

99066002058004

Insolvency proceedings Implementation of estate insolvency proceedings

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013389/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99066002058004
Leistungsbezeichnung I	Insolvency proceedings Implementation of estate insolvency proceedings
Leistungsbezeichnung II	Apply for estate insolvency proceedings
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Estate over-indebted</div>, <div lang="en-x-mtfrom-de">Get rid of estate debts</div>, <div lang="en-x-mtfrom-de">Estate bankrupt</div>
Leistungstyp	
Leistungsgruppierung	

Modul	Sachverhalt
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	24.04.2025
Fachlich freigegeben durch	
Handlungsgrundlage	§§ 1975 ff German Civil Code (BGB) https://www.gesetze-im-internet.de/bgb/_1975.html Sections 315 et seq. of the Insolvency Code (InsO) https://www.gesetze-im-internet.de/inso/_315.html Section 780 of the Code of Civil Procedure (ZPO) https://www.gesetze-im-internet.de/zpo/_780.html
Teaser	If you have inherited something and the estate has more debts than assets, you can file for insolvency proceedings. This prevents you from being personally liable for the debts.
Volltext	When someone dies, their entire assets, i.e., the inheritance, pass to their heirs. By accepting the inheritance, however, you assume not only the assets but also the debts of the deceased person. This means that you are generally also liable for these debts with your own assets. To avoid this, you can limit your liability to the inheritance by filing for insolvency or having an estate administration. In these cases, the inherited assets are separated from your own assets. You are then only liable for the estate, but you are no longer free to dispose of it. If the value of the estate is too low to cover the costs of an estate insolvency procedure, it is advisable to seek help from experts with special knowledge of inheritance and insolvency law.
Erforderliche Unterlagen	Proof that you are the heir (for example, a certificate of inheritance or a will) or Proof that you are a creditor (for example, documents proving that you have a claim against the deceased, such as judgments or contracts) List of all estate items and assets (estate inventory) List

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	of all creditors (creditor directory)
Voraussetzungen	They are Heir or heir estate administrator estate administrator Executor who is responsible for administering the estate or Estate creditors. There is a reason for opening insolvency proceedings, such as insolvency, Over-indebtedness or possible impending insolvency. The costs of the estate insolvency proceedings can probably be paid with the inherited assets.
Kosten	Costs will be incurred. The amount of the costs is calculated based on the value of the estate; additional costs may also be incurred, such as the fees for the expert.
Verfahrensablauf	An application for the opening of insolvency proceedings is drafted and submitted to the competent insolvency court together with the other required documents. You must create a list of all estate assets and creditors. If you fail to comply with this requirement, your limited liability may be voided. You submit the lists to the competent insolvency court and apply for the opening of the estate insolvency proceedings with the necessary documents. The insolvency court will review your application and documents. If necessary, it will request additional documents or information from you. If not all heirs file the application, the insolvency court will first hear the remaining heirs. The insolvency court examines whether there is a reason to initiate proceedings and whether sufficient assets are available to cover the costs of the proceedings. For this purpose, the court typically commissions an expert to prepare an appraisal. The insolvency court opens the estate insolvency proceedings.
Bearbeitungsdauer	The processing time depends on the individual case.
Frist	As an heir, you should file for insolvency proceedings immediately if the estate is over-indebted or insolvent. Otherwise, you may be held liable for any losses incurred by creditors.
weiterführende Informationen	

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Hinweise	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.
Rechtsbehelf	Immediate complaint
Kurztext	The heir is also liable for the debts of the testator with their own assets Opening of insolvency proceedings or administration of the estate can limit liability to the estate However, the heir is then no longer entitled to dispose of the property If the value of the estate is too low to cover the costs of an estate insolvency procedure, it is advisable to seek help from experts with special knowledge of inheritance and insolvency law.
Ansprechpunkt	
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)