

Zoisova 2, 4000 Kranj

St 2704/2019

OKLIC
o začetku stečajnega postopka nad pravno osebo

1. Okrožno sodišče v Kranju je s sklepom opr. št. St 2704/2019 z dne 2.10.2019 začelo stečajni postopek nad dolžnikom – pravno osebo:

ADRIA AIRWAYS, Slovenski letalski prevoznik, d.o.o., Brnik - Aerodrom
Zgornji Brnik 130 H, 4210 Brnik - Aerodrom
matična številka: 5156505000
davčna številka: 51049406

2. Za upravitelja je bil imenovan: Janez Pustatičnik
3. Upniki naj v treh mesecih po objavi tega oklica prijavijo svoje terjatve ter ločitvene in izločitvene pravice v stečajnem postopku. Zadnji dan roka za prijavo terjatev ter ločitvenih in izločitvenih pravic je 3.1.2020.
4. Če upnik do poteka roka iz 3. točke tega oklica ne prijavi terjatve v stečajnem postopku, njegova terjatev v razmerju do stečajnega dolžnika po petem odstavku 296. člena ZFPPIPP preneha in sodišče prijavo zavrže.
5. Če upnik do poteka roka iz 3. točke tega oklica ne prijavi ločitvene pravice, ločitvena pravica po petem odstavku 298. člena ZFPPIPP preneha.
6. Če upnik zamudi rok za prijavo izločitvene pravice, izločitvena pravica ne preneha, vendar prepozno prijavljena oziroma neprijavljena izločitvena pravica ni ovira za prodajo premoženja, ki je predmet te izločitvene pravice v stečajnem postopku. V takem primeru izločitveni upnik po petem odstavku 299. člena ZFPPIPP s prodajo premoženja izgubi izločitveno pravico.
7. Prijava terjatve mora biti vložena v enem izvodu tako, da jo upnik osebno vloži na vložišču tega sodišča ali pošlje po pošti na naslov tega sodišča, naveden v zgornjem levem kotu tega oklica. Prijava terjatve bo pravočasna, če bo do poteka roka iz 3. točke tega oklica vložena na vložišču ali oddana s priporočeno pošto pošiljko
8. Odvetnik, ki zastopa stranko v postopku zaradi insolventnosti, mora prijavo terjatev in druge vloge stranke vložiti v elektronski obliki, podpisani z varnim elektronskim podpisom, overjenim s kvalificiranim potrdilom (prvi odstavek 123.a člena ZFPPIPP). Če vloga ni vložena v elektronski obliki, se zanjo ne uporabljajo pravila o nepopolni vlogi in jo sodišče zavrže (drugi odstavek 123.a člena ZFPPIPP). Odvetniku za zastopanje stranke v postopku zaradi insolventnosti ni treba predložiti pooblastila (četrti odstavek 123.a člena ZFPPIPP).
9. Prijava terjatve mora vsebovati:
- a) Opravilno številko: St 2704/2019

- b) Identifikacijske podatke o upniku:
- če je upnik pravna oseba, podjetnik ali zasebnik: firmo oziroma ime, sedež in poslovni naslov ter matično številko,
 - če je upnik fizična oseba: osebno ime in naslov stalnega prebivališča.
- c) Določen zahtevek za priznanje terjatve, ki mora vsebovati znesek glavnice terjatve.
- d) Če upnik poleg glavnice terjatve uveljavlja obresti do začetka stečajnega postopka, mora zahtevek za priznanje terjatve vsebovati kapitalizirani znesek obresti, obračunanih za obdobje od dospelosti terjatve do začetka stečajnega postopka. Če zahtevek za priznanje terjatve ne vsebuje kapitaliziranega zneska obresti, se za prijavo terjatve ne uporabljajo pravila o nepopolnih vlogah, temveč velja, in nasprotni dokaz ni dovoljen, da upnik v stečajnem postopku ne uveljavlja obresti za obdobje od dospelosti terjatve do začetka stečajnega postopka (2. točka petega odstavka 60. člena ZFPPIPP).
- e) Če upnik poleg glavnice terjatve uveljavlja stroške, ki so mu nastali z uveljavljanjem terjatve v sodnem ali drugem postopku pred začetkom stečajnega postopka, mora zahtevek za priznanje terjatve vsebovati tudi zneske teh stroškov. Če zahtevek za priznanje terjatve ne vsebuje zneska teh stroškov, se za prijavo terjatve ne uporabljajo pravila o nepopolnih vlogah, temveč velja, in nasprotni dokaz ni dovoljen, da upnik v stečajnem postopku ne uveljavlja teh stroškov (šesti odstavek 60. člena ZFPPIPP).
- f) Opis dejstev, iz katerih izhaja utemeljenost zahtevka, in dokaze o njih. Upnik mora prijavi terjatve priložiti morebitne listinske dokaze o dejstvih, iz katerih izhaja utemeljenost zahtevka za priznanje terjatve. Če prijava terjatve ne vsebuje opisa teh dejstev in dokazov ali če ji niso priloženi listinski dokazi, se zanjo ne uporabljajo pravila o nepopolnih vlogah, temveč upnika bremenijo stroški morebitnega postopka za ugotovitev obstoja terjatve, če je bila terjatev prerekana (četrti odstavek 60. člena ZFPPIPP).

Dne 2.10.2019

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Certified translation of the Slovenian language

Document: PROCLAMATION of the commencement of bankruptcy proceedings against legal person

REPUBLIKA SLOVENIJA
OKROŽNO SODIŠČE V KRANJU

/REPUBLIC OF SLOVENIA, KRANJ DISTRICT COURT, TN/

Zoisova 2, 4000 Kranj

St 2704/2019

**PROCLAMATION
of the commencement of bankruptcy
proceedings against legal person**

1. The Kranj District Court, by Decision no. St 2704/2019 of 2 October 2019, initiated proceedings against the debtor - legal person:

ADRIA AIRWAYS, Slovenski letalski prevoznik, d.o.o. /ADRIA AIRWAYS, Slovenian air carrier Ltd., TN/,
Brnik – Airport, Zgornji Brnik 130 H, 4210 Brnik - Airport
registration no. (MB): 5156505000
tax no.: 51049406

2. The appointed manager of the bankruptcy proceeding is: Janez Pustatičnik
3. Within three months of the publication of this proclamation, the creditors should file their claims and separate recovery and secured rights in bankruptcy proceedings. The last day of the deadline for filing claims and rights to separate recovery and secured rights is 3 January 2020.
4. If the creditor fails to file a claim in the bankruptcy proceedings before the expiry of the period referred to in point 3 of this Proclamation, his claims against the bankruptcy debtor under the fifth paragraph of Article 296 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act shall be terminated and the court shall reject the application.
5. If the creditor fails to file his secured rights before the expiry of the period referred to in point 3 of this Proclamation, the secured rights under the second paragraph of Article 298 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act shall cease.
6. If the creditor is late with the deadline for filing separate recovery rights, the separate recovery rights shall not cease, i.e. non-filed separate recovery rights shall not be considered as an obstacle to the sale of the property which is the subject of that separate recovery right in the bankruptcy proceeding. In such cases, the creditor with separate recovery right shall lose his separate recovery right by selling the property, in accordance with the fifth paragraph of Article 299 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act.
7. The claim must be filed in a single copy, and the creditor may personally submit it to the records management clerk of this court, or send it by post to the address of this court, indicated in the upper left corner of this proclamation. The claim shall be considered filed in a timely manner if it is filed with the records management clerk of this court or sent by registered mail before the expiry of the deadline referred to in item 3 of this proclamation.
8. Attorney representing a party in the bankruptcy proceeding shall be required to file the claims and other submissions of the party in electronic form, signed with secure electronic signature and certified by qualified certificate (first paragraph of Article 123.a of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act). If the submission is not provided in electronic form, the rules on incomplete submission shall not apply and such submission shall be rejected by the court (Art. 123.a of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act). For the purposes of representing a party in the bankruptcy proceeding, the attorney shall not be obliged to submit a power of attorney (fourth paragraph of Article 123.a of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

9. The claim must contain:

a) Reg. No.: St 2704/2019

b) Creditor's identification data:

- If the creditor is a legal person, entrepreneur or agent: the company, that is, the name, registered office, business address and registration number of the company,
- If the creditor is a natural person: personal name and address of residence.

c) Designated request for claim recognition that must include the principal amount of the claim.

d) If a creditor requests interests, in addition to the principal, until the commencement of the bankruptcy proceedings, the request for claim recognition must contain the capitalised amount of interest calculated for the period from claim maturity to bankruptcy proceedings commencement. If the request for claim recognition does not contain capitalised amount of interest, the rules on incomplete submissions shall not apply for the claim, and the creditor in the bankruptcy proceeding shall not accrue interest for the period from the maturity of the claim to the commencement of the bankruptcy proceedings (point 2 of the fifth paragraph of Article 60 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

e) If, in addition to the principal of the claim, the creditor also requests reimbursement of costs incurred in obtaining the claim in a court or other proceeding before the commencement of bankruptcy proceedings, the request for claim recognition must also contain the amounts of such costs. If the request for claim recognition does not contain the amount of the said costs, the rules on incomplete submissions shall not apply to the claim, and the creditor in the bankruptcy proceeding shall not accrue the said costs (sixth paragraph of Article 60 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

f) Description of the facts that give rise to the merits of the claims and the evidence on them. The creditor shall be obliged to enclose all documentary evidence of the facts that give rise to the merits of the request for claim recognition. If the claim does not contain a description of these facts and evidence, or is not accompanied by documentary evidence, the rules on incomplete submissions shall apply, and the cost of any procedure for determining the claim, if the claim is denied, shall be borne by the creditor (fourth paragraph of Article 60 of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

2 October 2019

-end of the translation-

I, Marija Jelaska court interpreter for English (Croatian, Slovenian, Polish, Macedonian, Serbian and Bosnian), as appointed by the President of the County Court in Split, Croatia Decree No. 4 Su-237/17 of 28 March 2017 and 4 Su-761/2017 of 20 March 2018 do hereby certify that the above translation is a faithful and complete translation of the original document written in the Slovenian language.

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