

99066002058003

Insolvency proceedings Implementation of consumer insolvency

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013223/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99066002058003
Leistungsbezeichnung I	Insolvency proceedings Implementation of consumer insolvency
Leistungsbezeichnung II	Apply for consumer insolvency proceedings
Typisierung	4 - Land: Regelung
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Personal bankruptcies, district court</div>, <div lang="en-x-mtfrom-de">Debt discharge, district court</div>, <div lang="en-x-mtfrom-de">Bankruptcy for consumers</div>
Leistungstyp	
Leistungsgruppierung	

Modul	Sachverhalt
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.06.2025
Fachlich freigegeben durch	
Handlungsgrundlage	Insolvency Code (InsO) §§ 304 ff https://www.gesetze-im-internet.de/inso/_304.html Court Fees Act (GKG) § 58 https://www.gesetze-im-internet.de/gkg_2004/_58.htm I Insolvency Code (InsO) § 65 https://www.gesetze-im-internet.de/inso/_65.html Insolvency Remuneration Ordinance (InsVV) https://www.gesetze-im-internet.de/insvv/ Judicial Remuneration and Compensation Act (JVEG) https://www.gesetze-im-internet.de/jveg/
Teaser	If you are permanently insolvent or likely to become so, you can apply for consumer insolvency proceedings under certain conditions.
Volltext	Consumer insolvency proceedings can help you if you can no longer pay your debts. Your exempt assets will be used to pay off the debts as best as possible. At the same time, you can apply for a discharge of residual debt to be debt-free at the end of the proceedings. You can apply for this procedure if you are not currently self-employed or were previously self-employed, But your debts are manageable (less than 20 creditors) and there are no outstanding claims arising from employment relationships.
Erforderliche Unterlagen	Completely and correctly completed and signed application form for the procedure, including the required attachments such as the list of assets, the overview of assets and the list of creditors if applicable: application for discharge of residual debt with the necessary declaration of assignment if applicable: application for deferral of procedural costs other

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declarations to check whether and when you have already been granted or denied discharge of residual debt (these declarations are already included in the forms). Certificate of failure of an out-of-court settlement attempt by an authorized body, for example: Lawyer or notary public or Debt counseling

Voraussetzungen

As a private individual, you do not pursue any independent, commercial activity. You are not self-employed or operating as an entrepreneur. You can no longer pay your bills or debts or will not be able to do so in the near future. You have already made serious attempts to reach an out-of-court agreement with your creditors regarding debt settlement. If you're trying to reach an agreement with your creditors, make a proposal for how you can repay your debts in installments or on fixed dates. You should also disclose your financial situation. Your creditors need to know whether your proposal is realistic and fits your financial situation. Get support, for example, from a debt counselor or a lawyer. This attempt at an out-of-court settlement failed. The costs of the proceedings can be covered from your assets or are secured by a possible later payment (deferment of procedural costs).

Kosten

Fees and costs are incurred, for example, for expenses or the insolvency administrator's remuneration. The amount of the fees depends on the insolvency estate. Deferred costs are initially borne by the state treasury.

Verfahrensablauf

You download the application forms. You fill out the forms. You can get support from a lawyer or debt counselor. You submit the application with all required documents. The responsible office will review your documents. If necessary, they may request additional documents or information from you. Please submit these within the specified deadline. The competent insolvency court decides whether judicial debt settlement proceedings should be carried out. If no judicial debt settlement procedure is carried out or if it has failed, insolvency proceedings are opened. The insolvency court appoints an insolvency administrator to manage the proceedings. Your (exempt) assets will be liquidated. The insolvency proceedings are

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	<p>terminated. If you have applied for discharge of residual debt, the period of good conduct begins. During this time you must fulfill certain obligations, such as performing appropriate work. The competent authority shall appoint a trustee for the period of good conduct.</p>
Bearbeitungsdauer	<p>The processing time depends on the individual case. Processing can take several months.</p>
Frist	<p>Apply for insolvency proceedings no later than 6 months after the out-of-court debt settlement has failed. Submit any missing documents or information when requested. Otherwise, your application will be considered withdrawn. If you have applied for discharge of residual debt, the period of good conduct ends after three years. If you reapply for discharge, it usually ends after five years.</p>
weiterführende Informationen	<p> https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg https://justiz.hamburg.de/gerichte-segmente/ https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/gerichte-und-segmente/amtsgerecht-hamburg-mitte/segment-familie-betreuung-insolvenz/start-636986 https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992 https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992 https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992 https://justiz.hamburg.de/resource/blob/637410/2699fe351c4e1c28a2b0e17365a98581/antrag-verbraucherin-solvenzverfahren-data.pdf https://justiz.hamburg.de/resource/blob/637410/2699fe351c4e1c28a2b0e17365a98581/antrag-verbraucherin-solvenzverfahren-data.pdf https://justiz.hamburg.de/resource/blob/637408/f0844eaa455fb1092cbdb60e9cdd2cde/antrag-restschuldbefreiung-data.pdf https://justiz.hamburg.de/resource/blob/637408/f0844eaa455fb1092cbdb60e9cdd2cde/antrag-restschuldbefreiung-data.pdf </p>

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	<p>eiung-data.pdf https://justiz.hamburg.de/resource/blob/637412/3a4f357cd06509276d2dd8b562a227e1/antrag-verfahrensko-stenstundung-data.pdf</p>
Hinweise	<p>The District Court does not provide legal advice. Please contact authorized attorneys or notaries. The Public Legal Information Service (ÖRA) offers affordable legal advice for people with low incomes.</p>
Rechtsbehelf	<p>Immediate appeal</p>
Kurztext	<p>serves to relieve natural persons (people) of their debts Debts will be settled as far as possible during the proceedings (exempt from seizure) assets are sold Proceeds distributed equally among creditors Possibility to simultaneously apply for discharge of residual debt and (if all requirements are met) to be released from the remaining debts by court order. Possible for all natural persons, who do not (currently) carry out or have not (in the past) carried out any independent economic activity, who have carried out independent economic activity in the past, but whose financial circumstances are manageable (fewer than 20 creditors) and against whom there are no claims arising from employment relationships (claims from the tax authorities for wage tax and claims from social insurance providers for contributions from your former employees).</p>
Ansprechpunkt	<p>If you want to find out exactly who is responsible for your request, please follow the link to</p> <p>Hamburg Service</p>
Zuständige Stelle	<p>Hamburg District Court</p>
Formulare	
Ursprungsportal	<p>Hamburg Service, Hamburg Service (Currently this link is only available in german)</p>