

Dominique Legeais

SÛRETÉS ET GARANTIES DU CRÉDIT

9^e édition

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Wolfgang Guggemos



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Hypothèque rechargeable und Grundschuld Matthias Fervers, 2013 English summary With the introduction of the hypothèque rechargeable in 2006 French lawmakers made a surprising change in the area of charges on real property Matthias Fervers studies the dogmatic construction and the practical uses of the new security interest in comparison with the German land charge German description Grundpfandrechte haben national wie international eine grosse wirtschaftliche Bedeutung Gleichwohl ist das Recht der Grundpfandrechte in den einzelnen europäischen Staaten durchaus unterschiedlich ausgestaltet Während das deutsche Recht traditionell zwischen der Hypothek und der Grundschuld unterscheidet existierte in Frankreich bis vor kurzem mit der ahypothèque nur ein einziges Grundpfandrecht Mit der Reform der Kreditsicherheiten und der Einföhrung der ahypothèque rechargeable hat der französische Gesetzgeber mit dieser Tradition gebrochen und eine Hypothekenform eingeföhrt die auf den ersten Blick an die deutsche Grundschuld erinnert Matthias Fervers untersucht die Gemeinsamkeiten und die Unterschiede zwischen der Grundschuld und der neuen ahypothèque rechargeable und befasst sich dabei insbesondere mit den verschiedenen dogmatischen Ansätzen und den praktischen Verwendungsmöglichkeiten beider Sicherungsrechte *Les cessions contractuelles de créances de sommes d'argent dans les relations civiles et commerciales franco-allemandes* Eleanor Cashin-Ritaine, 2001 La recherche de l'équilibre contractuel dans le cautionnement Guy Dibangue, 2017-12-01 Le cautionnement est actuellement la s ret qu exigent de pr f rence les banques des emprunteurs Si le l gislateur fran ais semble surprot ger la caution par rapport au cr ancier c est l inverse qui a t retenu par le l gislateur OHADA Dans les deux cas c est le d s quilibre entre la protection raisonnable de la caution et la pr servation des int r ts des cr anciers Suivant les r centes volutions l gislatives en France et en droit OHADA cette th se vise l quilibre contractuel du cautionnement dans une d marche de modernisation et de rationalisation de cette s ret **L'entreprise unipersonnelle dans les pays de l'Union européenne** Nadine Ezran-Charrière, 2002 Banque, 1995 *Un an de nouveautés*, 1999 Livres hebdo, 2004 *Livres de France*, 1996 *Les Livres disponibles*, 2000 La liste exhaustive des ouvrages disponibles publi s en langue fran aise dans le monde La liste des diteurs et la liste des collections de langue fran aise **Aanwinsten van de Centrale Bibliotheek (Queteletfonds)** Bibliothèque centrale (Fonds Quetelet), 1995 **La semaine juridique**, 2007-04 □□□□□, 2007 *Droit des sûretés et garanties du crédit* Dominique Legeais, 2015 Instrument majeur de la vie des affaires les s ret s sont d une grande diversit Leur r gime est parfois complexe et leur efficacit en grande partie li e au sort qui leur est r serv en cas d ouverture d une proc dure collective Ni trop concis ni trop d velopp ce manuel offre une pr sentation claire des diff rentes s ret s personnelles et r elles Les r f rences permettent aux tudnants et aux praticiens d en faire un instrument utile pour la pr paration de leurs travaux dirig s et de leurs dossiers R dig travers une vision pragmatique de la mati re il permet de mesurer l efficacit des diff rentes garanties Cette nouvelle dition int gre les derni res volutions jurisprudentielles tout particuli rement importantes concernant le cautionnement qu il s agisse du

formalisme du principe de proportionnalité ou de la responsabilité bancaire L'ouvrage est devenu une référence pour tous ceux qui passent les concours de l'école des avocats de la magistrature du notariat ou qui suivent l'enseignement distance

Sûretés et garanties du crédit Dominique Legeais, 2004 Sûretés et garanties ne cessent aujourd'hui de se multiplier car les créanciers sont toujours à la recherche des mécanismes qui préservent le mieux leurs intérêts en cas de défaillance de leur débiteur et tout particulièrement lorsque s'ouvre une procédure collective C'est pourquoi aux côtés des sûretés classiques comme le cautionnement le gage l'hypothèque ou les privilèges apparaissent aujourd'hui des garanties de substitution auxquelles cet ouvrage consacre une large place qu'il s'agisse des garanties indépendantes des lettres d'intention de la réserve de propriété ou de la fiducie La présentation retenue facilite l'approche d'une matière pourtant réputée pour sa complexité L'ouvrage intéresse en priorité les étudiants mais il sera aussi utile tous les praticiens Il est également parfaitement adapté pour les étudiants qui ont choisi cette matière pour les examens et concours d'entrée dans la voie professionnelle avocats magistrats notaires **Droit**

des sûretés et garanties du crédit Legeais, *Les garanties conventionnelles sur créances* Dominique Legeais, 1986

Crédits documentaires, lettres de crédit stand-by, cautions et garanties Christian Cazenove, Dominique Deprée, Hubert Martini, 2019-04-04 Face aux risques de non paiement dont le niveau varie en fonction de la situation économique du pays de l'acheteur et de l'évolution des taux de change les exportateurs ont tendance à recourir à toute la panoplie des sécurisations proposées par les banques et les assureurs crédit et entre autres au crédit documentaire Les acheteurs quant à eux requièrent la mise en place de couvertures en leur faveur clauses contractuelles plus sûres et garanties bancaires pour se prémunir contre les risques de défaillance de leurs fournisseurs Ce guide pratique est unique Il propose une lecture simple et exhaustive des problématiques relatives à la pratique des crédits documentaires LCSB cautions et garanties indépendantes dans leurs aspects juridiques commerciaux et financiers et présente les deux volets de la sécurisation des contrats Cette troisième édition mise à jour des dernières évolutions des règles et usances des crédits documentaires RUU 600 et des garanties sur demande intègre la dimension conformité ou compliance ainsi que les évolutions technologiques en matière de digitalisation du Trade Finance En référence aux RUU 600 la première partie de l'ouvrage étudie la protection des intérêts de l'exportateur à travers des crédits documentaires et des lettres de crédit stand-by les auteurs ont développé la dimension import et clamé par nos fidèles lecteurs L'ouvrage en décrypte les mécanismes et les différentes formes et analyse la position de chacun des acteurs sous l'angle des risques et des sécurités obtenues Il aborde également les crédits documentaires et stand-by l'import avec les clauses spécifiques liés à certains secteurs d'activité les exportateurs tant souvent confrontés à des problématiques d'achat international La deuxième partie traite de la sécurisation de l'acheteur par la mise en place de cautions et garanties de marché par l'exportateur Après un exposé juridique l'ouvrage souligne les aspects pratiques conseils aux exportateurs lors de la phase de négociation puis de gestion Il présente les différentes garanties et passe en revue les clauses recommandées ou à éviter Il explique le contexte de mise en jeu des garanties détaille les recours offerts aux exportateurs et expose un panorama de la

jurisprudence en la matière La troisième partie est consacrée au renforcement des mesures de sanctions internationales et d'embargos de lutte anti-blanchiment et contre le financement du terrorisme dans la gestion des opérations de commerce international Le respect des mesures d'ordre réglementaire ne se limite pas aux banques mais concerne aussi les exportateurs les importateurs ainsi que les prestataires logistiques par exemple Ce guide rappelle tous les acteurs du commerce international PME grandes entreprises exportatrices professionnels du secteur bancaire et de l'assurance enseignants et étudiants en commerce international et en écoles de commerce les règles applicables les usages et les pratiques

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