
- written application in German (transmission of electronic documents only permitted with the consent of the insolvency administrator!)

Kosten

- Claim registration: free of charge
- in the event of late filing: costs of a further examination EUR 20.00
- fees and expenses for legal representation, if

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	applicable
Verfahrensablauf	<p>You only register your claims with the insolvency administrator in writing (preferably with a duplicate).</p> <p>An application can only be made by sending an electronic document if the insolvency administrator has expressly agreed to this. In this case, the documents from which the claims arise should be submitted without delay.</p> <p>Depending on the scope and effort involved, it is advisable to involve a lawyer, but there is no obligation to do so.</p> <ul style="list-style-type: none"> • With the order opening the proceedings, the court requests you as a creditor to register your claims. • List all claims in detail and enclose evidence; if available, use the insolvency administration's forms to list them. • Hand over the list and all supporting documents to the insolvency administrator. • At the verification meeting, the registered claims will be checked for their justification.
Bearbeitungsdauer	
Frist	<ul style="list-style-type: none"> • Filing period: between two weeks and three months (determined in the opening order) • Public display of the schedule at the insolvency court: first third of the time between the filing deadline and the verification meeting <p>Note: You can also assert your claims with the insolvency administration at a later date; this may require a further verification meeting.</p>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	

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Formulare	
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Ursprungsportal	
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