

99046013001000

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/3633/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99046013001000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Dunning procedure; application for the issuance of a default summons
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
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	05.03.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://bundesrecht.juris.de/zpo/BJNR005330950.html#BJNR005330950BJNG075002301 http://bundesrecht.juris.de/zpo/BJNR005330950.html#BJNR005330950BJNG075002301
Teaser	The dunning procedure is a simple and inexpensive way to help the creditor obtain justice against the debtor. The aim is to avoid often lengthy and expensive court proceedings.
Volltext	Only claims for payment of a specific sum of money in euros can be asserted in the dunning procedure. If, for example, you want to enforce the delivery of goods or the eviction of living space in court, the dunning procedure is not permitted. The special feature of the dunning procedure is that the court does not check whether the creditor is actually entitled to the claim asserted. Anyone who receives an order for payment must therefore check for themselves whether they owe the creditor the sum of money stated therein. Upon your proper application, the Central Court for Order for Payment issues an order for payment, which is served on the defendant ex officio. If the defendant files an objection in good time, the proceedings will be transferred to the trial court specified in the order for payment if you or the defendant request that the contentious proceedings be conducted. If the parties agree that the proceedings should be transferred to another court, the proceedings shall be transferred to that court. The transfer is associated with additional court costs. The claim will then be decided by way of contentious civil proceedings. If the defendant does not file an objection to the order for payment within the two-week objection period (in labour court proceedings, the objection period is only one week), you can apply to the Central Court for Payment Orders for an enforcement order to be issued. If the fee for the dunning procedure has been paid, the central dunning court will then issue an enforcement order and serve it on the defendant ex officio. If the

Modul

Sachverhalt

defendant files an objection against the enforcement order, the legal dispute will be transferred ex officio to the trial court specified in the dunning application. Otherwise, the enforcement order becomes legally binding upon expiry of the two-week objection period (in labor court proceedings, the objection period is only one week). You can proceed with enforcement against the defendant directly from the enforcement order without an enforcement clause. You can find further information on the dunning procedure on the website of the German dunning courts (www.mahngerichte.de) as well as in the leaflet "Mahnverfahren - ein kurzer Prozess" and in the brochure "Die maschinelle Bearbeitung des gerichtlichen Mahnverfahrens" (see "Further links").

Further information on compulsory enforcement (after an enforcement order has been issued) can be found in the brochure "Compulsory enforcement" (see "Related links").

Erforderliche Unterlagen

Voraussetzungen

The easiest way for citizens to submit an application is via the online dunning application procedure (www.online-mahntrag.de).

With the help of interactive user guidance, applications for a payment order can be entered online, checked for plausibility and then printed out on normal white paper for submission to the dunning court. The program also prints out a barcode that can be read automatically by the dunning court. It is important that the printout is of good quality (e.g. laser printer). A form is not required for this. Please send the printed and signed application for the order for payment by post - unfolded in a DIN A4 envelope - to the Central Order for Payment Court in Coburg, Heiligkreuzstraße 22, 96450 Coburg (telephone: 09561/878-5). It is also possible to submit subsequent applications or file an objection via the website www.online-mahntrag.de.

It is also possible to send electronic submissions to the order for payment court using a secure transmission channel within the meaning of Section 130a (4) of the

Modul

Sachverhalt

German Code of Civil Procedure (ZPO), e.g. via the special electronic transmission channel. Holders of a chip card with a qualified digital signature can send the application recorded on the Internet to the court for payment orders online without having to print it out. Submission by simple e-mail is not permitted. Further information can be found on the website www.online-mahntrag.de under the "Print/Sign" tab, in the "EDA download" sub-tab.

If you do not wish to use the "online dunning application", you will need a special application form, which is available from paper and stationery retailers, to submit the application due to the automated processing. Please ensure that you use the valid version (currently version 01.07.2017) of the application form. The completed form must be sent to the Central Court of Arrears at Coburg Local Court (Heiligkreuzstraße 22, 96450 Coburg, telephone: 09561-878-5). If you have difficulties filling in the form, you can contact the local court at your place of residence at the legal application office [LM1] there.

Lawyers, authorities and legal entities under public law [AMD1] must send applications to the (dunning) court in machine-readable form as electronic documents, i.e. via the online dunning procedure described above or by submitting applications online using professional dunning software.

Kosten

Court costs are charged for the dunning procedure, the amount of which depends on the amount of the claim asserted. The court costs are not payable when the application is filed, but only after receipt of a cost invoice. A table of court costs can be found on the website www.online-mahntrag.de under the "Help" tab, in the "Court costs table" sub-tab. Submission to the court of dispute is associated with additional court costs.

Verfahrensablauf

Bearbeitungsdauer

Frist

Modul	Sachverhalt
weiterführende Informationen	https://www.justiz.bayern.de/ejustice/onlineDL/ https://www.justiz.bayern.de/ejustice/onlineDL/ http://www.justiz.bayern.de/gericht/ag/co-zema/ http://www.justiz.bayern.de/gericht/ag/co-zema/ http://www.bestellen.bayern.de/shoplink/04001607.htm http://www.bestellen.bayern.de/shoplink/04001607.htm https://www.mahngerichte.de/publikationen/broschuren/ https://www.mahngerichte.de/publikationen/broschuren/ http://www.bestellen.bayern.de/shoplink/04005014.htm http://www.bestellen.bayern.de/shoplink/04005014.htm https://www.mahngerichte.de/ https://www.mahngerichte.de/
Hinweise	
Rechtsbehelf	<p>Objection or appeal</p> <p>The objection or appeal must be made in writing or via a secure means of transmission within the meaning of Section 130a (4) of the Code of Civil Procedure; sending by simple e-mail is not sufficient. Submission as an electronic document is permitted by means of a qualified electronic signature or by transmission via a secure transmission channel within the meaning of Section 130a (4) of the Code of Civil Procedure in conjunction with a simple digital signature.</p>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal