

Francisco Junyent Bas
Carlos A. Molina Sandoval

SISTEMA DE INEFICACIA CONCURSAL

**La retroacción
en la quiebra**

**Prólogo de
Osvaldo J. Maffia**



**RUBINZAL - CULZONI
EDITORES**

Sistema De Ineficacia Concursal

Juan Luis Miquel



Sistema De Ineficacia Concursal:

Ineficacia concursal Horacio Pablo Garaguso,1981 **La ineficacia en el negocio jurídico** Edgar Ramírez Baquero,2008 *Proceso concursal: Crisis de las empresas promotoras y constructoras (e-book)* Blas Alberto González Navarro,José M.a Fernández Seijo,Alberto García Pombo,Luis Garrido Espa,Rafael Gimeno-Bayón Cobos,Emilio González Bilbao,Francisco Javier Menéndez Estébanez,Edmundo Rodríguez Achútegui,Luis Shaw Morcillo,2009-06 No hay duda de que la crisis del ladrillo ha sido el motivo de las últimas reformas en materia de legislación concursal como el Real Decreto Ley 3/2009 de 27 de marzo demostrando la rigidez de la Ley Concursal de 2003 en la gestión de la crisis en que se han visto envueltas las empresas promotoras y constructoras Esta crisis se ha convertido en una gran prueba de resistencia fiabilidad y eficacia para nuestro nuevo instrumento de gestión concursal llegando a límites que hasta hace poco tiempo parecían inimaginables La necesidad de los profesionales de formarse en este campo específico es bien clara Es preciso abordar problemas propios de este sector como son entre otros el carácter de bienes afectos o no a la actividad empresarial de los inmuebles en construcción la operatividad concursal del grupo de sociedades inmobiliarias dentro y fuera de España la reintegración concursal y su relación con las extraordinarias dificultades detectadas para la reflujo de las empresas por parte de las entidades financieras o la eficacia de la acción directa del artículo 1597 del Código Civil ante el concurso de la constructora Esta obra colectiva realizada por abogados y jueces de lo mercantil analiza la realidad práctica que está planteando los concursos de promotoras y constructoras tomando partida por alguna de las diferentes opciones que el Derecho como siempre ofrece a quien interpreta las normas Como resultado nos ofrecen un libro de plena actualidad **La acción rescisoria concursal** Huelmo Regueiro, Josefina,2016-07-18 Este libro tiene por objeto el examen de la acción rescisoria concursal desde la práctica del derecho procesal poniendo especial atención en el análisis de los problemas prácticos que se han ido planteando y de la doctrina y las soluciones que han ido dando los tribunales desde la entrada en vigor de la Ley concursal hasta ahora La rescisoria concursal ha sido muy estudiada desde el punto de vista mercantil y atendiendo principalmente a los requisitos de fondo para su ejercicio analizando los aspectos procesales sólo de forma complementaria o accesoria Este libro pretende subsanar esta laguna centrándose en el estudio de la tramitación procesal de la acción

Sistema de ineficacia concursal Francisco Junyent Bas,Carlos A. Molina Sandoval,2002-01-01 *Aspectos civiles de derecho concursal. XIV Jornadas de la Asociación de Profesores de Derecho Civil* ,2010-04 **Jurisprudencia Rosarina** ,

Crisis de empresas y sistema concursal Alvaro Espina,1999 Recoge La crisis del sistema concursal español La experiencia comparada Lneas de reforma del sistema concursal español Reforma concursal y globalización económica **Ley 24.522 concursos y quiebras** ,2000 **Parejas de hecho: situación actual de su regulación en la legislación mercantil y perspectivas de futuro** Carlos Argudo Gutiérrez,2018-04-09 La pareja de hecho durante siglos condenada durante décadas tolerada y elevada en nuestros días a institución del Derecho de familia continúa a pesar de su creciente número siendo una

figura de contornos poco definidos y fuente permanente de problemas sin solucionar derivados de la dificultad inicial de conjugar libertad y seguridad jurídica La legislación mercantil las recoge puntualmente en la normativa de sociedades de capital y cooperativas y con más amplitud en la Ley Concursal La libertad que debe presidir la esencia de estas uniones no es motivo para excluir su regulación legal pero su reconocimiento dado el singular tratamiento dado en nuestro país producto de la abstención del legislativo estatal la proliferación de normas autonómicas la contradictoria jurisprudencia que la rodea y la inexistencia de unidad de criterio en los procedimientos judiciales que les afectan debe ser tratado con mucha cautela sin dejar cabos sueltos que nos lleven a situaciones no deseadas **Retroacción en la quiebra** Juan Luis Miquel,1984

Dación en pago e insolvencia empresarial María del Carmen Pastor Sempere,2016-03-01 La dación en pago a cuyo estudio se dedica esta monografía necesitaba de una adecuada contextualización tratamiento y reinterpretación en las actuales insolvencias empresariales Principalmente porque todas ellas se encuentran inmersas en el que parece ser el nuevo paradigma de la insolvencia y su reflejo en medidas concretas de conservación de la empresa en nuestro Derecho concursal como es la paulatina aceptación de la dación en pago en su seno sustituyendo hasta la que escasas veces fue exclusivamente la solutoria con pago en efectivo como única y satisfactoria de los acreedores Si bien la dación en pago nunca dejó de ser utilizada su carácter excepcional y las circunstancias de bonanza económica que vivió nuestra sociedad propiciaron el olvido de la institución A ello tampoco fue ajena la dificultad de aplicar una institución que se desterró por la codificación francesa y por ende del Código Civil español Se hace necesario su estudio abordando al mismo tiempo los puntos más destacables que este cuadro normativo ha experimentado como consecuencia del vertiginoso proceso de reforma de la legislación concursal en el que la dación en pago ha ganado terreno poco a poco pues su función va unida irresolublemente a la conservación de la empresa viable En definitiva el diseño de las operaciones de refinanciación y acuerdos extrajudiciales de pagos a los que se extendió completada con su protección frente a las acciones de reintegración La hace ineludible por coherencia de nuestro sistema concursal en el convenio y la liquidación concursales **Manual de concursos y quiebras - Tomo 2** Gabriela Antonelli Michudis,Guido Barbarosch,Santiago Bassó,Sebastián Borthwick,Santiago Codazzi,Ariel A. Dasso,Nicolás Di Lella,María Florencia Estevarena,Julio C. García Villalonga,Juan Gasparini,María José Gigy Traynor,Rodrigo E. Jaime,Marcelo Haissiner,Rubén Morcecian,Stefania B. Putschek,Adolfo Saglio,Sebastián Sánchez Cannavó,Luciana B. Scotti,Teodora Zamudio,2018-06-12 En la presente obra se explican los institutos y características del procedimiento concursal y toda la influencia que sobre aquel despliegan las normas civiles y comerciales de fondo Se analizan los pormenores del pedido de quiebra la sentencia de quiebra la conversión del proceso falimentario y los efectos sobre el fallido inhabilitación y rehabilitación Se analiza integralmente la Ley 24.522 de concursos y quiebras de la República Argentina **Las acciones revocatorias concursales** Juan José Rodríguez Espitia,2024-03-06 Este trabajo analiza una de las instituciones paradigmáticas en el Derecho de insolvencia conocida como acción revocatoria acción rescisoria o de reintegración instrumento de defensa del

Derecho de crédito y del principio de buena fe que permite cuestionar aquellos actos celebrados por el deudor dentro del periodo de sospecha por afectar los derechos de los acreedores. Es claro que la posibilidad de los terceros de cuestionar actos constituye una excepción a los parámetros básicos del Derecho privado y en esa medida dicha posibilidad no solo es restringida sino también excepcional. Es por ello que la institución revocatoria muestra una tensión entre los derechos de los acreedores a cuestionar los actos del deudor y el principio de conservación de los actos jurídicos y su fuerza vinculante. Esta obra estudia la figura desde la perspectiva del Derecho colombiano no obstante hace alusiones a otros sistemas legislativos y analiza sus elementos esenciales en una clara referencia a la acción pauliana prevista por el Derecho civil mostrando las semejanzas y diferencias. Igualmente a lo largo del trabajo se examina la jurisprudencia lo cual permite conocer los alcances que las autoridades judiciales han dado a la institución.

Los concursos conexos María de las Nieves Jiménez

López, 2015-05-05 El derecho concursal es actualmente uno de los ámbitos jurídicos más importantes al tratarse de una materia profundamente relacionada con la economía. De hecho la innegable crisis económica social y financiera que estamos viviendo desde hace tiempo ha propiciado la reflexión sobre la estructura económica actual lo que ha llevado a que se produzcan numerosos cambios en los últimos años respecto de esta parcela del derecho. Una de esas novedades fue introducida por el legislador español en la reforma de 2011 al incorporar el concepto de concursos conexos en el proceso concursal. Con este concepto hace referencia el legislador a todos aquellos supuestos en que por la especial relación que existe en varios sujetos sus patrimonios presentan un cierto nivel de conexión hasta el punto de tener que ofrecer una solución conjunta que alcance a todos para que esta pueda ser efectiva tanto para ellos como para sus acreedores. Así pues representa el objetivo de estudio analizar los concursos conexos en toda su magnitud desde los supuestos en que la Ley Concursal permite hablar de conexidad hasta los efectos que esta conexidad va a conllevar en el proceso concursal tanto procesales como materiales pasando por estudiar los numerosos problemas que presenta la remisión a las normas previstas para otro tipo de procesos.

La subasta concursal. Huerta García, R, 2018-12-01 La subasta judicial ha sido objeto de una profunda transformación a raíz de la entrada en vigor de la Ley 19/2015 que estableció como principal novedad la obligatoriedad de publicación en el BOE y Portal de Subastas del BOE de todas las subastas judiciales y notariales convocadas a partir del 15 de octubre de 2015 eliminando el concepto de puja presencial existente. Por lo que respecta a la subasta concursal tras el análisis de 4804 lotes concursales subastados por los Juzgados Mercantiles en el año 2016 se ha evidenciado la existencia de tres sistemas de liquidación diferenciados: sistema de Tipo libre, Tipo especial y Tipo LEC que adaptan en mayor o menor medida las reglas generales de la subasta judicial de la Ley de Enjuiciamiento Civil arts 643 y ss en función del Plan de Liquidación aprobado circunstancia que produce una alteración en el Porcentaje de lotes desiertos, PLD, Tasa de Recuperación del Pasivo Insatisfecho, TRPI y Tasa de Eficacia de la Subasta Judicial TESJ. Resulta necesario por tanto conocer los aspectos positivos y negativos de cada sistema de liquidación de subasta concursal para la elaboración de un modelo de subasta concursal eficaz objetivo último del presente.

trabajo Rafael Huerta García Doctor en derecho por la Universidad de Barcelona con la calificación sobresaliente cum laudem Ejerce como Letrado de la Administración de Justicia en el Juzgado Mercantil nº 7 de Barcelona ingresó en la Administración de Justicia en el año 2001 Colabora como profesor y ponente en la Facultad de Derecho de la Universidad de Barcelona Ilustre Colegio de Economistas de Cataluña Ilustre Colegio de Abogados de Barcelona de Granollers Ilustre Colegio de Procuradores de Barcelona así como en el Centro de Estudios Jurídicos del Ministerio de Justicia y Centro de Estudios Jurídicos del Ministerio de Justicia y Centre d'Estudis Jurídics i Formació Especialitzada del Departament de Justicia Autor de numerosas publicaciones relativas a la subasta judicial electrónica ha sido galardonado recientemente con el Premio Procura 2017 concedido por el Ilustre Colegio de Procuradores de Barcelona en reconocimiento del excelente trabajo de investigación y documentación sobre la subasta judicial electrónica y trayectoria como Letrado de la Administración de Justicia

Las acciones revocatorias concursales: tensión entre los derechos de los acreedores y la seguridad jurídica Juan José Rodríguez Espitia, 2024-02-12 Este trabajo analiza una de las instituciones paradigmáticas en el Derecho de insolvencia conocida como acción revocatoria acción rescisoria o de reintegración instrumento de defensa del Derecho de crédito y del principio de buena fe que permite cuestionar aquellos actos celebrados por el deudor dentro del periodo de sospecha por afectar los derechos de los acreedores Es claro que la posibilidad de los terceros de cuestionar actos constituye una excepción a los parámetros básicos del Derecho privado y en esa medida dicha posibilidad no solo es restringida sino también excepcional Es por ello que la institución revocatoria muestra una tensión entre los derechos de los acreedores a cuestionar los actos del deudor y el principio de conservación de los actos jurídicos y su fuerza vinculante Esta obra estudia la figura desde la perspectiva del Derecho colombiano no obstante hace alusiones a otros sistemas legislativos y analiza sus elementos esenciales en una clara referencia a la acción pauliana prevista por el Derecho civil mostrando las semejanzas y diferencias Igualmente a lo largo del trabajo se examina la jurisprudencia lo cual permite conocer los alcances que las autoridades judiciales han dado a la institución

Anales de la Academia Nacional de Derecho y Ciencias Sociales de Córdoba, 2003 **El procedimiento concursal en toda su dimensión** Martín Molina, Pedro B., Lopo López, María Antonia, Carre Díaz-Gálvez, José María del, 2014-12-01 Una obra como esta debe ser necesariamente bienvenida por varias razones de las cuales me limito a destacar dos La primera por su contribución a la formación y al debate en un ámbito en el que ambas dimensiones son fundamentales para que los profesionales que son o aspiran a ser administradores concursales cuenten con las herramientas necesarias para la mejora y la puesta al día La segunda por la importancia de aprender de unos de los principales protagonistas del mundo concursal que son los Jueces de lo Mercantil cuyas aportaciones a todos los niveles son esenciales Este libro nace además en tiempos de cambio legislativo en este ámbito concursal Esta legislatura lleva ya tres cambios de especial relieve el primero la incorporación de los acuerdos extrajudiciales de pagos y la aparición de la importante figura del mediador concursal por la Ley 14/2013 de 27 de septiembre de apoyo a los emprendedores y su

internacionalizaci n El segundo el Real Decreto ley 4 2014 de 7 de marzo por el que se adoptan medidas urgentes en materia de refinanciaci n y reestructuraci n de deuda empresarial que potencia el papel de los acuerdos de refinanciaci n como instrumentos de viabilidad de las empresas Y el tercero el Real Decreto ley 11 2014 de 5 de septiembre de medidas urgentes en materia concursal que ha trasladado buena parte de las medidas de la norma anterior al propio pro ceso concursal del Pr logo de Julio C Fuentes G mez

Las acciones de reintegraci n en la Ley Concursal María Linacero de la Fuente,2005-01-01 Incluye referencias a Anteproyectos de 1929 y 1959 Anteproyecto de Ley Concursal de 1983 Anteproyecto de Ley Concursal de 1995 Anteproyecto de Ley Concursal de 2000 y Anteproyecto de Ley Concursal de 2001 Proyecto de Ley Concursal y Proyecto de Ley Org nica para la reforma concursal de 2002 Ley 22 2003 Concursal Ley Org nica 8 2003 para la reforma concursal

Indice I ANTECEDENTES LA RETROACCI N DE LA QUIEBRA II SISTEMAS LEGISLATIVOS DE REINTEGRACI N IDEA PREVIA CLASIFICACI N DE LOS MECANISMOS DE REINTEGRACI N 1 MODO EN QUE LOS NEGOCIOS JUR DICOS CELEBRADOS POR EL CONCURSADO ANTES DE LA DECLARACI N DEL CONCURSO RESULTAN AFECTADOS POR LA REINTEGRACI N A Sistema de reintegraci n absoluto B Sistema de reintegraci n relativo C Sistema de reintegraci n mixto 2 DETERMINACI N DEL MOMENTO A PARTIR DEL CUAL ENTRAN EN JUEGO LOS MECANISMOS DE REINTEGRACI N A Sistema de determinaci n judicial a Determinaci n judicial sin l mite legal b Determinaci n judicial con l mite legal B Sistema de determinaci n legal III DETERMINACI N DE LA MASA ACTIVA DEL CONCURSO IV NATURALEZA JUR DICA DE LAS ACCIONES DE REINTEGRACI N LA ACCI N RESCISORIA CONCURSAL SUPUESTOS DE RESCISI N V REGIMEN LEGAL REQUISITOS DE LA ACCI N RESCISORIA CONCURSAL ART 71 1 LEY 22 2003 CONCURSAL INTRODUCI N 1 EXIGENCIA TEMPORAL PERIODO SOSPECHOSO PLAZO UNICO DE DOS A OS 2 PERJUICIO PATRIMONIAL VI ACTOS O NEGOCIOS JUR DICOS AFECTADOS POR LA ACCI N RESCISORIA CONCURSAL CONSIDERACI N GENERAL 1 PRESUNCIONES IURIS ET DE IURE DE PERJUICIO PATRIMONIAL ART 71 2 LEY 22 2003 CONCURSAL A Actos de disposici n a t tulo gratuito salvo liberalidades de uso a Introducci n Antecedentes b mbito de aplicaci n Delimitaci n de la categor a de actos de disposici n c Actos de disposici n a t tulo gratuito Referencia a las liberalidades contractuales d Renuncia de derechos Repudiaci n de la herencia Renuncia a la prescripci n o usucapi n e Liberalidades de uso f Donaci n remuneratoria Donaci n por m ritos Donaci n modal y donaci n indirecta B Pagos u otras formas de extinci n de las obligaciones cuyo vencimiento fuere posterior a la declaraci n del concurso a Antecedentes b Fundamento c Pagos u otros actos extintivos de deudas vencidas y exigibles d Pago anticipado de obligaciones a plazo y otros supuestos de obligaciones inexigibles Obligaciones condicionales Obligaciones naturales Obligaciones prescritas Especial referencia a la interrupci n de la prescripci n del art 60 LC e Actos extintivos de obligaciones de vencimiento posterior a la declaraci n del concurso Especial referencia a la compensaci n 2 PRESUNCIONES IURIS TANTUM DE PERJUICIO PATRIMONIAL ART 71 3 LEY 22 2003 CONCURSAL INTRODUCI N A Actos de disposici n a t tulo oneroso realizados a

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The Top Books of the Year Sistema De Ineficacia Concursal The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous engrossing novels enthraling the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the captivating narratives that have charmed audiences this year. Sistema De Ineficacia Concursal : Colleen Hoover "It Ends with Us" This touching tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. Sistema De Ineficacia Concursal : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Sistema De Ineficacia Concursal : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and suspenseful novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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