



~~Commissione~~ rilevato, quindi, come la proposta di concordato dalla

sfavorevole;

temporale, non sia al Commissario Giudiziale pervenuta alcuna dichiarazione di voto raggiunge la cifra di € 648.263,18; rilevato, quindi, come, nel medesimo intervallo conseguenza che il valore delle ragioni creditorie alla proposta di concordato favorevoli dichiarazioni di voto a detta proposta favorevoli, per l'importo di €. 135.288,77, con la rilevato, poi, come, nell'identico periodo, siano al Commissario Giudiziale pervenute dell'espressione di voto;

18 novembre 2020, nessuna comunicazione sia pervenuta in Cancelleria ai fini rilevato, quindi, come, in tutto il periodo compreso fra il giorno 29 ottobre 2020 e il giorno ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ 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comunicata sia stata approvata dalla maggioranza dei creditori, con voto favorevole che, come sopra osservato, corrisponde alla somma di € 648.263,18, somma questa superiore a quella della maggioranza dei crediti ammessi al voto, pari, in totale, a € 623.953,56;

letto ulteriore Decreto adottato il 25 maggio 2021 e depositato il 4 giugno 2021, col quale il Tribunale di Spoleto, all'esito delle operazioni di voto nel concordato, ha fissato, per la comparizione delle parti e del Commissario Giudiziale, davanti a sé, oltre che per la trattazione di eventuali opposizioni all'omologazione della proposta di concordato dalla ~~COMAGEST s.p.a. in liquidazione~~ avanzata, l'udienza collegiale, in camera di consiglio, del giorno 22 settembre 2021;

rilevato come, con istanza telematicamente comunicata, datata il 21 luglio novembre 2021, il debitore, autore della proposta di concordato preventivo dai creditori approvata, abbia, a mezzo procuratore legalmente esercente, domandato della proposta stessa l'omologazione; rilevato come, nel termine dalla norma fissato ai fini della costituzione in giudizio destinata alla proposizione di opposizioni, nessun creditore dissenziente abbia provveduto ad assumere specifica iniziativa intesa a contrastare l'indicata domanda di omologazione; visti gli artt.180 e 182 R.D. 16 marzo 1942 n. 267;

#### OMOLOGA

la proposta di concordato preventivo dalla ~~COMAGEST s.p.a. in liquidazione~~, assegnataria del numero ~~0355276029~~, di partita I.V.A., con sede a Foligno (PG), Via Gran Sasso n.25, avanzata, con ricorso depositato in data 7 dicembre 2016;

Handwritten mark resembling a stylized 'A' or 'H' with a horizontal line extending to the right.

in aliquota percentuale non superiore alle due unità del compenso complessivamente e conclusivamente definito a favore del liquidatore di seguito designato, il distinto compenso a ciascun membro del Comitato dei Creditori spettante, per l'opera svolta sino al momento di compiuta ripartizione integrale del ricavato dalla liquidazione, compenso suscettivo di maggiorazione solo in ragione di rimborso delle spese borsuali da ciascun membro, per tale opera, anticipate, ove documentate;

FISSA

- 1) MENCI & C. SPA, di partita IVA ~~0057900073~~ con sede a Castiglio Fiorentino (AR), Fraz. Montecchio n.353, pec: ~~0057900073@meneci.it~~
- 2) CAMPANIA LUBRIFICANTI SRL, di partita IVA ~~0200000099~~ con sede a Monteforte Irpino (AV), Via Nazionale Alvanella n.15, pec: ~~0200000099@campalub.it~~
- 3) DEUTSCHE BANK SPA, di partita IVA ~~0021000010~~, con sede a Milano, Piazza ~~de'ppalmanca, 2~~ del Calendario n.3 pec: ~~0021000010@db.it~~

chiama:

perché assista alle operazioni di liquidazione, Comitato dei Creditori, a comporre il quale

NOMINA

## NOMINA

poi, liquidatore, ai fini dell'esecuzione del concordato BALDONI LUCA, commercialista, di codice fiscale BLDLCU65E29D653G, con studio professionale a Foligno (PG), Via Monte Acuto n. 49,

## PRESCRIVE

a detto liquidatore, a disciplina dello svolgimento d'ogni attività a lui riservata dalla nomina che precede, le seguenti modalità:

- a. eseguire, nel termine di giorni sessanta dalla comunicazione a lui del presente provvedimento, inventario dei beni mobili e ricognizione dei beni immobili alla ~~CODICE DI PROCEDURA~~ ~~ASSOCIATA~~, assegnataria del numero ~~628010674~~, di partita L.V.A., con sede a Foligno (PG), Via Gran Sasso n.25, appartenenti, assumendo progressivamente la custodia di tali beni, conferendo al Commissario Liquidatore in questa sede nominato mandato irrevocabile a vendere;
- b. eseguire la liquidazione di detti beni, nei modi e nelle forme previste dagli artt. 105, 106, 107 e 108 R.D. 16 marzo 1942 n. 267 e nei tempi considerati in programma di liquidazione dal liquidatore prontamente adottato e, una volta approvato dal Comitato dei Creditori, dal liquidatore medesimo, prima comunicato, mediante deposito in Cancelleria, al Giudice Delegato, quindi, al Commissario Giudiziale trasmesso;





- g. predisporre piani di ripartizione, anche parziale, delle somme accreditate sull'indicato deposito bancario fra i creditori da detto elenco risultanti e nel rispetto delle cause legittime di prelazione in questo considerate, provvedendo al deposito in Cancelleria di tali piani;
- h. eseguire ogni pagamento, in attuazione dei citati piani di ripartizione, solo a seguito di apposita autorizzazione del Giudice Delegato utile ad addebitare sul citato deposito bancario la somma al pagamento stesso necessaria e mediante consegna di assegno circolare, emesso, per tale somma, dall'Istituto di Credito depositario, ovvero mediante corrispondente accreditato su deposito bancario o postale, intestato al creditore beneficiario del pagamento stesso;
- i. rendere, prima dell'esecuzione del pagamento conclusivo a favore dei creditori, mediante deposito in Cancelleria, il conto della propria gestione liquidatoria, con modalità corrispondenti a quelle dall'art. 116 R.D. 16 marzo 1942 n. 267 previste, previa comunicazione della documentazione estensiva del conto stesso all'Ufficio del Commissario Giudiziale;
- j. comunicare con tempestività e completezza all'Ufficio del Commissario Giudiziale ogni informazione dalla quale possano desumersi ragioni utili alla risoluzione, ovvero all'annullamento del concordato omologato, in applicazione di quanto previsto dagli artt. 186, 137 e 138 R.D. 16 marzo 1942 n. 267;

MANDA

alla Cancelleria, per la comunicazione del presente provvedimento alla ~~CD. 16/03/2022~~

