Lodging of claims in insolvency proceedings

Abstract

The goal of this thesis is to analyze legislation and court decisions concerning the lodging of claims in insolvency proceedings, from the lodging itself to the admission of a claim or the termination of creditors participation in the proceedings. Throughout the thesis, the author describes specific institutes that pertain to lodging of claims and at the same time points out, how they cohere.

The thesis is divided into six parts, which are further split into chapters and sections.

The aim of the first chapter of the thesis is to acquaint a reader not versed in insolvency proceedings with its essence, inasmuch is necessary for their understanding of the more specific topic of the lodging of claims.

The second part focuses on the concept of claims and their definition within insolvency law. A large segment of this part deals with differentiating claims based on various criteria, with emphasis on the legal ramifications of such differences.

The thirds part deals with the act of lodgement of claims itself. The goal of this part is to define the lodgement of claims as a legal action within a proceedings – especially to describe its necessary form, contents and proper approach for its submission.

The fourth part focuses on how the creditor might change or retract their lodgement after its filing. A significant part of this section covers the topic of erroneous lodgements and the process of remedying such errors.

The fifth part covers the topic of reviewing lodged claims. This part emphasizes the possibility of objections to claims by specific subjects and the procedural consequences of such objections.

The sixth part focuses on incidental disputes regarding authenticity, amount or order of lodged claims, and on decisions of the insolvency court regarding dismissing a lodgement of claims. These are processes, wherewith the court gives an authoritative ruling on the status of claims, if it is disputed.

Keywords:

Insolvency proceedings

Claims

Creditor