

Braun/Uhlenbruck

Unternehmensinsolvenz

**Grundlagen
Gestaltungsmöglichkeiten
Sanierung mit der Insolvenzordnung**



IDW-VERLAG DÜSSELDORF

Insolvenzordnung Kommentar Wilhelm Uhlenbruck

Martin Zimmermann

Insolvenzordnung Kommentar Wilhelm Uhlenbrück:

Insolvency in Commercial Arbitration Fabian van den Ven, 2023-08-31 The settling of disputes in international trade and in large and technically complex construction projects can hardly be imagined without the institution that is arbitration Another thing we can be sure about is that insolvency will also remain a part of the lifecycle of business entities within the currently existing economic system Whereas insolvency proceedings are heavily regulated with little leeway for the parties the central tenet of arbitration is the autonomy of the parties Hence this book aims to thoroughly investigate the many legal issues arising in arbitral proceedings when insolvency and arbitration clash This interaction is increasingly frequent today Providing much needed practical guidance derived from a broad and deep theoretical discussion the book covers such aspects as the following the effect of insolvency on the arbitration agreement the arbitration procedure including a potential mandatory stay of proceedings the arbitrator's contract and the arbitral award the position of insolvency and arbitration within a legal order the arbitrability of insolvency related issues and claims the possibility of determining claims in insolvency via arbitration the determining of applicable law and conflict of laws rules in particular when insolvency is opened in a different jurisdiction than that of the arbitration and insolvency in arbitration within the application of the European Insolvency Regulation After a chapter on the relevant background theories the two main chapters of the book focus first on general issues that can arise in a domestic situation and second on problems particular to international cases of insolvency in arbitration The primary domestic perspective is the German one with abundant additional detail to fully embrace the international relevance of the discussion The author concludes with a number of considerations informed by practitioner feedback discussions throughout the work and as many arbitration case law examples as possible for tribunals dealing with insolvency in arbitration Based on a systematic application of arbitration and insolvency theory the book provides an all encompassing and holistic discussion from before an arbitration is started to after the award has been enforced In this way the book provides a one stop shop for practitioners both lawyers and arbitrators helping tribunals to navigate the treacherous waters of insolvency in arbitration

[Executory Contracts in Insolvency Law](#) Jason Chuah, Eugenio Vaccari, 2019 Executory Contracts in Insolvency Law offers a unique comprehensive and up to date transnational study of the topic including an analysis of certain countries which have never previously been undertaken in English Written by experts in the field with extensive experience of both research and professional experience this is a groundbreaking investigation into the philosophies and rationales behind the different policy choices adopted and implemented by a range of over 30 jurisdictions across the globe

[Die Insolvenzanfechtung der Deckung von Altverbindlichkeiten](#) Robert Güther, 2011-12-22 Die Arbeit befasst sich mit dem Verhältnis der vorläufigen Insolvenzverwaltung zur Insolvenzanfechtung im ersten Verfahren Die besonderen Fragestellungen denen sich die Arbeit widmet sind sowohl für den vorläufigen Insolvenzverwalter als auch die Gläubiger von großer praktischer Relevanz Tatsächlich besteht zwischen der Massensicherung und der Gl

ubigergleichbehandlung im vorl ufigen Insolvenzverfahren eine petitio principii Diese tritt deutlich hervor wenn an der angefochtenen Rechtshandlung nicht nur der Schuldner sondern auch der vorl ufige Insolvenzverwalter beteiligt ist und sich der Anfechtungsgegner sp ter auf sein Vertrauen in die Rechtsbest ndigkeit der Rechtshandlung beruft Anliegen der Arbeit ist es die widerstreitenden Prinzipien vor diesem Hintergrund zum Ausgleich zu bringen Die verschiedenen Formen der vorl ufigen Insolvenzverwaltung die Bez ge zum Haftungsrecht der 60 61 InsO und Fragen der Versicherbarkeit des Haftungsrisikos werden ber cksichtigt *Insolvenzordnung: Bd. [Paragraphen] 174-216* Ernst Jaeger,2010 Keine ausf hrliche Beschreibung f r 174 216 verf gbar

Insolvenzordnung Ernst Jaeger,2004 Ein souver ner Neuanfang in bew hrter Tradition so pr sentiert sich der lteste Kommentar zum deutschen Insolvenzrecht Bereits nach Vorlage des 1 Bandes muss konstatiert werden dass sich die Fachwelt die schon lange auf die Neuauflage des Jaeger gewartet hat freuen darf das Warten hat sich gelohnt An diesem monumental en Werk das die Bezeichnung Gro kommentar wirklich verdient kommt niemand vorbei der insolvenzrechtlichen Fragen auf den Grund gehen will Prof Dr Reinhard Bork in ZIP 44 2004 Schon jetzt ist die Prognose gerechtfertigt dass diesem Kommentar im rechtswissenschaftlichen Schrifttum nach wie vor eine einzigartige Stellung zukommt Prof Dr Wilhelm Uhlenbruck in KTS 9 2005 Insgesamt kann den Autoren nur gratuliert werden Es ist ihnen gelungen die anspruchsvolle Tradition des Jaeger schen Kommentars die Tiefgr ndigkeit Praxisn he Dogmatik und Argumentationskraft verbindet f r die Insolvenzordnung fortzuf hren Der Jaeger beansprucht wieder seine Ausnahmestellung als Standardwerk f r das deutsche Gesamtvollstreckungsrecht Dr Ulf Gundlach in DZWIR11 2005 Der Jaeger wird mit einiger Sicherheit auch in dieser Auflage einer der f r die Insolvenzrechtswissenschaft ma geblichen Kommentare zur InsO Gerhard Pape in ZInsO 8 2005 *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 bewunden werden und neue Wachstumsimpulse geschaffen werden k nnen Sie betrachten bisher g ltige Vorgehensweisen im Krisenmanagement im Lichte neuer Trends sodass ver nderte und innovative Ans tze zur erfolgreichen Sanierung f hren k nnen Damit schafft das Handbuch eine umfassende solide und aktuelle Informationsgrundlage f r alle die nachhaltig mit der Unternehmenssanierung befasst sind

Der Insolvenzplan Stefan Smid,Rolf Rattunde,Torsten Martini,2015-04-22 217 InsO benennt die Inhalte die in einem Insolvenzplan abweichend geregelt werden k nnen die Befriedigung der Insolvenzgl ubiger und der absonderungsberechtigten Gl ubiger 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 zul ssig Prominente F lle der letzten Monate belegen die gewachsene praktische Bedeutung Die Themenschwerpunkte Erfolgreiche Vorbereitung von Insolvenzpl

nen notwendiger gesetzlicher Inhalt von Insolvenzpl nen verfahrensrechtliche Verwirklichung Rechte der Verfahrensbeteiligten sowie umfassende Musterinsolvenzpl ne mit Erl uterungen *Vergütung des Insolvenzverwalters* Michael Buckow,2015-02-01 Dieses Werk bietet dem Leser einen berblick ber die aktuelle Verg tung welche Insolvenzverwalter in ihren Verfahren ansetzen Die Vergangenheit zeigte dass viele B rger kein Verst ndnis f r die manchmal hohen Summen der Entlohnung eines Insolvenzverwalters haben Mit diesem Buch werden verschiedene Kommentierungen der Insolvenzverg tungsverordnung miteinander verglichen und es wird versucht ein angemessenes Resum zu ziehen Dabei erfolgt eine detaillierte Auflistung und Ausarbeitung der unterschiedlichen Positionen mit Rechenbeispielen welche sowohl dem Fachmann als auch dem Laien die M glichkeit geben einen Einblick zu bekommen Neben Regelinssolvenzverfahren werden Verbraucherverfahren genauer unter die Lupe genommen Unter Einbeziehung der h chstrichterlichen Rechtsprechung wird dem Leser der aktuelle Stand dieser aufgezeigt

Das Aktiendarlehen Martin

Zimmermann,2014-12-02 Die darlehensweise Berlassung von Wertpapieren hat erhebliche wirtschaftliche Bedeutung Zu den vom Darlehensnehmer verfolgten Zwecken kann u a die Erf llung von eigenen Lieferverpflichtungen geh ren Eingesetzt werden Wertpapierdarlehen aber auch f r Strategien die der Entkopplung von Stimmrecht und wirtschaftlichem Interesse Empty Voting oder der Umgehung von kapitalmarktrechtlichen Meldepflichten Hidden Ownership dienen Aus rechtlicher Sicht sind deshalb Darlehen ber Aktien von besonderem Interesse Insoweit stellt sich vor allem die Frage der Zuordnung der in den Aktien verk rperten Rechte zu Darlehensgeber oder nehmer Entgegen der bislang vorherrschenden Betrachtung wird dieser Frage nicht nur aus Sicht des Gesellschafts und des Kapitalmarktrechts nachgegangen vielmehr steht die zivilrechtliche Zuordnung von Aktienrechten im Zentrum des Untersuchungsprogramms

§§ 129-147 Wolfram

Henckel,2012-05-21 Die umfassende Kommentierung behandelt ber das eigentliche Insolvenzrecht hinaus die Abwicklung und Neugestaltung aller damit verbundenen und betroffenen Rechtsbeziehungen Ebenso ber cksichtigt werden die Rechtsbereiche auf welche die Insolvenz Auswirkungen hat

Anfechtung im Insolvenzrecht Wolfram

Henckel,2009-03-13 Der vorliegende Band enth lt eine Sonderausgabe der Kommentierung von Wolfram Henckel zu den 129 147 im 4 Band des Jaeger Gro kommentar zur Insolvenzordnung Er behandelt die gesamte Anfechtung im Insolvenzverfahren und bietet f r dieses Kernst ck der Insolvenzordnung eine grundlegende aktuelle und umfassende Kommentierung mit deren Hilfe die zahlreichen Fragen die das Insolvenzanfechtungsrecht an jeden im Insolvenzrecht tigen Praktiker stellt beantwortet werden k nnen Das Werk wendet sich an Rechtsanw lte Richter Wirtschaftspr fer Insolvenzverwalter

§§

56-102 Diederich Eckardt,Walter Gerhardt,Hans-Friedrich Müller,Eberhard Schilken,Peter A. Windel,2011-12-22 Die umfassende Kommentierung behandelt ber das eigentliche Insolvenzrecht hinaus die Abwicklung und Neugestaltung aller damit verbundenen und betroffenen Rechtsbeziehungen Ebenso ber cksichtigt werden die Rechtsbereiche auf welche die Insolvenz Auswirkungen hat

Grundfragen des Mobiliarkreditsicherungsrechts Nataša Hadžimanović,2022-09-22 Dieses

Buch widmet sich grundlegenden Fragen des Sachenrechts und des Mobiliarkreditsicherungsrechts Auf Basis einer rechtsvergleichend rechtshistorischen Methode untersucht die Autorin Faktoren die in diesen Rechtsbereichen systemische Widersprüche auslösen sowie deren Folgen Anhand des Studiums von Rechtstransfers werden diese Widersprüche identifiziert und gleichzeitig auch festgestellt dass diese sich in der Rechtsanwendung nicht zwingend negativ auswirken müssen Dabei fokussiert das Buch insbesondere auf Deutschland die Schweiz und Österreich und berücksichtigt daneben auch Entwicklungen in Kroatien Serbien Slowenien und Montenegro Aus ihrer Untersuchung leitet die Autorin universelle sachenrechtliche Prinzipien ab beschreibt Entwicklungsrichtungen des Sachenrechts und entwirft eine beispielhafte Ausgestaltung eines modernen Mobiliarkreditsicherungsportfolios Sie untersucht sich dabei zu Phänomenen wie der floating charge der Sicherungsbereignung dem Eigentumsvorbehalt und dem Registerpfandrecht

Scheckzahlungsverkehr in der Insolvenz Kristina Meike Schmors, 2010-03-26 Mit dem vorliegenden Werk werden die im Rahmen von Scheckzahlungen möglichen insolvenzrechtlichen Probleme aus Sicht der einzelnen am Scheckzahlungsverkehr beteiligten Personen erstmalig umfassend und detailliert rechtsdogmatisch untersucht Die Untersuchung befasst sich hierbei insbesondere mit den 3 wesentlichen Gebieten der Scheckzahlungen in der Insolvenz des Scheckausstellers der Scheckzahlungen in der Insolvenz des Scheckeinreichers und der Weitergabe von Kundenschecks in der Insolvenz des ersten Schecknehmers

Rücktritt von schwebenden Verträgen in der Insolvenz Julian Mehmel, 2025-08-25 Gibt ein Vertragspartner in die Insolvenz versucht der andere Teil oft die Reileine zu ziehen und sich von dem Vertragsverhältnis durch Rücktritt zu lösen Dem kannen insolvenzrechtliche Normen entgegenstehen insbesondere 119 InsO wenn es sich bei einem vertraglich vereinbarten Rücktrittsrecht um eine Lösungsklausel im Sinne dieser Vorschrift handelt aber auch 103 InsO Nach dieser Vorschrift hat der Insolvenzverwalter bei beidseitig noch nicht vollständig erfüllten gegenseitigen Verträgen die Wahl ob er an dem Vertragsverhältnis für die Masse festhalten will oder nicht Jenes Recht droht durch den Rücktritt egal ob gesetzlicher oder vertraglicher Natur konterkariert zu werden Der Masse droht so der Verlust vertragssimmanenter Vermögenswerte was etwaige Sanierungschancen verschlechtert Das Verhältnis dieser insolvenzrechtlichen Norm auf zivilrechtliche Rücktrittsrechte ist seit Langem umstritten Das vorliegende Buch unternimmt es zu diesem streitigen Themenkomplex Licht in dieses Dunkel zu bringen und der Praxis so einen rechtssicheren Umgang aufzuzeigen

Gläubigerinformation in der Insolvenz Michael Heese, 2008 Informationen sind für den Gläubiger im Insolvenzfall die Grundlage effektiver Forderungsdurchsetzung Verfahrensbeteiligung und Transparenz Michael Heese entwickelt erstmals ein System der Gläubigerinformation in der Insolvenz auf der Grundlage des deutschen Verfassungsrechts und einer rechtsvergleichenden Analyse des US-amerikanischen Insolvenzrechts in Gestalt des Bankruptcy Code Auf der Grundlage der mit der Informationsordnung verfolgten Ziele der bei ihrer Umsetzung zu beachtenden verfassungsrechtlichen Gewährleistungen und des Rechtsvergleichs mit den USA wendet er sich gegen die in Deutschland vorherrschende restriktive informatorische Grundhaltung Die durch

Verfassungsinterpretation und Rechtsvergleich hervortretenden Schwächen des geltenden deutschen Rechts werden soweit möglich systemkonform korrigiert und im Bringen zur Reform durch den Gesetzgeber empfohlen **§§ 1-55** Diederich Eckardt, Ulrich Ehrcke, Walter Gerhardt, Wolfram Henckel, Hans-Friedrich Müller, Eberhard Schilken, 2012-05-24 Die umfassende Kommentierung behandelt über das eigentliche Insolvenzrecht hinaus die Abwicklung und Neugestaltung aller damit verbundenen und betroffenen Rechtsbeziehungen. Ebenso berücksichtigt werden die Rechtsbereiche auf welche die Insolvenz Auswirkungen hat *Praxis des Insolvenzrechts* Heinz Vallender, Sven-Holger Undritz, 2021-12-20 Umfassende und praxisnahe Darstellung des gesamten Insolvenzrechts von den Grundlagen bis zur Nachlassinsolvenz. Fragen der Insolvenzanfechtung werden besonders berücksichtigt. Angrenzende Rechtsgebiete werden mit behandelt z.B. das Arbeits-, Gesellschafts- und Steuerrecht in der Insolvenz. *Die Insolvenzanfechtung aus zivilrechtlicher Perspektive* Ralph Zenger, 2016-07-25 Die Rechtsnatur der Insolvenzanfechtung und die sich daraus ergebenden Rechtsfolgen sind seit jeher umstritten. In Abkehr zu den üblichen Deutungsversuchen führt Ralph Zenger die Insolvenzanfechtung auf zivilrechtliche Prinzipien zurück indem er vielfältige Vergleiche mit bekannten zivilrechtlichen Rechtsinstituten anstellt und dabei erstaunliche Parallelen offenlegt. Durch eine Rückbesinnung auf das allgemeine Zivilrecht entwickelt er eine stringenten und nachvollziehbare Dogmatik der Insolvenzanfechtung. Zugleich zeigt Ralph Zenger dass eine Anbindung an das Zivilrecht interessengerechte und rechtssichere Lösungen anfechtungsrechtlicher Problemkreise ermöglicht insbesondere in den praktisch relevanten sogenannten Kollisionsfallen in denen das Anfechtungsrecht des Insolvenzverwalters mit Rechten von Glaubigern des Anfechtungsgegners zu konkurrieren hat **§§ 174-216** Nicola Preuß, Caroline Meller-Hannich, Peter A. Windel, 2022-06-21 Die umfassende Kommentierung behandelt über das eigentliche Insolvenzrecht hinaus die Abwicklung und Neugestaltung aller damit verbundenen und betroffenen Rechtsbeziehungen. Ebenso berücksichtigt werden die Rechtsbereiche auf welche die Insolvenz Auswirkungen hat.

Enjoying the Tune of Term: An Psychological Symphony within **Insolvenzordnung Kommentar Wilhelm Uhlenbruck**

In a world used by monitors and the ceaseless chatter of fast communication, the melodic splendor and mental symphony produced by the published word usually diminish in to the background, eclipsed by the constant noise and distractions that permeate our lives. Nevertheless, set within the pages of **Insolvenzordnung Kommentar Wilhelm Uhlenbruck** a charming literary treasure filled with raw feelings, lies an immersive symphony waiting to be embraced. Constructed by an outstanding musician of language, this interesting masterpiece conducts readers on a psychological journey, well unraveling the hidden melodies and profound influence resonating within each carefully crafted phrase. Within the depths of this emotional assessment, we shall investigate the book's main harmonies, analyze their enthralling writing type, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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