

Anna Quast

Rechtskräftiger Titel des Zedenten und Schutz des Schuldners

Vorgaben der Vertragsfreiheit zur Argumentation im Schuldrecht

[Executory Titles of the Assignor and Debtor Protection. Standards of Freedom of Contract for Argumentation in the Law of Obligations.]

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In this work, Anna Quast studies the major issue of debtor protection in the law of assignment against the backdrop of two recent judgments given by the Federal Supreme Court of Germany. In doing so, she draws on freedom of contract as a constitutional term and shows that there is no ban on a discrimination against the debtor because of the assignment. In place of this, the author proposes a more flexible balancing of interests, examines the protection of the debtor in his interest to know who his creditor is and suggests a way of improving the debtor's position. In conclusion, the author returns to the original issues of the assignor in possession of an executory title and shows how this problem can be solved by using the basic principles she developed.

Anna Quast Geboren 1977; Studium der Rechtswissenschaften in Marburg, Canterbury (GB) und Berlin; 2008 Promotion; seit 2008 in Baden-Württemberg im höheren Justizdienst, z.Zt. abgeordnet als Richterin an das Landgericht Karlsruhe.



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