COMPANY SHARE IN LLC

/Summary/

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The question about the nature of the company's share in LLC is controversial in the legal doctrine and case law due to the scarce legal framework, the inaccurate terminology used in the Commercial Act and the lack clear concept about its content and rules for transfer. This leads to a number of difficulties that arise in practice. In the Bulgarian legal doctrine there is no complete monographic study of the issues concerning the share in LLC. The dissertation aims to analyze and systematize all issues related to the company's share in LLC, as well as to answer a number of questions subject to discussion in theory and practice.

The dissertation explores the concepts of capital and property of a limited liability company, the nature and functions of the LLC share, various issues related to the disposal of the company share, including as in-kind contribution, and its inheritance as well as the restraint over LLC share and the rules for termination of the LLC upon request by a creditor of a specific shareholder. The term LLC share is defined with its legal and normative characteristics and is distinguished from other legal institutes and concepts (share in a stock company, commercial enterprise, etc.). The relevant legal framework, doctrine and case-law are also analyzed. A comparative legal analysis of the German and Swiss law is also included. The dissertation contains many proposals for improvement of the unlcear and chaotic legal framework.

The monograph takes into account the effective legislation, legal literature and case law as of 31.07.2020.