

Liquidation judiciaire

La liquidation judiciaire est destinée aux entreprises où l'état de cessation des paiements¹ est en根源 être déclaré. Le liquidateur est chargé de vendre le patrimoine de l'entreprise (et non pas au sens strict) afin de régler les créances. Ces procédures permettent également de mettre fin à toute poursuite à l'encontre de l'entreprise (soit une poursuite en réparation/l'indemnisation ou une partie de ces diverses poursuites dans le cadre de cette entreprise).

Qui peut ou doit faire ?

Tous les entreprises doivent être déclarées dans les paiements. Si ce n'est pas le cas, leur échéance peut être décalée.

Qui peut déclencher l'ouverture de la procédure ?

Il existe trois cas, où tout quelconque ayant été le créancier des paiements peut faire une obligation de déclencher une procédure de cessation des paiements dans un délai maximum de 45 jours de la constatation de tout effet pour lequel il est évident :

- **Le diligencement** : si tout effet pour lequel il existe une obligation de cessation des paiements doit être fait obligatoire par l'entreprise et généralement que tout ce qui peut faire l'ouverture de la procédure.
- **Le concordat**
- **Le paiement de la créance**

Procédure et résultat

Les effets sont déclarés dans la mesure que tous les créanciers doivent être connus et évidents.

Les entreprises doivent déclarer à leur liquidateur tout ce qu'il faut pour faire leur échéance dans une période de 15 jours.

Si l'effet de cessation des paiements doit être déclaré dans une période de 45 jours, toutes les entreprises doivent être déclarées dans une période de 45 jours.

¹ Il existe deux types de déclarations de cessation des paiements : l'ouverture d'une procédure de cessation des paiements, ou l'ouverture d'une procédure de cessation des paiements pour la liquidation judiciaire. Ces deux types de déclarations sont équivalentes (l'ouverture d'une procédure de cessation des paiements pour la liquidation judiciaire est une procédure de cessation des paiements pour la liquidation judiciaire).

Manuel De La Liquidation

Philippe T'KINT

Manuel De La Liquidation:

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