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Insolvency claims

Heruntergeladen am 19.07.2025

<https://fimportal.de/xzufi-services/121361822/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99066008000000, 99066008000000
Leistungsbezeichnung I	Insolvency claims
Leistungsbezeichnung II	Filing insolvency claims
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt
Leistungsgruppierung	Insolvenz (066)
Verrichtungskennung	
SDG-Informationsbereich	Insolvenzverfahren und Liquidation von Unternehmen
Lagen Portalverbund	Sanierung und Insolvenz (2160300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.04.2021

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Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	<ul style="list-style-type: none"> • §§ 28 et seq. Insolvency Code (InsO) Requests to creditors and debtors • §§ Sections 38 et seq. Insolvency Code (InsO) Classification of creditors • § Section 174 et seq. Insolvency Code (InsO) Determination of claims https://www.gesetze-im-internet.de/insol/_174.html https://www.gesetze-im-internet.de/insol/_38.html https://www.gesetze-im-internet.de/insol/_28.html https://www.gesetze-im-internet.de/insol/_174.html https://www.gesetze-im-internet.de/insol/_38.html https://www.gesetze-im-internet.de/insol/_28.html
Teaser	If you wish to participate as a creditor in insolvency proceedings and in the distribution of the insolvency estate, you must first register your claims properly
Volltext	<p>If a debtor does not settle a claim that is due, you as the creditor must initiate the necessary measures to assert your claim. In the first step, you as the creditor must obtain a court decision, on the basis of which you can then enforce your claim in the next step.</p> <p>Outside of insolvency proceedings, this may include filing a lawsuit or initiating dunning proceedings. During ongoing insolvency proceedings, you can only assert your claims against the debtor in accordance with the provisions of the Insolvency Code.</p> <p>The Insolvency Code stipulates that creditors must register their claims in the so-called insolvency table, the claims are then examined and the justified claims are determined so that, as a rule, the distribution amount for the determined claims can be paid out at the end of the insolvency proceedings in the amount of the so-called insolvency quota.</p> <p>Without registering and establishing your claim in the insolvency table, you will not participate in the distribution of the insolvency estate.</p> <p>It is only possible to register such a claim once</p>

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insolvency proceedings have been opened. You must register your claims with the insolvency administrator. The relevant contact details can be found in the opening order.

When filing, you must state the reason for and the amount of the claim. A copy of the documents (e.g. judgment, enforcement order, contract, delivery bill) from which the claim arises should be attached to the application.

In the case of so-called rights of segregation and separation (such as retention of title, transfer by way of security, assignment by way of security or lien), creditor majorities, existing security interests, subordinated claims and similarly complex case constellations, all special features of the specific individual case must always be taken into account when registering the claim. Depending on the scope and effort involved, it may be advisable to consult a lawyer; however, there is no obligation to do so. In particular, you must note that the involvement of legal support is subject to a fee.

As a creditor, you can only register so-called subordinated claims if the court has expressly requested you to register such claims. Whether a claim is to be classified as subordinated can only be assessed by taking into account all the circumstances of the individual case.

Erforderliche Unterlagen

- It is advisable to use existing forms for proper registration. In some cases, the insolvency administrator will provide you with these forms. Otherwise, you can use the form that can be completed online on the North Rhine-Westphalia justice portal.
- Written application in German to the insolvency administrator, not to the insolvency court (electronic documents can only be transmitted with the express consent of the insolvency administrator).
- The reason and amount of the claim must be stated in the application (why does the creditor have a claim against the debtor and in what amount?).
- All claims must be asserted in fixed amounts in

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domestic currency and finally summarized in a total amount.

- A copy of the documents (e.g. judgment, enforcement order, cost assessment order, cheque, bill of exchange, deed of debt, contract, delivery bill) from which the claim arises should be attached to the application.
- Power of attorney for legal representation, if applicable
- Note: If the claim is registered as an intentional tort, an intentional breach of a statutory maintenance obligation or a tax offense by the debtor, the facts from which the creditor believes this to be the case must be stated

Voraussetzungen

- a justified claim against the debtor at the time of the opening of insolvency proceedings (it is irrelevant whether an enforceable title already exists; claims already legally enforceable must also be filed for the insolvency table)

Kosten

Filing a claim: free of charge in the event of late filing: costs of a further examination (pursuant to No. 2340 of Annex 1 to the GKG) if applicable, fees and expenses for legal representation

Verfahrensablauf

Pay attention to the opening of the insolvency proceedings. In the court order opening insolvency proceedings, the insolvency court will state the deadline by which you should register your claim and the contact details of the insolvency administrator to whom you must send the claim registration.

The claims filed on time will be reviewed at the review meeting or after the review date (in written proceedings) and, if no objection is raised, determined (see the text Insolvency claims determination).

Bearbeitungsdauer
Frist

The insolvency court determines the filing period in the opening order. The deadline is a minimum of two weeks and a maximum of three months. Note: The filing deadline is not a preclusive period. However, whether a late or subsequent filing is still possible can only be examined on a case-by-case basis. In addition, the late or subsequent filing of a claim triggers further

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	costs, which are likely to be borne by the party who does not file their claim on time.
weiterführende Informationen	https://www.justiz.nrw/BS/formulare/insolvenz/forderungsanmeldung1/index.php
Hinweise	If the insolvency proceedings concern the assets of a natural person, creditors who have not registered their claim in these insolvency proceedings must also observe a discharge of residual debt granted in these proceedings.
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Registration of the claim exclusively with the insolvency administrator in writing
Ansprechpunkt	
Zuständige Stelle	
Formulare	<p>There is no obligation to use a form to register claims. For your support and to make it easier to record the registered claims, the NRW judiciary and, in some cases, the insolvency administrators provide forms. The form provided by the NRW judiciary is available at</p> <p>https://www.justiz.nrw/BS/formulare/insolvenz/forderungsanmeldung1/index.php</p>
Ursprungsportal	Insolvenzforderungen, Insolvency claims