

99066005119000, 99066005119000

Costs of the insolvency proceedings

Deferral

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/121361817/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99066005119000, 99066005119000
Leistungsbezeichnung I	Costs of the insolvency proceedings Deferral
Leistungsbezeichnung II	Deferral of procedural costs in insolvency proceedings
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 mit Verrichtung
Leistungsgruppierung	Insolvenz (066)
Verrichtungskennung	Stundung (119)
SDG-Informationsbereich	Insolvenzverfahren und Liquidation von Unternehmen
Lagen Portalverbund	Sanierung und Insolvenz (2160300)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	23.04.2021
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	<p>§§ Sections 4a et seq. of the Insolvency Code (InsO)</p> <p>§ Section 290 InsO</p> <p>§ Section 1360a (4) BGB</p> <p>https://www.gesetze-im-internet.de/inso/_4a.html</p> <p>https://www.gesetze-im-internet.de/inso/_290.html</p> <p>https://www.gesetze-im-internet.de/bgb/_1360a.html</p> <p>https://www.gesetze-im-internet.de/inso/_4a.html</p> <p>https://www.gesetze-im-internet.de/inso/_290.html</p> <p>https://www.gesetze-im-internet.de/bgb/_1360a.html</p>
Teaser	If you do not have sufficient assets to pay the costs of the insolvency proceedings, you (as a natural person) can apply for a deferral of the costs of the proceedings.
Volltext	<p>When conducting insolvency proceedings, procedural costs are incurred which can be considerable (read about the costs of insolvency proceedings). Insolvency proceedings with the possibility of obtaining discharge of residual debt can only be opened if these costs are covered. If you do not have sufficient assets or do not receive an advance on procedural costs from third parties, you can apply for a deferral of the procedural costs. Your spouse is generally obliged to pay an advance on procedural costs; a deferral of the procedural costs is only possible if your spouse is also unable to pay.</p> <p>The deferral means that you do not have to make any payments - usually until the discharge of residual debt is granted. The deferred procedural costs are to be paid primarily from the insolvency estate during the insolvency proceedings and until the end of the assignment declaration. If the procedural costs have not yet been repaid to the state treasury or have not been repaid in full after the discharge of residual debt has been granted, payment in installments can be</p>

Modul

Sachverhalt

approved for a maximum of 48 months. The prerequisite for this is that you are not in a position to pay the outstanding procedural costs all at once.

The court can change its decision to grant a deferral if your personal or financial circumstances, which are decisive for the decision, have changed significantly. The court must be informed of such a change immediately. If you do not comply with this obligation despite a request from the court, the deferral may be revoked.

If the conditions are met, the court will grant the deferral separately for each stage of the proceedings. Sections of the proceedings are, in particular, the opening proceedings, the actual insolvency proceedings and the residual debt discharge proceedings.

Erforderliche Unterlagen

- Application for the opening of insolvency proceedings
- Admissible application for discharge of residual debt
- Application for deferral of the costs of the proceedings with an attached declaration that there are no grounds for refusal pursuant to Section 290 (1) no. 1 InsO. Such a reason is given if you have been sentenced to a fine of more than 90 daily rates or to a prison sentence of more than three months in the last five years prior to the application for the opening of insolvency proceedings or after this application due to a criminal offense pursuant to Sections 283 to 283c of the German Criminal Code.
- The application for deferral must be accompanied by a statement of assets, in particular the amount of current income and current liabilities, together with the relevant supporting documents. The insolvency courts also provide forms for this declaration of personal and financial circumstances.

Voraussetzungen

- Deferral of procedural costs can only be granted to natural persons (not possible for legal entities, e.g. a limited liability company)
- Application for deferral of procedural costs
- Application for the opening of insolvency proceedings
- Admissible application for discharge of residual debt, i.e. the deadlines of § 287a BGB must be observed and

Modul	Sachverhalt
	<p>there are no grounds for refusal (see also Discharge of residual debt).</p> <ul style="list-style-type: none"> • It must be possible to obtain a discharge of the debts in the insolvency proceedings.
Kosten	
Verfahrensablauf	<ul style="list-style-type: none"> • If you have filed an application to open insolvency proceedings, the insolvency court will check whether the costs of the proceedings are covered. • If the costs are not covered, the insolvency court will request an advance on court costs from you. • If you do not have sufficient assets to pay this advance, you can apply for a deferral of the costs of the proceedings. • To speed up the proceedings, it is advisable to submit the application for deferral at the same time as the application to open insolvency proceedings.
Bearbeitungsdauer	
Frist	
weiterführende Informationen	https://www.justiz.nrw/BS/formulare/insolvenz/verfahrenskostenstundung/index.php
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Deferral of procedural costs in insolvency proceedings • Costs for conducting insolvency proceedings are not covered • only for natural persons
Ansprechpunkt	
Zuständige Stelle	
Formulare	Application for deferral of procedural costs https://www.justiz.nrw/BS/formulare/insolvenz/verfahrenskostenstundung/index.php
Ursprungsportal	Costs of the insolvency proceedings Deferral, Kosten des Insolvenzverfahrens Stundung