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Praxisbuch

Rendels/Zabel

Insolvenzplan

2. Auflage



Insolvenzplan Dietmar Rendels

Dietmar Rendels

A red circular graphic with a gradient, appearing as a semi-circle or a partial circle, located to the right of the light blue bar.

Insolvenzplan Dietmar Rendels:

Der Insolvenzplan Stefan Smid, Rolf Rattunde, Torsten Martini, 2015-04-22 217 InsO benennt die Inhalte die in einem Insolvenzplan abweichend geregelt werden können die Befriedigung der Insolvenzgläubiger und der absonderungsberechtigten Gläubiger die Haftung des Schuldners und die Verteilung der Masse Mit dem ESUG hat das Insolvenzrecht ferner einen Sanierungsauftrag erhalten Der Erhalt des Unternehmens soll durch abweichende Regelungen in einem Insolvenzplan getroffen werden Eingriffe in Gesellschafterrechte sind nunmehr zulässig Prominente Fälle der letzten Monate belegen die gewachsene praktische Bedeutung Die Themenschwerpunkte Erfolgreiche Vorbereitung von Insolvenzplänen notwendiger gesetzlicher Inhalt von Insolvenzplänen verfahrensrechtliche Verwirklichung Rechte der Verfahrensbeteiligten sowie umfassende Musterinsolvenzpläne mit Erläuterungen *Der Beitritt Dritter zum Insolvenzplan* Moritz Wollring, 2021-09-20 Das Werk untersucht die immer wieder auftretende Problematik von Beitritten originärer nicht planbeteiligter Dritter zu Insolvenzplänen Neben einer fundierten wissenschaftlichen Aufarbeitung die auch eine rechtsökonomische Analyse der Beitrittsthematik beinhaltet fasst die Arbeit auch praktisch relevante Gestaltungsprobleme ins Auge Fallbeispiele sowie ein Ausblick auf mögliche Beitritte zu Restrukturierungsplänen runden die Ausführungen ab Die strategische Insolvenz Gerrit M. Bulgrin, 2016-08-15 English summary Since the law further easing the reorganisation of insolvent businesses ESUG came into force in March 2012 it has been possible for shareholders to be involved in proceedings This has created a significant range of strategic possibilities in the conflict area between corporate and insolvency law German description Seit dem Inkrafttreten des Gesetzes zur weiteren Erleichterung der Sanierung von Unternehmen ESUG im März 2012 ist es erstmals möglich geworden die Gesellschafter in ein Insolvenzplanverfahren miteinzubeziehen Dies stellt einerseits einen massgeblichen Fortschritt für die deutsche Sanierungspraxis dar verstärkt jedoch andererseits das Spannungsfeld zwischen Gesellschafts und Insolvenzrecht und wirft in diesem Schnittbereich interessante neue Rechtsfragen auf Welche gesellschaftsrechtlichen Regelungen können in einem Insolvenzplan getroffen werden Entfaltet die mitgliedschaftliche Treuepflicht auch im eröffneten Insolvenzplanverfahren noch ihre volle Wirkung Gerrit M. Bulgrin nimmt zu diesen und weiteren Fragen Stellung und legt hinsichtlich des in der Öffentlichkeit bekannt gewordenen Falls Suhrkamp ein besonderes Augenmerk auf die Rechtsschutzmöglichkeiten der Gesellschafter vor und während eines laufenden Insolvenzplanverfahrens *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 Massebedürftigkeit gem 207 InsO oder der Masseunzulänglichkeit nach den 208 ff InsO hat die höchstgerichtliche

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 Massebedürftigkeit Massearmut i. e. 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; Verjähren von Masseforderung nach Wiederherstellung der Massesuffizienz; Insolvenzpläne bei Masseunzulänglichkeit; Fragen der Haftung des Insolvenzverwalters; Verhältnis der Haftungstatbestände der 60 und 61 InsO.

Der Gläubigerschutz in der präventiven Restrukturierung Nils Rüstmann, 2024-12-18 Mit der Umsetzung der Restrukturierungsrichtlinie im Jahr 2021 hat der deutsche Gesetzgeber erstmals einen rechtlichen Rahmen für präventive Restrukturierungen geschaffen. Im englischen Recht haben präventive Restrukturierungsverfahren eine lange Tradition. Mit dem Corporate Insolvency and Governance Act 2020 hat aber auch der englische Gesetzgeber sein Restrukturierungsrecht tiefgreifend reformiert. Die Umsetzung der Restrukturierungsrichtlinie und die englische Gesetzesreform bieten Anlass, den Gläubigerschutz bei präventiven Restrukturierungen in beiden Rechtsordnungen vor dem Hintergrund der veränderten Rahmenbedingungen für Restrukturierungen einer vergleichenden Untersuchung zu unterziehen.

Die gesellschaftsrechtlichen Grenzen des Insolvenzplanverfahrens Julius Scheifele, 2017-07-24 Julius Scheifele veranschaulicht die Grenzen, die insbesondere das Gesellschaftsrecht den Regelungsmöglichkeiten innerhalb eines Insolvenzplanverfahrens setzt und untersucht, ob sich das durch das ESUG Gesetz zur weiteren Erleichterung der Sanierung von Unternehmen reformierte Insolvenzplanverfahren in Zukunft als effektives Instrument erweist. Konkret zeigt der Autor dies am Beispiel einer Aktiengesellschaft und am Beispiel Suhrkamp. In beiden Fällen traten Konkurrenzprobleme zwischen Gesellschafts- und Insolvenzrecht erstmals deutlich zu Tage. In der Praxis bestehen weiterhin Unsicherheiten bei der Implementierung von gesellschaftsrechtlich zulässigen Regelungen. Zudem steht das Urteil des Bundesverfassungsgerichts zur Verfassungsbeschwerde im Fall Suhrkamp noch aus.

Haupt- und Sekundärinsolvenzverfahren Markus Fehrenbach, 2014-12-08 Der Europäischen Insolvenzverordnung liegt ein Modell potentieller Verfahrenspluralität zugrunde, nach dem der grenzüberschreitende Insolvenzfall durch Haupt- und Sekundärinsolvenzverfahren bewältigt werden soll. Vor dem Hintergrund fortbestehender Unterschiede in den nationalen Rechtssystemen im Spannungsfeld zwischen effizienter

Verfahrensabwicklung und effektivem Glaubigerschutz entwickelt Markus Fehrenbach ein System das universale und territoriale Elemente vereinigt und dazu geeignet ist den grenzüberschreitenden Insolvenzfall interessengerecht zu bewältigen Er klärt die Struktur von Haupt und Sekundarinsolvenzverfahren als Spaltprodukte eines ursprünglich universalen Gesamtverfahrens sowie ihr Verhältnis zueinander und ihr Zusammenwirken bei Liquidation und Sanierung

Die Separierung von Unternehmensteilen in insolvenzrechtlichen Sanierungsverfahren Jan Frederik C. Holst, 2019-11-20
Europaweit streben Gesetzgeber danach ihr sanierungsrechtliches Portefeuille zu modernisieren um wertvernichtende Unternehmenserschlagungen abzuwenden In Abkehr von ihrer exekutorischen Provenienz wandeln sich Sanierungsverfahren stetig von schuldenbereinigenden Verfahren zu gesellschaftsrechtlichen Gestaltungsinstrumenten Ganz in diesem Sinne hat der deutsche Gesetzgeber durch Schaffung der neuen Königsnorm des Sanierungsrechts in 225a Abs 3 InsO mannigfaltige Gestaltungen in einem Insolvenzplan denkbar werden lassen Standen dabei bislang vornehmlich unternehmensträgerbezogene Gestaltungen im Vordergrund wurde der neue translativ Horizont des Insolvenzplanverfahrens die neuen Möglichkeiten einer universalsukzessiven Separierung von Unternehmensteilen durch umwandlungsrechtliche Abspaltung und Ausgliederung in der bisherigen Betrachtung weitgehend vernachlässigt Jan Frederik C Holst misst Verfahren und Techniken translatischer Gestaltungen und die dadurch neu provozierten Gesellschafter Gläubiger Konflikte am spanischen Recht Dabei zeigt er auf wie die im spanischen Recht verankerten Ansätze zur Unternehmensteilkontinuität auch im deutschen Recht zu einer marktkonformen Allokation des Schuldnervermögens beitragen konnten **Handbuch Unternehmensrestrukturierung** Thomas C. Knecht, Ulrich Hommel, Holger Wohlenberg, 2018-05-31 Das umfassende Handbuch behandelt alle Aspekte einer erfolgreichen Unternehmenssanierung von den Grundlagen bis zur strategischen Umsetzung Herausgeber und Autoren aus renommierten Unternehmen und aus der Wissenschaft zeigen wie Unternehmenskrisen überwunden werden und neue Wachstumsimpulse geschaffen werden können Sie betrachten bisher gültige Vorgehensweisen im Krisenmanagement im Lichte neuer Trends sodass veränderte und innovative Ansätze zur erfolgreichen Sanierung führen können Damit schafft das Handbuch eine umfassende solide und aktuelle Informationsgrundlage für alle die nachhaltig mit der Unternehmenssanierung befasst sind *II Congresso de Direito da Insolvência* Catarina Serra, 2014-09-01 No momento em que o Código da Insolvência e da Recuperação de Empresas perfaz dez anos particularmente oportuna a publicação de mais um livro com as intervenções de mais um Congresso de Direito da Insolvência Neste II Congresso os temas centrais foram a recuperação e a responsabilidade Abordaram-se as antigas e novas soluções aplicáveis à crise das empresas e das pessoas singulares o plano de insolvência os processos de revitalização o regime extraordinário de proteção de devedores em situação económica muito difícil o PERSI o resgate de instituições de crédito Os novos instrumentos aplicáveis à situação de pré-insolvência pressupõem desde logo uma nova atitude por parte dos sujeitos afectados e sugerem a existência de um dever de renegociação Enfrentaram-se ainda os problemas clássicos de

responsabilidade bem como novas questões a responsabilidade por abertura indevida do PER e por perda de chance de revitalização a responsabilidade do administrador de insolvência no quadro do novo Estatuto do Administrador Judicial A divergência e o confronto de ideias foram de novo profundamente enriquecedores contribuindo para que no futuro sejam tomadas decisões mais consentâneas com as exigências do sistema jurídico

Insolvenzplan Dietmar Rendels, 2015 **Rescuing Companies in England and Germany** Reinhard Bork, 2012-03-08 This book examines the circumstances under which a company needs restructuring and for which companies that would be possible given the nature of the corporation and the economic viability It discusses the criteria for judging whether a reorganization has been a success Bork considers the legal mechanisms involved in restructuring including the extent to which the law provides the rules for a moratorium and the rights creditors may exercise over the debtor's assets It also tackles the legal processes and how a reorganization can be commenced The book includes analysis of the role of management and the partners or shareholders and the extent to which either legal system assigns the decision making powers to the right persons It considers how each regime deals with the assets involved and whether there are rules to reverse payments made during the crisis and the possibility of a set off claim Other aspects considered include special rules for terminating or modifying disadvantageous contracts including contracts of employment and costs of restructuring procedures under given legal conditions Providing a thorough consideration of the extent to which English and German company law including the proposed changes to German law enhances or limits the prospects of businesses seeking to reorganize this work offers a valuable reference source for practitioners advising companies on where to base their restructuring and gives scholars further research material concerning the remaining issues in English and German restructuring law *Entwicklung und Zukunftsperspektive der Unternehmensrestrukturierung* Maximilian Schatz, 2020 Sowohl die Weltwirtschafts und Finanzkrise im Jahr 2008 als auch die COVID 19 Pandemie im Jahr 2020 beweisen dass in Krisensituationen ein funktionierendes nationales Insolvenzrecht für Unternehmen von immenser Bedeutung ist Das deutsche Insolvenzrecht befindet sich angesichts der europäischen Richtlinie über Restrukturierung und Insolvenz im Wandel Der Gesetzgeber muss einen preventiven Restrukturierungsrahmen in das Gesetz einfließen lassen Der Autor beleuchtet anhand der aktuellen Gesetzeslage in Deutschland und den Vereinigten Staaten von Amerika welche Gestaltungsmöglichkeiten bestehen **Insolvenzplan-Muster** Dietmar Rendels, Karsten Zabel, Sandra Körner, 2015-03 **Karlsruher juristische Bibliographie**, 1999

Insolvenzplan Dietmar Rendels: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the engaging narratives that have captivated audiences this year. Insolvenzplan Dietmar Rendels : Colleen Hoovers "It Ends with Us" This touching tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Insolvenzplan Dietmar Rendels : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a exceptional and thrilling novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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