

99066002058004, 99066002058004

Conduct estate insolvency proceedings

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/212546660/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99066002058004, 99066002058004
Leistungsbezeichnung I	Conduct estate insolvency proceedings
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	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	12.10.2021
Fachlich freigegeben durch	TMMJV
Handlungsgrundlage	http://www.gesetze-im-internet.de/inso/BJNR286600994.html#BJNR286600994BJNG033401311 http://www.gesetze-im-internet.de/inso/BJNR286600994.html#BJNR286600994BJNG033401311
Teaser	<p>Insolvency proceedings may be instituted against an estate. Any heir, the administrator of the estate, another guardian of the estate, an executor of a will and any creditor of the estate shall be entitled to file a petition to open insolvency proceedings against the estate.</p>
Volltext	<p>Insolvency proceedings are court proceedings. It is used to liquidate a debtor's assets and distribute the proceeds to his creditors. The Insolvency proceedings can also be conducted over an estate.</p> <p>Insolvency proceedings are opened only upon application. Any heir, the administrator of the estate and any other guardian of the estate, the executor of the will entitled to administer the estate, and any creditor of the estate shall be entitled to file a petition to open insolvency proceedings against the estate. The opening of insolvency proceedings against an estate shall not be precluded by the fact that the heir has not yet accepted the inheritance or by the fact that the heir has unlimited liability for the estate's debts.</p> <p>The grounds for opening insolvency proceedings against an estate are insolvency and overindebtedness of the estate. If the heir, the administrator of the estate or another guardian of the estate or an executor of the will applies for the opening of the proceedings, imminent insolvency is also a ground for opening.</p> <p>The insolvency court shall reject the application for commencement of insolvency proceedings if the decedent's estate is not expected to be sufficient to cover the costs of the proceedings. If insolvency</p>

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	proceedings are opened, the insolvency court appoints an insolvency administrator and requests creditors to file their claims with the insolvency administrator within a specified period.
Erforderliche Unterlagen	
Voraussetzungen	
Kosten	
Verfahrensablauf	
Bearbeitungsdauer	
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"> • Insolvency proceedings may be instituted against an estate. • Any heir, the administrator of the estate, another guardian of the estate, an executor of the will and any creditor of the estate shall be entitled to file an application for commencement of insolvency proceedings against the estate. • The insolvency court in whose district the decedent had his general place of jurisdiction at the time of his death shall have exclusive local jurisdiction for insolvency proceedings relating to an estate. • If the center of an independent economic activity of the decedent was located in another place, the insolvency court in whose district this place is located shall have exclusive jurisdiction.
Ansprechpunkt	The insolvency court in whose district the decedent had his general place of jurisdiction at the time of his death shall have exclusive local jurisdiction for

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	insolvency proceedings relating to an estate. If the center of an independent economic activity of the decedent was at another place, the insolvency court in whose district this place is located shall have exclusive jurisdiction.
Zuständige Stelle	The examination of the opening of insolvency proceedings is carried out by the insolvency court.
Formulare	
Ursprungsportal	Nachlassinsolvenzverfahren durchführen, Conduct estate insolvency proceedings