

Patrick Mossler

Bereicherung aus Leistung und Gegenleistung

Der nichtige gegenseitige Vertrag und die Insolvenz

[Enrichment from Performance and Counter-Performance. The Void Reciprocal Contract and Insolvency.]

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Under the German Civil Code, the law of unjust enrichment is the legal basis for the restitution of the parties' mutual performance under a void contract. Patrick Mossler analyzes the claims for restitution in a situation in which one of the contracting parties becomes insolvent after the void contract has been performed by both parties. He explains how the principles of the German law of unjust enrichment ensure the concurrent restitution for both contracting parties. At the same time, he shows how the insolvency case serves to test the existing views that have been taken by the courts and legal scholars with regard to the restitution of void reciprocal contracts.

Patrick Mossler Geboren 1972; Studium der Rechtswissenschaften und der Volkswirtschaftslehre in Tübingen und Genf; LL.M. an der University of Chicago Law School; 2006 Promotion; seit 2004 Rechtsanwalt in Hamburg.



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