

Summary

The Ways of Satisfaction of Creditors in Corporate Bankruptcy Proceeding

The goal of this Master's Degree thesis is to examine the present regulation of bankruptcy proceeding.

The thesis is composed of seven chapters. Author tried to cover all topics of position of creditors and compares Czech law with other regulations, mainly Slovak and American.

Chapter One deals with the bankruptcy law in general. Chapter consists of two subparts. Subpart One explains the goal of bankruptcy law and focuses on thesis called common pool concept or problem of diverse of ownership interests. Subpart Two concerns with modern view of Czech bankruptcy law and defines basic terminology of bankruptcy law and bankruptcy proceeding.

Following Chapter of thesis focuses on position of creditor. It explains the categories of creditors. Position of creditor is based on character of his claims. More information is given in chapter Claims in bankruptcy proceeding. It also illustrates position of creditor due to Creditors bodies such as Meeting of creditors and Creditors Committee.

Section Three is divided into three parts. Part One is addressed to character of claims (secured claim, subordinated claims etc.) and gives basic definitions of claims. Following part deals with lodgement of claims. Following subchapters describes the process of "observing the claims" and liability of creditors for lodgement of claims. Next subpart of chapter Three provides with Setting off during bankruptcy proceeding and compares Czech law with Slovak and American law.

Part Four focuses on debtor's estate and its changes during proceeding. Chapter looks at protecting of rights of third party whose property was involved into estate.

Following chapter is addressed to the selection of the optimal way of bankruptcy solution in general.

Chapter Six covers liquidation. The goal of liquidation is to turn debtor's assets into cash. Paragraph with its subparts deals with effects of declaration of liquidation mainly on the proceeding at Cadastral office, executive proceeding and contracts. It also

introduces to the process of turning of assets into cash may take place in different ways. After the sale of estate, bankruptcy trustee produces a report. Final subpart investigates “small - debtor – liquidation”.

Chapter Seven focuses on reorganization. Subpart One concentrates on problems resulting from prepackaged reorganization. Next part addresses issue of directing of company in process of reorganization. Following Subchapters provide the outline of basic document of reorganization called reorganization plan and its effect on rights of third party, property of company and other proceedings. All the ways of ending process of reorganization are described later.