

99046030088000

Request compulsory auction or forced administration

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/6000588/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046030088000
Leistungsbezeichnung I	Request compulsory auction or forced administration
Leistungsbezeichnung II	Request compulsory auction or forced administration
Typisierung	4 - Land: Regelung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • [Gesetz über die Zwangsversteigerung und die Zwangsverwaltung (ZVG)](http://www.gesetze-im-internet.de/zvg/)
Teaser	<p>The compulsory auction of real estate, registered ships and aircraft takes place at the request of a creditor if the owner cannot repay a debt (for example a loan). The prerequisite is a so-called enforceable title.</p>
Volltext	<p>The compulsory auction of real estate, registered ships and aircraft takes place at the request of a creditor if the owner cannot repay a debt (for example a loan). The prerequisite is a so-called enforceable title.</p> <p>This can be, for example, a corresponding clause in the real estate purchase contract, a court judgment or a claim filed in the insolvency table.</p> <p>When the court orders a forced sale, the previous owner loses the right to dispose of the property in question. The court regularly orders forced administration for the duration of the proceedings.</p> <p>The court may also only order forced administration. In this case, only rental and leasing income is usually seized in order to satisfy the claims of the creditors.</p>
Erforderliche Unterlagen	<p>In your application for forced sale, you should address the following points.</p> <ul style="list-style-type: none"> • List of the parties involved (debtor and creditor) • Extract from the land register / shipping register / aircraft register • Amount of the claim • Enforcement title (e.g. purchase contract clause, court judgement, insolvency table) • valid identity card or passport
Voraussetzungen	<ul style="list-style-type: none"> • Debtor is the registered owner or his heir (entry in the land register / register entry) • enforceable title (e.g. enforcement clause in purchase contract, court judgment, registered

Modul	Sachverhalt
	insolvency claim)
Kosten	<ul style="list-style-type: none"> • Decision on the application for an order for compulsory sale or forced administration: EUR 110.00 • further court fees and expenses for the conduct of the court proceedings • costs of legal representation, if any
Verfahrensablauf	<p>#### Application</p> <p>You can apply for an order for compulsory sale informally (if necessary through your lawyer) at the local court. It is recommended that you make the application in writing or on the record at the court registry.</p> <p>Enclose the necessary documents with the application (e.g. deeds such as enforcement titles).</p> <p>#### Court order</p> <ul style="list-style-type: none"> • The court examines the application. • If the requirements are met, the court orders the forced sale and/or forced administration by way of an order. • The order is served on the debtor. <p>Upon service of the court document, the debtor is informed that the property has been seized, placed in receivership and / or ordered to be sold by forced sale. The debtor is prohibited from disposing of the property in question. He is obliged to hand over the necessary documents and to cooperate with the administration.</p> <p>#### Market value appraisal</p> <p>The court has the current market value determined by a publicly appointed expert. Once the expert's report is available, the court of execution sets the date for the auction. As a rule, potential bidders then have six weeks to inspect the auction documents in public.</p>

Modul

Sachverhalt

Announcement

In Saxony, the auction date is announced via the nationwide ZVG portal and, if necessary, in a regional daily newspaper.

Auction

- A judicial officer of the enforcement court conducts the auction.
- At the beginning the judicial officer informs among other things about
 - the main contents of the land register
 - the creditors and their claims
 - the market value
 - the amount of the minimum bid
 - Special features, legal consequences
- The highest bidder is awarded the property (prerequisite: bid of at least 50 per cent of the market value).
- The result of the auction is recorded in the minutes and served on the debtor.

Setting of a second auction date:

- in the case of bids below 50 per cent of the market value ("5/10 limit"): ex officio
- for bids between 50 and 70 per cent of the market value ("7/10 limit"): at the request of the creditor

Note:

- In the second date the 5/10 and 7/10 limits no longer apply, but the bid must at least cover the costs of the proceedings (minimum bid).
- Further information on the procedure can be found under "Further information".

Closing and distribution

Modul

Sachverhalt

When the bid is accepted, the court terminates the forced administration and all rights and obligations are transferred to the new owner (not only with the entry in the land register!).

- The court announces a date for the distribution (notice).
- The forced administrator prepares a report with a final account, the court delivers the statements to the debtor.
- The debtor may object to the report and account or approve them expressly or tacitly.

Discontinuation of the proceedings

The compulsory sale may be temporarily discontinued at the debtor's request under certain circumstances. This is also possible against the will of the creditor conducting the proceedings. A (provisional) insolvency administrator appointed for the debtor's assets may also apply for the compulsory auction to be discontinued if necessary.

The creditor can also bring about the temporary suspension of proceedings by granting the application.

****Attention!**** If you as a creditor grant temporary suspension three times in succession, this leads to the fiction of withdrawal of the application and the proceedings are cancelled.

Bearbeitungsdauer

Frist

weiterführende Informationen

Hinweise

Rechtsbehelf

Kurztext

Modul	Sachverhalt
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	