

Assets in Insolvency Proceedings

Abstract

The diploma thesis provides comprehensive analysis of an institute of assets in insolvency proceedings. The first chapter focuses on a definition of assets aiming at importance of the institute in the current legal system in the Czech Republic. The second chapter analyses an extent of assets and institutes of invalidity and ineffectiveness of legal actions in insolvency proceedings including an analysis of provisions related to defence indictment. In addition to positive and negative determination of a content of assets and detailed description of the relevant assets, a description of a mutual relation of insolvency and execution proceedings is a part of the third chapter. Subsequently, the fourth chapter deals with assets determination procedure aiming at an obligation of a debtor or persons acting on behalf of a debtor as well as the third persons and public authorities to provide an insolvency administrator with cooperation. The fifth chapter concerns obligations of an insolvency administrator relating to an inventory of assets and conditions under which seeking exclusion and exemption from assets may be achieved. The sixth chapter analyses a legislation related to disposition over assets including an administration of assets and determination of a person with the rights of disposition according to a course of proceedings and a method of a resolution of insolvency. The seventh chapter represents a conclusion of the diploma thesis containing both a determination of particular means of realization of assets and a procedure of handling the proceeds from realization. The research regarding both the impact of the secured creditors on realization of assets and means of secured receivables satisfaction in insolvency proceedings is also a part of the particular chapter.

The diploma thesis objective is not only to introduce the comprehensive interpretation of the institute of assets in insolvency proceedings but also to analyse the significant impact of the high courts and the Supreme Court of the Czech Republic case law on solution of insolvency law contentious issues and to appraise the influence of the recent amendments of the Insolvency Act and related secondary legislation on the institute of assets.

Key words

assets, the Insolvency Act, insolvency proceedings