



Preliminary Procedure

PURPOSE OF PRELIMINARY PROCEDURE

- TO EXAMINE CONDITIONS FOR
OPENING BANKRUTPCY
- TO SECURE PROPERTY OF
BANKRUTPCY DEBTOR
- TO ESTIMATE WHETHER THE
BANKRUTPCY DEBTOR'S PROPERTY
WILL COVER EXPENSES OF
PROCEDURE

ISSUES RELATED TO PRELIMINARY PROCEDURE

- How to determine advance payment for preliminary procedure?
- How to provide conditions for trustee to do his/her job when bankruptcy debtor doesn't allow access to his property?

- How to estimate if there is enough property to cover expenses of procedure when it comes to direct bankruptcy?
- How to stay enforcement in preliminary procedure? (Article 15, item 3)?

- How to interpret Article. 17. item 3:

“Interim trustee is required to settle all claims of workers as well as contributions based on employment, only in case if workers are working. Otherwise, rights for compensation from employment and claims for contributions do not stop, but can be realized only as bankruptcy claims. Claims by workers employed by interim trustee can be financed by loan.”

- How to interpret Article 18. item. 2:

“By decision on appointing interim trustee, creditors are invited to inform him without delay what security measures on debtor’s property items they will request. Item on which security measure is requested, type and basis for right on security, as well as the secured claim, must be indicated. Whoever fails to provide statement or delays this on purpose, cannot realize damage compensation against interim trustee, based on rights from security, unless he proves that interim trustee knew about existence of that right of security. “