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Hubertus Schröder

DIE ABWICKLUNG DES MASSEUNZULÄNGLICHEN INSOLVENZVERFAHRENS

SCHRIFTEN ZUM DEUTSCHEN, EUROPÄISCHEN
UND INTERNATIONALEN INSOLVENZRECHT

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Die Abwicklung Des Masseunzul Nglichen Insolvenzverfahrens Die Abwicklung Des Masseunzul Nglichen Insolvenzverfahrens

Hubertus Schröder



Die Abwicklung Des Masseunzul Nglischen Insolvenzverfahrens Die Abwicklung Des Masseunzul Nglischen Insolvenzverfahrens:

Insolvenzverfahren bei Massearmut und Masseunzulänglichkeit Stefan Smid, Susanne Riedemann, 2019-08-05

Dieses Buch beschäftigt sich mit Insolvenzfällen bei denen die Insolvenzmasse zu einem Zeitpunkt der Verfahrensabwicklung allenfalls die Kosten des Insolvenzverfahrens deckt Diese Lage tritt vielfach auf und gehört zu den Standardproblemen mit denen sich Insolvenzverwalter und Berater auseinandersetzen müssen Rechtsdogmatische Stimmigkeit und Praxisorientierung verbinden sich bei den vorgeschlagenen Lösungen Bei Eintritt der Massearmut der Massebedrängtheit gem 207 InsO oder der Masseunzulänglichkeit nach den 208 ff InsO hat die höchststrichterliche Rechtsprechung das Verfahren von einer Notabwicklung hin zu einer besonderen Form der Insolvenzverwaltung mit dem Ziel entwickelt dem Insolvenzverwalter eine optimale Verwertung der Masse zu ermöglichen und dabei seine Haftungsrisiken zu verringern Dabei stehen die Risiken im Vordergrund die bei einer Fortführung des insolvenzschuldnerischen Betriebes auftreten Besonderes Augenmerk wird auf die Möglichkeiten einer Verfahrensgestaltung durch Insolvenzpläne nach 210a InsO gelegt Die Massebedrängtheit Massearmut i S gem 207 InsO wird in ihren Voraussetzungen und Rechtsfolgen für die Abwicklung des Verfahrens eingehend dargestellt und dabei insbesondere die Handlungsmöglichkeiten des Insolvenzverwalters beleuchtet Der Schwerpunkt der Darstellung liegt bei der Behandlung der Masseunzulänglichkeit gem 208 ff InsO Aus den dabei behandelten Fragen sind hervorzuheben Voraussetzungen der Anzeige der Masseunzulänglichkeit Ermessen des Insolvenzverwalters bei der Wahl des Zeitpunktes der Anzeige Prozessuale Wirkungen der Anzeige auf die Rechtsdurchsetzung der Massegläubiger Probleme einer zweiten Masseunzulänglichkeit und deren Auswirkung auf die Rechtsstellung der Neumassegläubiger Verjährung von Masseforderung nach Wiederherstellung der Massesuffizienz Insolvenzpläne bei Masseunzulänglichkeit Fragen der Haftung des Insolvenzverwalters Verhältnis der Haftungstatbestände der 60 und 61 InsO

Die Abwicklung des masseunzulänglichen Insolvenzverfahrens Hubertus Schröder, 2010 Durch die Neuregelung der 208 ff InsO sollte die erforderliche gesetzliche Grundlage für die Abwicklung masseunzulänglicher Verfahren geschaffen werden Der Gesetzgeber hatte erkannt dass die Abweisung eines Antrags auf Eröffnung des Insolvenzverfahrens bzw der Verfahrensabbruch nach Eröffnung zu einer erheblichen Gefährdung des Geschäftsverkehrs führen kann Trotz des gesetzgeberischen Ziels einer umfassenden Regelung sind insbesondere durch die unbestimmte Formulierung von 208 InsO hinsichtlich des Fortbestands der Verwaltungs- und Verwertungspflicht des Verwalters jedoch wesentliche Fragen der Abwicklung des masseunzulänglichen Verfahrens ungeklärt geblieben Mit der vorliegenden Arbeit sollen diese Unsicherheiten und offenen Punkte der gesetzlichen Regelung aufgegriffen und hierfür Lösungsmöglichkeiten aufgezeigt werden

Immerse yourself in the artistry of words with Experience Art with is expressive creation, Discover the Artistry of **Die Abwicklung Des Masseunzul Nglichen Insolvenzverfahrens Die Abwicklung Des Masseunzul Nglichen Insolvenzverfahrens** . This ebook, presented in a PDF format (*), is a masterpiece that goes beyond conventional storytelling. Indulge your senses in prose, poetry, and knowledge. Download now to let the beauty of literature and artistry envelop your mind in a unique and expressive way.

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