

99066002058002, 99066002058002

Carry out corporate insolvency

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/212546640/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99066002058002, 99066002058002
Leistungsbezeichnung I	Carry out corporate insolvency
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Insolvenz (066)
Verrichtungskennung	Durchführung (058)
SDG-Informationsbereich	Insolvenzverfahren und Liquidation von Unternehmen
Lagen Portalverbund	Sanierung und Insolvenz (2160300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	12.10.2021

Modul	Sachverhalt
Fachlich freigegeben durch	TMMJV
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/ http://www.gesetze-im-internet.de/inso/ https://www.gesetze-im-internet.de/bgb/ http://www.gesetze-im-internet.de/inso/
Teaser	In insolvency proceedings, an insolvency plan may, in particular, contain a provision for the preservation of a company. Insolvency proceedings may be opened against the assets of any natural person or legal entity.
Volltext	<p>Insolvency proceedings are court proceedings. It serves to liquidate a debtor's assets and distribute the proceeds to his creditors. A different arrangement can be made in an insolvency plan, in particular for the preservation of a company.</p> <p>Insolvency proceedings are opened only upon application. The petition may be filed by the debtor or the creditors. The debtor's petition must be accompanied by a list of creditors and their claims. If the debtor has a business operation which has not been discontinued, certain information - e.g. the highest claims - shall be specially indicated in the list.</p> <p>Insolvency proceedings may be opened against the assets of any natural person or legal entity. Insolvency proceedings may also be opened, inter alia, in respect of the assets of a company without legal personality (e.g. general partnership, limited partnership and civil law partnership). In addition to creditors, any member of the representative body and, in the case of a company without legal personality or a partnership limited by shares, any personally liable partner, shall be entitled to file a petition for commencement of insolvency proceedings in respect of the assets of a legal entity or a company without legal personality.</p> <p>The commencement of insolvency proceedings is subject to the existence of a ground for commencement. A general ground for opening insolvency proceedings is the debtor's inability to pay. If the debtor applies for the opening of insolvency proceedings, an opening can also take place if the</p>

Modul

Sachverhalt

debtor's insolvency is imminent. In the case of a legal entity, overindebtedness is also a ground for opening.

The insolvency court shall reject the application for commencement of insolvency proceedings if the debtor's assets are not expected to be sufficient to cover the costs of the proceedings. If the insolvency proceedings are opened, the insolvency court appoints an insolvency administrator and requests the creditors to file their claims with the insolvency administrator within a certain period.

Erforderliche Unterlagen

- Application for opening of insolvency proceedings (in writing or on record at the office of the district court)
- if the application is filed by a creditor (so-called third-party application): Substantiation of the debtor's own claim against the debtor (e.g. by submitting judgments, writs of execution or other documents proving the existence of the claim) and substantiation of the reason for opening the insolvency proceedings.
- if the application is filed by the debtor himself (so-called self application): conclusive and comprehensible presentation of the reason for commencement of insolvency proceedings list of creditors and their claims with assurance of correctness and completeness of the information provided if the business has not been discontinued: information on the balance sheet total, sales revenues and the average number of employees

Voraussetzungen

The opening of insolvency proceedings presupposes that there is a reason for opening the proceedings. A general ground for opening insolvency proceedings is the debtor's inability to pay. If the debtor applies for commencement of insolvency proceedings, commencement may also take place in the event of the debtor's imminent insolvency.

Kosten

Verfahrensablauf

Bearbeitungsdauer

Modul	Sachverhalt
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	If the opening of insolvency proceedings is refused, the applicant and, under certain circumstances, the debtor shall have the right of immediate appeal. If insolvency proceedings are opened, the debtor has the right of immediate appeal.
Kurztext	<ul style="list-style-type: none"> • In insolvency proceedings, an insolvency plan may, in particular, contain a provision for the preservation of a company. • Insolvency proceedings may be opened against the assets of any natural person or legal entity. • Application for commencement of insolvency proceedings necessary; application filed by a creditor (so-called third-party application) or Application by the debtor himself (so-called own application) • The insolvency court in whose district the debtor's place of residence or business is located is responsible.
Ansprechpunkt	The insolvency court in whose district the debtor's place of residence or business is located shall have jurisdiction.
Zuständige Stelle	<p>The examination of the opening of insolvency proceedings shall be carried out by the insolvency court. The district court in whose district a regional court has its seat has exclusive jurisdiction for the insolvency proceedings as the insolvency court for the district of that regional court.</p> <p>In Thuringia, insolvency courts are located at the district courts of Erfurt, Gera, Meiningen and Mühlhausen.</p>
Formulare	
Ursprungsportal	Carry out corporate insolvency, Unternehmensinsolvenz durchführen