

ZIP Praxisbuch

Wilken/Schaumann/Zenker

Anleihen in Restrukturierung und Insolvenz

2., neu bearbeitete Auflage



Anleihen Restrukturierung Insolvenz Oliver Wilken

Jan Frederik C. Holst



Anleihen Restrukturierung Insolvenz Oliver Wilken:

Die Separierung von Unternehmensteilen in insolvenzrechtlichen Sanierungsverfahren Jan Frederik C. Holst, 2019-11-20

Europaweit streben Gesetzgeber danach ihr sanierungsrechtliches Portefeuille zu modernisieren um wertvernichtende Unternehmenserschlagungen abzuwenden In Abkehr von ihrer exekutorischen Provenienz wandeln sich Sanierungsverfahren stetig von schuldenbereinigenden Verfahren zu gesellschaftsrechtlichen Gestaltungsinstrumenten Ganz in diesem Sinne hat der deutsche Gesetzgeber durch Schaffung der neuen Königsnorm des Sanierungsrechts in 225a Abs 3 InsO mannigfaltige Gestaltungen in einem Insolvenzplan denkbar werden lassen Standen dabei bislang vornehmlich unternehmenstragerbezogene Gestaltungen im Vordergrund wurde der neue translativ Horizont des Insolvenzplanverfahrens die neuen Möglichkeiten einer universalsukzessiven Separierung von Unternehmensteilen durch umwandlungsrechtliche Abspaltung und Ausgliederung in der bisherigen Betrachtung weitgehend vernachlässigt Jan Frederik C Holst misst Verfahren und Techniken translativer Gestaltungen und die dadurch neu provozierten Gesellschafter Gläubiger Konflikte am spanischen Recht Dabei zeigt er auf wie die im spanischen Recht verankerten Ansätze zur Unternehmensteilkontinuität auch im deutschen Recht zu einer marktkonformen Allokation des Schuldnervermögens beitragen konnten

Anleihen in Restrukturierung und Insolvenz Oliver Wilken, Michael Schaumann, Michael Zenker, 2015-05

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