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Costs of insolvency proceedings deferral

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013403/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99066005119000
Leistungsbezeichnung I	Costs of insolvency proceedings deferral
Leistungsbezeichnung II	Apply for deferral of procedural costs in 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">Suspend insolvency costs</div>, <div lang="en-x-mtfrom-de">Costs pause insolvency</div>, <div lang="en-x-mtfrom-de">Installment payment of insolvency costs</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.05.2025
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Section 290 of the Insolvency Code (InsO) https://www.gesetze-im-internet.de/insol/_290.html</p> <p>Section 4a ff. Paragraph 1 of the Insolvency Code (InsO) https://www.gesetze-im-internet.de/insol/_4a.html</p> <p>Section 1360a paragraph 4 of the German Civil Code (BGB) https://www.gesetze-im-internet.de/bgb/_1360a.html</p> <p>Section 63 (2) InsO – Remuneration of the insolvency administrator https://www.gesetze-im-internet.de/insol/_63.html</p> <p>Section 115 paragraphs 1 and 2 https://www.gesetze-im-internet.de/zpo/_115.html</p> <p>Section 120 (2) of the Code of Civil Procedure (ZPO) https://www.gesetze-im-internet.de/zpo/_120.html</p>
Teaser	If you wish to file for insolvency but cannot afford the costs, you can apply for a deferral of the procedural costs.
Volltext	<p>To begin insolvency proceedings, the costs incurred must be covered. These costs include, for example, court fees and the insolvency administrator's fees. Therefore, if you plan to file for insolvency, it is important that you have sufficient funds to cover these costs. If you do not have enough money and no one else can give you an advance, you can request a deferral of the legal costs. No court fees will be charged until the remaining debts are discharged. The state treasury will cover the costs of insolvency administration. The deferral is granted separately for each stage of the proceedings. It may also include legal fees if the court deems this necessary. You do not have to make any payments during the deferral period. However, the deferred procedural costs must be repaid from the insolvency estate during the</p>

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insolvency proceedings and until the end of the assignment period. If, after the granting of residual debt relief, the procedural costs have not been repaid to the state treasury, or have not been fully repaid, and you cannot pay the costs in one lump sum, you may be granted installment payments over a period of up to 48 months. The amount of the installments depends on your financial circumstances. The insolvency court determines the amount of the installments. If your financial circumstances change, you must notify the court immediately. The court will then adjust your installments to reflect your new financial situation. If you do not notify the court, the deferral may be revoked. The costs of the proceedings must then be paid immediately and in full. Payment by installments is no longer possible.

Erforderliche Unterlagen

Application for the opening of insolvency proceedings
 Application for discharge of residual debt
 Application for deferral of procedural costs
 Completed form: "Declaration of personal and financial circumstances"
 Attach the necessary documents, such as bank statements, to your deferral request.

Voraussetzungen

You are a natural person. Legal entities, such as a limited liability company (GmbH), must cover the costs of the proceedings. Your assets are not sufficient to cover the costs of the insolvency proceedings. You must apply for a deferral of the procedural costs. As a debtor, you must file for insolvency yourself or have already filed for it. You must meet the deadlines. There must be no grounds for refusal. The insolvency proceedings must make it possible to achieve debt freedom.

Kosten

Gebühr: Es fallen keine Kosten an

Verfahrensablauf

At the same time, you apply for the opening of insolvency proceedings and discharge from residual debt if you have not already done so. You are applying for a deferral of the procedural costs of insolvency proceedings. Please use the form "Application for deferral of procedural costs." Submit the completed and signed form along with all required documents to the insolvency court. You apply for deferment for each stage of the procedure individually. The court will

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	<p>examine your application. You will receive the decision. repayment If you have received discharge from residual debt, you will begin repaying the deferred amounts after the insolvency proceedings. If you are unable to repay the amount or can only repay it in part, you can request an extension of the deferral period. The court may set monthly repayment installments. A maximum of 48 monthly installments may be made. The court determines the amount of the installments. The court will adapt the deferral to your personal and financial circumstances. Report any changes without request and immediately.</p>
Bearbeitungsdauer	The processing time depends on the individual case.
Frist	If the deferral is to be granted for the opening of insolvency proceedings, the application must be submitted at the latest when the decision on the application for opening of insolvency proceedings is made.
weiterführende Informationen	<p>https://justiz.hamburg.de/gerichte/amtsgeschicht-hamburg/gerichte-und-segmente/amtsgeschicht-hamburg-mitte/segment-familie-betreuung-insolvenz/start-636986</p> <p>https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgeschicht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992</p> <p>https://justiz.hamburg.de/gerichte/amtsgeschicht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992</p> <p>https://justiz.hamburg.de/gerichte/amtsgeschicht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992</p>
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	Costs of the insolvency proceedings must be covered in order to start them. If there is no money and no advance payment from third parties, a deferral of the procedural costs can be requested. Court costs are not charged until the remaining debt is discharged; the

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state treasury bears the costs of insolvency administration. Deferrals are granted separately for each stage of the proceedings and may also include legal fees if the court deems them necessary. No payments are to be made during the deferral period. Deferred procedural costs must be paid from the insolvency estate during the insolvency proceedings and until the end of the assignment period. After discharge of residual debt, installment payments may be approved for up to 48 months if costs are not fully repaid. The court determines the amount of the installments. Changes in financial circumstances must be reported to the court immediately. Court adjusts installments to new financial situation. If no notification is given, the deferral may be revoked.

Ansprechpunkt

Zuständige Stelle

Hamburg District Court

Formulare

Ursprungsportal

Hamburg Service, Hamburg Service (Currently this link is only available in german)