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SUMMARY OF THE DOCTORAL DISSERTATION

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entitled "*Legal situation of the purchaser of a residential premises or a single-family house in the event of initiating restructuring or bankruptcy proceedings of the property developer*"

written under the supervision of dr hab. Izabella Gil, prof. UWr

The aim of the dissertation is an in-depth and multifaceted analysis of the legal situation of purchasers of a residential premises or house in the event of the initiation of restructuring proceedings or the declaration of bankruptcy of the developer, based on research works in the field of law, economics, and financial management. The choice of the topic and subsequent analysis of legal regulations were not coincidental, considering the housing needs of society fulfilled by developers, alongside the difficult economic and financial situation of many entities undertaking development projects. The dissertation evaluates the effectiveness of restructuring and bankruptcy proceedings from the perspective of the legal protection of buyers of premises or single-family houses from the developer. The analysis was conducted from both a substantive and procedural legal perspective, taking into account the individual legal instruments intended to protect the rights of buyers of premises.

The dissertation consists of an introduction, six chapters, and conclusions. The work is divided into three parts based on the designated themes of its chapters. The first part includes the introduction, historical and legal development of regulations, and an explanation of basic and necessary concepts to properly present the issue (introduction, chapters I-IV). The second part analyzes individual legal instruments of separate restructuring and bankruptcy proceedings conducted in relation to the developer (chapters V-VI). The third part contains theses and conclusions (final conclusions).

In the first chapter, the dissertation defines the concept of developer activity. Identifying the specifics of developer activity was essential for describing the socio-economic context in which contracts for the construction of a residential premises or single-family house, and subsequently the transfer of ownership to the purchaser, were entered into. This context is

significant when attempting to effectively reconstruct legal norms related to the risk of insolvency or bankruptcy of the developer. The first chapter also presents the role of the Constitutional Tribunal and its influence on introducing legal regulations that allow for securing the financial means of the buyers of premises in the event of the developer's bankruptcy.

The second chapter of the dissertation contains an analysis of the historical and legal conditions for the introduction of specific legal regulations concerning the conduct of proceedings in the event of the developer's insolvency. The discussions in this chapter included an attempt to explain the legislative processes leading to the creation of legal regulations on proceedings against an insolvent developer or one at risk of insolvency, as well as an evaluation of the evolution of this regulation.

The considerations contained in the third chapter focus on the subject matter and scope of separate restructuring and bankruptcy proceedings conducted in relation to the developer. The chapter begins by attempting to reconstruct the concept of the developer as a subject of separate restructuring and bankruptcy proceedings. The subsequent section of the third chapter clarifies how the concept of the purchaser should be understood. Another area of research and analysis was the determination of the scope of the subject matter of separate restructuring and bankruptcy proceedings in the case of the developer. This part of the study also focused on the concept of development agreements and the understanding of the claim for the transfer of ownership of the premises, which are crucial for defining the scope of the subject matter of separate restructuring and bankruptcy proceedings concerning the developer.

In the following chapter of the dissertation, the objectives of separate restructuring and bankruptcy proceedings concerning the developer are discussed. Reconstructing the purpose of legal regulations allowed for determining the significance of the norms included in this regulation regarding their functional context and the application of functional interpretation. Defining the purpose of legal regulations enables better understanding of the given legal instance and outlining the proper direction of interpretation of individual provisions.

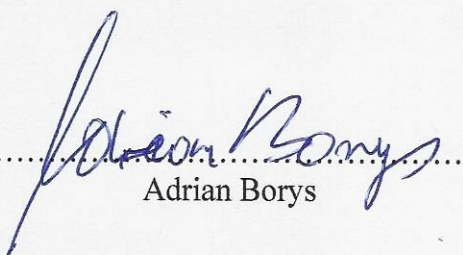
The fifth chapter of the dissertation is dedicated to the analysis of the legal situation of purchasers in the restructuring proceedings conducted against the developer. It begins with an overview of the legal situation of buyers at the stage of preparing settlement proposals and entering into a settlement. In particular, the rights of purchasers to submit settlement proposals, types of settlement proposals—especially those envisioning the continuation of the development project, and the existing constraints regarding the possibility of concluding a partial settlement—are evaluated. Additionally, differences in the procedure for accepting a settlement proposing the continuation of the development project (the preliminary voting of

purchasers and the payment or securing of contributions at the stage preceding the acceptance of the settlement) and differences in the proceedings concerning the approval of the settlement, as well as issues related to the execution of the settlement and its consequences, with particular focus on the settlement proposing the continuation of the developer's project, are described. This chapter also presents the legal situation of buyers in terms of property security on the real estate and in the event of the developer's restructuring failure.

The sixth chapter contains an analysis of the legal situation of buyers of premises in the bankruptcy proceedings conducted against the developer. This analysis is divided into two parts. It begins with an examination of the legal situation of buyers in the event of the continuation of the development project, and subsequently discusses the legal situation of purchasers in the event of liquidating the property included in the development project. This chapter evaluates regulations regarding the protection of buyers of premises in cases where there is property security encumbering the real estate on which the development project was conducted.

The entire study includes conclusions drawn from the research and analyses conducted. The conducted dogmatic analyses and interpretative studies of legal texts allowed for formulating the main thesis that the currently applicable legal regulation concerning separate restructuring and bankruptcy proceedings conducted against the developer does not provide adequate or effective protection of the rights of purchasers of residential premises and single-family houses. Ensuring effective protection of purchasers' rights requires the introduction of the principle of prioritizing the continuation of the development project, including simplification of the procedure related to the acceptance of the settlement, which assumes contributions from buyers and strengthening the protection of contributions made by buyers in case the settlement fails to materialize.

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