

Information for Insolvency Creditors

A. Insolvency Creditors

Insolvency creditors are creditors who have a material claim against the debtor at the time of the opening of insolvency proceedings.

Material claims are such claims that consist of an obligation of payment, or, if there is no payment involved, can be converted into an obligation of payment.

B. Filing of Insolvency Claims

Insolvency creditors who wish to be considered in respect to distribution of insolvency assets have to file their claims with the insolvency administrator in German language (please use enclosed form). Should a creditor neglect to file his claim with the insolvency administrator the claim will neither be examined nor considered in respect to distribution of insolvency assets.

C. Form and Contents of an Insolvency Claim

- **Identification of the creditor** has to be complete with first and family name. Legal entities have to include their legal representation (e.g. managing director, board of directors, shareholder etc.).
- **Amount in EURO (€):** separated into principle claim, interest, expenses and calculated total amount. For claims that do not refer to a monetary payment and whose converted monetary value is undetermined an estimated amount has to be stated.
- **Interest** is to be calculated under declaration of interest rate, interest and capital up until one day prior to opening of insolvency proceedings. Interest for the period starting with the day of opening of insolvency proceedings are so-called second-tier insolvency claims and can be filed only if the Insolvency Court expressly requests it.
- **The legal ground of the claim** (e.g. purchase, wages, loans, delivery of goods, damages etc.) has to be declared expressly.
- **Documentary evidence** (e.g. verdicts, enforcement orders, notarized deeds, invoices, contracts) z. B. Urteil, Vollstreckungsbescheid, Schuldurkunde, Rechnungen, Verträge etc.) sind der Anmeldung beizufügen, aus denen sich die Forderung ergibt.
- **Facts** that from the point of view of the creditor prove the claim is based on a **willful unlawful act** by the debtor (e.g. damages for willful bodily harm) have to be stated with the filing. **Note: a willful unlawful act can only be committed by a natural (physical) person, not by a legal entity (e.g. Inc., Ltd.).**
- **If you wish to be represented by an attorney or another external representative** those have to submit a power of attorney specifically for the insolvency proceedings with the filing.
- Expenses resulting from the participation in the insolvency proceedings (e.g. attorney's fees for the filing of the claim) cannot be claimed within the proceedings (exception: Court has allowed and requested the filing of second-tier insolvency claims.).
- In case of **non-incorporated companies:** Should **insolvency proceedings** have been opened in respect to the **assets of the company** as well as in respect to the **assets of the partner/s with unlimited liability** claims can be considered only if separate files with duplicates are submitted for each single proceeding.

D. Security rights (right to separation/segregation)

Rights to separation (e.g. Assignment for security) and/or rights to segregation (e.g. title retention) have to be announced to the insolvency administrator immediately. To avoid damage claims creditors have to disclose the item/s to be separated/segregated, nature and origination of security rights and the secured claim to the insolvency administrator immediately.

E. Belated filings

Claims which are filed after expiration of the filing time set by Court will be examined in a separate date with costs. Costs of the additional examination date will be born by the belated creditor.

F. Information regarding the result of the examination

Insolvency creditors whose claims have been disputed by the insolvency administrator entirely or partially will receive an excerpt from the official list of claims ex officio. Insolvency creditors whose claims have not been disputed will not receive a notification. Insolvency creditors are not obliged to appear in person or to appoint a representative for the examination date.

Forderungsanmeldung im Insolvenzverfahren / Filing of a claim _____

Insolvency Court _____

Az. _____

Daniel Fábíán

		Gläubiger / Creditor	Gläubigervertreter / Representative	
Name, Vorname, Firma genaue Anschrift Family name, first name Company, exact address	<input type="checkbox"/>	Reference no.:	Reference no.:	Power of attorney <input type="checkbox"/> encl. <input type="checkbox"/> follows
Vertretungsverhältnisse- Statutory representation	<input type="checkbox"/>	<i>Geschäftsführer, persönlich haftender Gesellschaft, Vorstand/Vorsitzender etc. Managing director, partner/s with unlimited, liability, board of directors/Chairman etc.</i>		
Ansprechpartner Contact person		Tel.:	Fax	e-Mail:
Bankverbindung Band account für Auszahlungen/for payments		Bank: Account holder:	IBAN.	BIC (Representative: power of attorney to receive payments is assured)
1. Hauptforderung/Principal claim		(for further claims attach supplemental sheet)		
Forderungsgrund:/Legal ground				
<input type="checkbox"/> Warenlieferung/delivery of goods	<input type="checkbox"/> Miete/Leasing/rent		<input type="checkbox"/> ärztl. Leistung/medical services	
<input type="checkbox"/> Dienst-/Werkleistung/services	<input type="checkbox"/> Lohn/Gehalt/wages		<input type="checkbox"/> sonstiges/other, namely:	
<input type="checkbox"/> Darlehen/Kredit/loan	<input type="checkbox"/> Schadenersatz/damages			€
<input type="checkbox"/> Steuern/Abgaben/taxes	<input type="checkbox"/> SV-Beiträge/social security			
2. Zinsen/Interest		(in case of multiple claims use supplemental sheet)		
% out of		€ from	to 1 day prior to IP.	€
(Interest can be claimed up to until 1 day prior to opening of insolvency proceedings)				
3. Kosten/expenses		(vor Verfahrenseröffnung/prior to opening of insolvency proceedings)		
				€
(please attach proof in carbon copy)				
SUMME / TOTAL 1.+2.+3.				€

Abgesonderte Befriedigung unter gleichzeitiger Anmeldung für den Ausfall wird beansprucht / We claim separate settlement under parallel filing of claims in case of loss:

- | | |
|--|---|
| <input type="checkbox"/> Nein/no | <input type="checkbox"/> Ja/yes (documentation is enclosed) |
| | originating from: |
| | <input type="checkbox"/> title retention |
| <input type="checkbox"/> Separation or segregation-
rights are waived | <input type="checkbox"/> transfer of ownership |
| | <input type="checkbox"/> security assignment |
| | <input type="checkbox"/> lien / mortgage |
| | <input type="checkbox"/> other, namely: |

Forderung aus vorsätzlich begangener unerlaubter Handlung/Claim resulting from a willful unlawful act (only for natural [personal] persons)::

- | | |
|----------------------------------|---|
| <input type="checkbox"/> Nein/no | <input type="checkbox"/> ja/yes |
| | Documentation attached or declared in supplemental sheet. |

Als Nachweis der angemeldeten Forderung wird in Kopie beigefügt:/We attach as proof for the filed claim in carbon copy:

- | | |
|---|---|
| <input type="checkbox"/> Writ of execution (verdict, enforcement order, deed) | <input type="checkbox"/> Invoice (if so incl. contract, delivery bill etc.) |
| <input type="checkbox"/> Order / contract | <input type="checkbox"/> Due bill/Acknowledgement of debt |
| <input type="checkbox"/> Draft / cheque | <input type="checkbox"/> Bond/collateral security agreement |
| <input type="checkbox"/> Other, namely: | <input type="checkbox"/> |

Alle Unterlagen sind in zweifacher Ausfertigung beim Insolvenzverwalter/Treuhänder einzureichen. Please attach any documents in TWO carbon copies.

Place/Date/Signature

