

Tilman Rauhut

Aussonderung von Geld

Gegenständliche und wertmäßige Trennung fremden Vermögens von der Insolvenzmasse

[Segregation of Money. Representational and Value-Based Separation of Outside Assets from the Insolvency Estate.]

Published in German.

Common interpretation of sections 47 and 48 of the German Insolvency Code holds that the right to separation from the bankruptcy estate is limited to individual, determinable assets, typically making it impossible to segregate money. Tilman Rauhut counters this doctrine and presents section 48 of the code as a cure for certain types of unjust enrichment in the case of an insolvency, allowing the creditor to segregate a correspondent sum of money in line with what remains of the estate's assets.

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2020. Approx. 220 pages. StudPriv
forthcoming in October

ISBN 978-3-16-155981-5
DOI 10.1628/978-3-16-155981-5
eBook PDF approx. 80,00 €

ISBN 978-3-16-155980-8
cloth approx. 80,00 €

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