

# **The status of creditor in insolvency proceedings**

## **Abstract**

The subject of the diploma thesis is „The status of creditor in insolvency proceedings.“ The purpose of this thesis is to provide a comprehensive view on the status of creditor in insolvency proceedings according to the Act No. 182/2006 Coll., (The Insolvency Act), in particular with regard to the issue of raising claims and settlement in insolvency proceedings. One of the item of focus is also participation of creditor in creditor bodies, especially at meeting of creditors and creditors’ committee.

The principal sources of this work are current laws, relevant literature and also current domestic case law.

This thesis is divided into six main chapters, which are further divided into a particular subchapters.

The first chapter presents an introduction to subject of matter. This chapter deals generally with the concept of insolvency proceeding, its subject, purpose of insolvency proceedings and the basic principles of insolvency proceedings as well.

The second chapter deals with the concept of the creditor, both from the point of the view of the civil substantive law and the civil procedural law. This chapter briefly explains the concept of the individuals and participants in insolvency proceedings.

The third chapter focuses on creditor bodies which through the creditors influence the actual course of the insolvency proceedings. The chapter deals also with the motivation for creditors to participate in the creditor bodies.

The following fourth chapter handles with the classification of creditors according to various aspects, especially according to means of raising claims in insolvency proceedings and further by the form of the claim. This chapter focuses on the rights and duties of individual creditor’s groups.

The fifth chapter deals with insolvency application as the basic method of registration claims in insolvency proceedings. This chapter also includes the view on the issue of the claim’s review in insolvency proceedings.

The final sixth chapter focuses on the satisfaction of the claims in insolvency proceedings pursuant to the method of resolving debtor's insolvency including the specifics which concern the satisfaction of secured creditors.