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- Certified copy -

## **Bad Homburg v.d.Höhe District Court**

02.12.2019

**- Insolvency Court -**

**61 IN 99/19**

(please always quote)

[coat of arms]

### **Decision**

In the insolvency proceedings concerning the assets of

Sentido Hotels & Resorts GmbH represented by managing director Jan Mayer, Thomas Cook  
Platz 1, 61440 Oberursel (Bad Homburg v. d. Höhe District Court, commercial register HRB  
11096),

-Applicant-

the insolvency proceedings according to Article 3 paragraph 1 EulnsVO (European Insolvency  
Regulation), §§ 2, 3, 11, 16 et seq. InsO (Insolvency Regulation) are opened today, on  
02.12.2019 at 11:00 a.m.

Appointed as insolvency administrator is:

**Lawyer Julia Kappel-Gnirs, Goldsteinstr. 114, 60528 Frankfurt am Main, tel.: 069/34 87  
13 2-0, fax: 069-34 87 13 2-99**

The Applicant is prohibited from disposing of its current and future assets belonging to the  
insolvency estate for the duration of the insolvency proceedings. The power of disposal is  
assigned to the insolvency administrator.

Debt-relieving payments to the Applicant can no longer be made after the opening date. If,  
nevertheless, the Applicant is paid and the funds do not come into the insolvency estate, there  
is a risk of a renewed obligation to pay the insolvency administrator.

The insolvency administrator is charged with serving pursuant to § 8 para. 3 InsO. Further,  
pursuant to Art. 54 EulnsVO she assumes the provision of the required information to all  
known foreign creditors. Excluded is the serving of the order of the commencement of  
proceedings to the debtor; this is done by the insolvency court. The public notices remain the  
responsibility of the insolvency court.

**The creditors are requested:**

- a) to file insolvency claims (§ 38 InsO) and lower-ranking claims according to § 39 InsO with the insolvency administrator in writing, enclosing documents, invoices and any other documents existing with regard to the claim in compliance with § 174 InsO by: **08.04.2020. The lodgement can also be done by sending an electronic document.**
- b) to immediately inform the insolvency administrator which security interests they claim to have in movable property or rights of the Applicant. Details are to be provided of the object of the claimed security interest, the nature and causal origin of the security interest as well as the secured claim. Any person who by fault omits to provide this information, or provides it late, shall be liable for the consequent damage (§ 28 para. 2 InsO).

When lodging, the reason and amount of the claim must be stated.

The lodgement of claims and the insolvency table may be inspected within the first third of the period which lies between the expiration of the registration period (08.04.2020) and the key date specified below upon which the claims will be reviewed in writing (04.05.2020) by the parties involved at the registry of the Bad Homburg v.d.H. District Court - Insolvency Court -, Auf der Steinkaut 10-12, 61352 Bad Homburg v.d.H.

The deposition takes place in digital form.

Any registration documents will be kept with the insolvency administrator and may be requested for inspection by the insolvency court if required.

**Persons who have obligations to the Applicant are required** no longer to fulfil these obligations to the Applicant, but to the insolvency administrator (§ 28 para. 3 InsO).

The following meetings will be held before the insolvency court:

1. a creditors' assembly by oral procedure for reporting by the insolvency administrator (**report meeting**); on:

**Monday. 03.02.2020, 09:00 a.m., room 103. District Court Building, Auf der Steinkaut 10-12, 61352 Bad Homburg v.d.Höhe**

Due to the admission control it is recommended to arrive at the venue early. When authorizing to attend the meeting, § 79 ZPO (Code of Civil Procedure) in conjunction with § 4 InsO must be observed. Pursuant to § 79 ZPO it is only possible to be represented by one of the persons named therein.

At the same time the meeting serves the decision of the creditors on

- the person of the insolvency administrator (§ 57 InsO),
- the establishment or maintenance in office and appointment of a creditors' committee (§ 68 InsO).

and optionally on:



- rendering of intermediate accounts to the creditors' assembly (§ 66 para. 3 InsO),
  - an agency and conditions of deposit for investment of currency, securities and objects of value (§ 149 InsO),
  - the progress of the proceedings (§ 157 InsO); e.g. company closure, provisional continuation or insolvency plan,
  - the disposition of the insolvency estate (§ 159 InsO),
  - particularly important legal transactions of the insolvency administrator (§160 InsO); in particular: the sale of the company or the business of the Applicant, the entire stock, a part of the immovable property to be disposed of by private sale, the Applicant's shares in another undertaking if such shares are intended to bring about a permanent affiliation to such other undertaking, the entering into of a loan which would considerably burden the insolvency estate, bringing, joining, negotiating a settlement in respect of or avoiding a court action amounting to a considerable value in dispute,
  - a sale of a business to persons with specific interests or a sale of a business below value (§§ 162, 163 InsO),
  - an application for an order for debtor-in-possession management (§ 271 InsO),
  - payment of maintenance using the insolvency estate (§ 100, 101 InsO),
  - a discontinuation of the proceedings by the court pursuant to § 207 InsO without convening a special creditors' assembly,
2. The review of the filed claims will be carried out pursuant to § 5 para. 2 InsO as written proceedings. The key date corresponding to the review date is 04.05.2020 due to the large number of expected claims.

The parties will have the opportunity to object to the lodgement of claims in writing at the insolvency court. A written objection with which a party disputes a claim must reach the court no later than on the review key date of 04.05.2020. The objection must state whether the claim is being disputed on account of its reason, amount or order of priority. After expiry of the objection period the claims are reviewed; claims against which no objection has been filed shall be deemed to have been admitted unless the insolvency administrator disputes them.

#### Notes:

- > Approvals of the creditors to the above-mentioned agenda items are deemed to have been granted even if a convened assembly of creditors has no quorum.
- > Creditors whose claims have been admitted will not be notified.

Pursuant to § 67 para. 2 InsO a creditors' committee will be established until the first creditors' assembly. This consists of the following members:

1. Pensions-Sicherungs-Verein, represented by Lawyer Dr. Marko Brambach, Bahnstraße 6, 50996 Cologne
2. Vorsitzender des Betriebsrats Mitte (Chairman of the Works Council Centre) Dr. Tobias Nägele, Schulstr. 7, 61350 Bad Homburg v.d.H.
3. Zurich Insurance plc, represented by Mr Udo Thart, Platz der Einheit 2, 60327 Frankfurt am Main

4. Bundesagentur für Arbeit (Federal Employment Agency), represented by Ms Claudia Weber-Arnoldt, Fischerfeldstr. 10-12, 60311 Frankfurt am Main
5. Amadeus Leisure IT GmbH, represented by Ms Uta Martens, Carlo-Schmid-Str. 12, 52146 Würselen/Aachen

**Deletion periods:**

The deletion of publications in an electronic information and communication system takes place according to § 3 InsoBekV (Regulation on Public Notices in Insolvency Proceedings). The deletion periods are as follows:

- > Publications made in the lodgement or insolvency proceedings are deleted no later than six months after the cancellation or the legal validity of the termination of the insolvency proceedings. If the proceedings are not opened, the deadline begins with the repeal of the published safeguards.
- > Other publications under the Insolvency Code are deleted one month after the first day of publication.

**Reasons:**

The debtor is insolvent. This is established to the satisfaction of the court on the basis of the investigations carried out, in particular on the basis of the opinion of the expert lawyer Julia Kappel-Gnirs of 27.11.2019.

**Right to appeal**

The decision may be challenged by the debtor, the Pension Security Association, the Federal Financial Supervisory Authority and, in the case of legal persons and associations without legal personality, by any member of the representative body or any personally liable partner with an immediate appeal. Moreover, if Article 5 paragraph 1 of Regulation (EU) 2015/848 seeks to challenge the lack of international jurisdiction to open main insolvency proceedings, the immediate appeal can also be lodged by any creditor.

It is to be lodged within an emergency period of 2 weeks at the Amtsgericht Bad Homburg v.d.Höhe, Auf der Steinkaut 10-12, 61352 Bad Homburg v.d.Höhe.

The period begins with the service or with the announcement of the decision. Insofar as the service is effected by public notice, it shall commence as soon as two further days have elapsed after the date of publication. If the public announcement is made in addition to the service, the earlier event shall be decisive for the beginning of the period.

The appeal may be filed by lodging a notice of appeal at the above mentioned District Court or recorded at the registry of any district court, whereby the observance of the deadline is determined by the time of receipt at the a. m. court. It shall be signed by the complainant or his duly authorized representative. The appeal must include the title of the contested decision and the statement that the appeal is being brought against this decision. If the decision is to be challenged only in part, the extent of the challenge must be designated.

The complaint should be justified.

Marhold

Judge



02/12/2019

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AG BAD HOMBURG

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08/09

Certified

Bad Homburg v.d.Höhe, dated 02.12.2019

[signed: Subasic]

[stamp: BAD HOMBURG v.d. Höhe District Court 51]

Subasic, Court Clerk

as Registrar of the Court

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**Bad Homburg v.d.Höhe**  
**District Court**  
**Insolvency Court**  
**Reference no.: 61 IN 99/19**  
(please always quote)

02.12.2019

## Certification

Appointed as insolvency administrator in the insolvency proceedings concerning the assets of

Sentido Hotels & Resorts GmbH represented by managing director Jan Mayer,  
Thomas Cook Platz 1, 61440 Oberursel (Bad Homburg v. d. Höhe District Court,  
commercial register HRB 11096),

is

Lawyer Julia Kappel-Gnirs, Goldsteinstr. 114, 60528 Frankfurt am Main, tel.: 069/34  
87 13 2-0, fax: 069-34 87 13 2-99

To this end the present certification is issued to the insolvency administrator and must  
be returned upon the termination of the mandate.

[signed: illegible] [stamp: BAD HOMBURG v.d. Höhe District Court 51]

Hildenbrand

Judicial Officer

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Ende der Übersetzung / End of translation  
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Als in Bayern öffentlich bestellter und beeidigter Übersetzer für die  
englische Sprache bestätige ich: Vorstehende Übersetzung der mir ~~im~~  
~~Original/in beglaubigter Abschrift/in~~ Fotokopie vorgelegten, in  
deutscher Sprache abgefassten Urkunde/n ist/sind richtig und  
vollständig.

Certified true and complete translation of the original/certified  
copy/photocopy presented to me in the German language.

München, 16.12.2019

Myles M. F. OLIVER



**Myles M. F. OLIVER**  
Translator for the English  
language duly registered,  
commissioned and sworn in  
by the German Courts