

Forderungsanmeldung im Insolvenzverfahren Filing of claims in insolvency proceedings

Anmeldungen sind stets nur an den Insolvenzverwalter (Treuhänder, Sachverwalter) zu senden, nicht an das Gericht. Bitte beachten Sie auch das gerichtliche Merkblatt zur Forderungsanmeldung.

Claims may only be filed with the insolvency administrator (trustee, fiduciary), not with the court. You should also read the court's leaflet on filing claims.

Schuldner: <i>Debtor:</i>	
Insolvenzgericht: <i>Insolvency court:</i>	Aktenzeichen: <i>Reference:</i>

Gläubiger / Creditor: (Genaue Bezeichnung des Gläubigers mit Postanschrift, bei Gesellschaften mit Angaben der gesetzlichen Vertreter) <i>(Exact designation of the creditor with postal address; specify legal representatives of companies)</i>	Gläubigervertreter / Creditor's representative (Die Beauftragung eines Rechtsanwalts ist freigestellt. Die Vollmacht muss sich ausdrücklich auf Insolvenzsachen erstrecken) <i>(The creditor may appoint a lawyer at the former's discretion. Power of attorney must extend explicitly to the insolvency issues)</i>
	☐ Vollmacht anbei bzw. folgt umgehend <i>Power of attorney enclosed or will be sent promptly</i>
Geschäftszeichen: <i>Business code:</i>	Geschäftszeichen: <i>Business code:</i>

Angemeldete Forderungen Filed claims

Jede ständige Forderung ist getrennt anzugeben. Reicht der Raum auf diesem Formular nicht aus, so sind die weiteren Forderungen in einer Anlage nach dem folgenden Schema aufzuschlüsseln.

Each permanent claim must be stated separately. If there is not enough space on this form, more claims can be attached and detailed as specified in the following.

Erste Hauptforderung im Rang § 38 InsO (notfall geschätzt) <i>Highest ranking main claim § 38 InsO (estimated if necessary)</i>	EURO
Zinsen, höchstens bis zum Tag vor der Eröffnung des Verfahrens _____ % aus EURO _____ seit dem _____ <i>Interest, maximum up to the day prior to institution of the proceedings</i> _____ % on EURO _____ since _____	EURO

Kosten , die vor der Eröffnung des Verfahrens entstanden sind. <i>Costs incurred prior to institution of proceedings.</i>	EURO
Summe: Total:	EURO

Zweite Hauptforderung im Rang § 38 InsO (notfall geschätzt) <i>Second highest ranking main claim § 38 InsO (estimated if necessary)</i>	EURO
Zinsen , höchstens bis zum Tag vor der Eröffnung des Verfahrens. _____ % aus EURO _____ seit dem _____ <i>Interest, maximum up to the day prior to institution of the proceedings</i> _____ % on EURO _____ since _____	EURO
Kosten , die vor der Eröffnung des Verfahrens entstanden sind. <i>Costs incurred prior to institution of proceedings.</i>	EURO
Summe: Total:	EURO

Nachrangige Forderung (§ 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)	Lower-ranking claim (§ 39 InsO) <i>These claims should only be filed if explicitly requested by the court (§ 174 (3) InsO. Check the applicable box to indicate the statutory rank. From third-level lower-ranking claims interest and costs must be indicated separately and assigned to the applicable main claim (cf. § 39 Abs. 3) InsO.</i>
1. ☐ Nachrang des § 39 Abs. 1 Nr.1 <i>Lower ranking, Section 39 (1) No.1</i>	EURO
2. ☐ Nachrang des § 39 Abs. 1 Nr. 2 <i>Lower ranking, Section 39 (1) No.2</i>	EURO
3. ☐ Nachrang des § 39 Abs. 1 Nr. 3 <i>Lower ranking, Section 39 (1) No.3</i>	EURO
4. ☐ Nachrang des § 39 Abs. 1 Nr. 4 <i>Lower ranking, Section 39 (1) No.4</i>	EURO
5. ☐ Nachrang des § 39 Abs. 1 Nr. 5 <i>Lower ranking, Section 39 (1) No.5</i>	EURO
6. ☐ Nachrang des § 39 Abs. 2 <i>Lower ranking, Section 39 (2)</i>	EURO
Zinsen (§ 39 Abs. 3) zu Nachrang 3-4-5-6 <i>Interest (Section 39 (3) lower rankings 3-4-5-6</i>	EURO
Kosten (§ 39 Abs. 3) zu Nachrang 3-4-5-6 <i>Costs, Section 39 (3) lower rankings 3-4-5-6</i>	EURO
Summe der nachrangigen Forderungen <i>Total lower-ranking claims</i>	EURO

Abgesonderte Befriedigung unter gleichzeitiger Anmeldung des Ausfalls wird beansprucht.
Preferential satisfaction and simultaneous filing of elimination.
☐ Ja, Begründung siehe Anlage

Yes, refer to enclosure for reasons

☐ Nein
No

Forderung aus vorsätzlich begangener unerlaubter Handlung

Claim based on intentional tort

☐ Ja, die Tatsachen, aus denen sich ergibt, dass es sich nach der Einschätzung der anmeldenden Gläubigerin oder des anmeldenden Gläubigers um eine Forderung aus einer vorsätzlich begangenen unerlaubten Handlung der Schuldnerin oder des Schuldners handelt, sind in der Anlage genannt.

Yes, the facts which substantiate the view of the creditor by whom the claim is filed that said claim arises from intentional tort on the part of the debtor are enclosed.

☐ Nein
No

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

Reasons and detailed explanation of the claim (e.g. goods delivered, rent, loan, repair work, wages, change, compensation).

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

Documents substantiating the claims are enclosed (whenever possible in duplicate):

Ort (Place),

Datum (Date)

Unterschrift und evtl. Firmenstempel

(Signature – and company stamp if applicable)

! Bitte reichen Sie diese Anmeldung und alle weiteren Unterlagen immer in zwei Exemplaren ein.

Please submit this form and all other documents in duplicate

! Beachten Sie auch die Hinweise im gerichtlichen Merkblatt zur Forderungsanmeldung.

! Please also refer to the court's leaflet on filing claims.

Aufforderung zur Anmeldung einer Forderung. Etwaige Fristen beachten!*

Opfordring til anmeldelse af fordringer. Vær opmærksom fristerne!*

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

Kutse nõudeavalduse esitamiseks. Arvestage kehtestatud tähtaegu!*

Kehotus saatavan ilmoittamiseen. Noudatettavat määräajat!*

Invitation à produire une créance. Délais à respecter!*

Πρόσκληση για αναγγελία απαιτήσεως. Προσοχή στις προθεσμίες!*

Invito all'insinuazione di un credito. Termine da osservare!*

Aicinājums iesniegt prasījumu pieteikumus. Ievērot varbūtējos termiņus!*

Kvietimas pateikti reikalavimą. Privalomieji terminai!*

Oproep tot indiening van schuldvorderingen. In acht te nemen termijnen!*

Sejħha sabieħ tissottometti talba. Il-perijodi ta` żmien stupulati għandhom jiġu osservati*.

Wezwanie do zgłoszenia wierzytelności. Proszę nie zapominać o konieczności dotrzymania ew. terminów!*

Aviso de reclamação de créditos. Prazos legais a observar!*

Výzva na prihlásenie pohľadávky. Všímnite si prípadné termíny!*

Poziv k prijavi terjatve. Roki, ki jih je treba upoštevati!*

Convocatoria para la presentación de créditos. Plazos aplicables!

Anmodan att anmäla fordran. Tidsfrister att iaktta!*

Výzva k uplatnění pohledávky Případné lhůty musejí být dodrženy!*

Felhívás egy követelés bejelentésére. Esetleges határidőket figyelembe venni!*

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).

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).

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).