

Verbraucherinsolvenzverfahren [En]

Invitation to lodge a claim. Time limits to be observed*

As you may have gathered from the accompanying order of the insolvency court, insolvency proceedings have been opened regarding the assets of the debtor named therein, which also serves the uniform satisfaction of creditors' claims.

Every creditor, including the tax authorities and the social insurance institutions of Member States, may lodge a written claim in the insolvency proceeding. This also applies to creditors whose habitual residence, domicile, or registered office is in a different Member State than the State in which the insolvency proceeding was opened (Article 39 of the Council Regulation on Insolvency Proceedings). Creditors may also lodge their claims in the official language or in one of the official languages of such other State. In this case, the claim must at least contain the heading "Anmeldung einer Forderung" ("Lodgement of a Claim") in the German language. The creditor may be required to provide a translation of the claim in German (Article 42 para. 2 of the Council Regulation on Insolvency Proceedings).
Inhalt und Anlagen der Anmeldung

The lodgement of the claim must take place within the time period set forth in the accompanying order opening the insolvency proceedings (§ 28 para. 1 of the Insolvency Statute).

Claims that are first lodged after expiration of the filing period, may require an additional verification proceeding. The costs arising therefrom shall be borne by the creditor who lodged an untimely claim (§ 177 para. 1 of the Insolvency Statute).

The lodgement of the claim shall not be made to the insolvency court, but to the insolvency administrator set forth in the accompanying order opening the insolvency proceedings (§ 174 of the Insolvency Statute). If a custodian or trustee is appointed (§§ 270, 313 of the Insolvency Statute), the lodgement of the claim shall be made there.

In the lodgment, the creditor shall state the form, the date the claim arose, and the amount of the claim and shall be accompanied by, as applicable, available supporting documents, as well as certificates of the lodgement, upon which the claim is based (Article 41 of the Council Regulation on Insolvency Proceedings; § 174 para. 1 of the Insolvency Statute).

In addition to the lodgement, the basis for the claim and, if applicable, the facts, from which, in the opinion of the creditor, it appears to be based on an unauthorised intentional act committed by the debtor (§ 174 para. 2 of the Insolvency Statute). The grant of discharge from residual debt shall remain unaffected by unauthorised acts intentionally committed by the debtor, when the creditor lodged a corresponding claim with information regarding this legal basis and the acts upon which it is based (§ 302 nr. 1 of the Insolvency Statute).

All claims are to be asserted as fixed amounts stated in Euros and at the end the total amount shall be summarised. Claims in foreign currency must be converted to Euros at the exchange rate applicable at the time the proceeding was opened. Claims that are not based upon money or whose value is uncertain must be lodged with their estimated value (§ 45 of the Insolvency Statute).

* This form is in fulfillment of the obligation contained in Article 40 together with Article 42 para. 1 of Council Resolution (EC) Nr. 1346/2000, dated 29 May 2000, on Insolvency Proceedings (ABI. L 160/1) for the instruction of creditors.

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Interest, in principle, may be claimed only for the period up until the opening of the insolvency proceedings (the date of the accompanying opening order). The interest rate and time period upon which it is calculated shall be provided and it shall be stated as a fixed amount.

Subordinate claims (for example, interest that accrued after the opening of the proceeding or claims based upon services provided free of charge by the debtor) shall only be lodged to the extent the insolvency court expressly invited the lodgement of these claims in the order opening the insolvency proceedings. Upon the lodgement of such claims, the lower rank shall be indicated and the lower rank to which the creditor is entitled shall be designated (§ 174 para. 3 of the Insolvency Statute).

To the extent creditors claim security rights in movable property or rights of the debtor, they must promptly inform the insolvency administrator thereof. At the same time, the object in which a security right is claimed and the form and basis upon which the security right and the secured claim arise, shall be described. Whoever culpably refrains from or delays such notification, is liable for the damages resulting therefrom (§ 28 para. 2 of the Insolvency Statute).

Creditors who, based upon a lien or other security right may demand separate satisfaction, are creditors in the insolvency insofar as the debtor is also personally liable to him, such as based on a loan or purchase agreement. This personal claim may be lodged. It will only be considered in the distribution of the insolvency assets, however, insofar as they waive their right to separate satisfaction or that it has failed (§ 52 of the Insolvency Statute).

Anyone entitled to claim the separation of an object from the assets involved in the insolvency proceedings based upon a real property right or a personal property right (such as, as owner) shall not be included as a creditor in the insolvency proceedings. Entitlement to separation of such object from the assets shall not be lodged in the insolvency proceeding, but rather, according to the statutes that apply outside of the insolvency proceeding (§ 47 of the Insolvency Statute).

Forderungsanmeldung im Insolvenzverfahren

Anmeldungen sind stets nur an den Insolvenzverwalter/Sachwalter zu senden, nicht an das Gericht.

Bitte beachten Sie auch das Merkblatt zu Forderungsanmeldung.

Schuldner:	
Insolvenzgericht: Amtsgericht	Aktenzeichen :
Gläubiger: Genaue Bezeichnung des Gläubigers mit Postanschrift, bei Gesellschaften mit Angabe der gesetzlichen Vertreter Bankverbindung Kontoinhaber: IBAN: BIC:	Gläubigervertreter Die Beauftragung eines Rechtsanwalts ist freigestellt. Die Vollmacht muss sich ausdrücklich auf Insolvenzsachen erstrecken <input type="checkbox"/> Vollmacht anbei bzw. folgt umgehend
Geschäftszeichen:	Geschäftszeichen:

Angemeldete Forderung

Hauptforderung im Rang des § 38 InsO (notfalls geschätzt)	Euro
Zinsen , höchstens bis zum Tag vor Eröffnung des Verfahrens % auf Euro seit dem % auf Euro seit dem	Euro
Kosten , die vor der Eröffnung des Verfahrens entstanden sind	Euro
Summe	Euro

Nachrangige Forderungen (§ 39 InsO)

Diese Forderungen sind nur anzumelden, wenn das Gericht ausdrücklich hierzu aufgefordert hat (§ 174 Abs. 3 InsO). Die gesetzliche Rangstelle ist durch Ankreuzen zu bezeichnen. Ab Nachrang 3 sind Zinsen und Kosten gesondert anzugeben und der jeweiligen Hauptforderung zuzuordnen (vgl. § 39 Abs. 3 InsO).

1. <input type="checkbox"/> Nachrang des § 39 Abs. 1 Nr. 1	Euro
2. <input type="checkbox"/> Nachrang des § 39 Abs. 1 Nr. 2	Euro
3. <input type="checkbox"/> Nachrang des § 39 Abs. 1 Nr. 3	Euro
4. <input type="checkbox"/> Nachrang des § 39 Abs. 1 Nr. 4	Euro
5. <input type="checkbox"/> Nachrang des § 39 Abs. 1 Nr. 5	Euro
6. <input type="checkbox"/> Nachrang des § 39 Abs. 2	Euro
Zinsen (§ 39 Abs. 3) zu Nachrang 3 - 4 - 5 - 6	Euro
Kosten (§ 39 Abs. 3) zu Nachrang 3 - 4 - 5 - 6	Euro
Summe der nachrangigen Forderungen	Euro

Abgesonderte Befriedigung unter gleichzeitiger Anmeldung des Ausfalls wird beansprucht.

- Ja, Begründung siehe Anlage
 Nein

Die angemeldete Forderung soll von der Restschuldbefreiung gem. § 302 InsO aus folgendem Grund ausgenommen sein

- Ja, die Verbindlichkeiten des Schuldners resultieren
- aus einer vorsätzlich begangenen unerlaubten Handlung;
 - aus rückständigem gesetzlichen Unterhalt, den der Schuldner vorsätzlich pflichtwidrig nicht gewährt hat;
 - aus einem Steuerschuldverhältnis, da der Schuldner in diesem Zusammenhang wegen einer Steuerstraftat nach den §§ 370, 373 oder § 374 der Abgabenordnung rechtskräftig verurteilt worden ist;

Der Rechtsgrund, aus dem sich ergibt, dass es sich nach der Einschätzung der anmeldenden Gläubigerin oder des anmeldenden Gläubigers um eine der vorgenannten Forderungen des § 174 Abs. 2 InsO handelt, ist in der Anlage genannt/dargelegt.

- Nein

Grund und nähere Erläuterung der Forderungen (z.B. Warenlieferung, Miete, Darlehen, Reparaturleistung, Arbeitsentgelt, Wechsel, Schadenersatz)

Als Unterlagen, aus denen sich die Forderungen ergeben, sind beigefügt (möglichst in 2 Exemplaren):

.....
(Ort)

(Datum)

(Unterschrift und evtl. Firmenstempel)

Beachten Sie auch die Hinweise im Merkblatt zur Forderungsanmeldung.