

days before the date of the filing of the petition; 5. that enables such creditor to receive more than such creditor would receive if -- a. the case were a case under Chapter 7 of this title; b. the transfer had not been made; and c. such creditor received payment of such debt to the extent provided by the provisions of this title. 11 U.S.C.S. § 547(b).

***Bankruptcy Law > Case Administration > Examiners, Officers & Trustees > Fraudulent Transfers > Elements***

[HN20] To establish a claim for avoidance of a fraudulent transfer pursuant to 11 U.S.C.S. § 548(a)(1)(B), a party must show that within two (2) years of the petition date, the debtor received less than a reasonably equivalent value in exchange for such transfer or obligation, and: 1. was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as result of such transfer or obligation; 2. was engaged in business or a transaction, or was about to engage in business or a transaction, for which any property remaining with the debtor was an unreasonably small capital; 3. intended to incur, or believed that the debtor would incur, debts that would be beyond the debtor's ability to pay as such debts matured; or 4. made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.

***Bankruptcy Law > Case Administration > Examiners, Officers & Trustees > Fraudulent Transfers > General Overview***

[HN21] To establish a claim for the avoidance of a fraudulent transfer pursuant to 11 U.S.C.S. § 548(a)(1)(A), a party must show that within two years of the petition date, the debtor made such transfer or incurred such obligation with intent to hinder, delay, or defraud any entity to which the debtor was or became, on or after the date that such transfer was made or such obligation was incurred, indebted.

***Bankruptcy Law > Case Administration > Examiners, Officers & Trustees > Postpetition Transactions***

[HN22] To establish a claim for the recovery of a post-petition transfer pursuant to 11 U.S.C.S. § 549, the appropriate inquiry is: (1) whether a transfer of property occurred; (2) whether the property transferred was property of the estate; (3) whether the transfer occurred after commencement of the bankruptcy case; and (4) whether the transfer was authorized by the Bankruptcy Code.

***Civil Procedure > Summary Judgment > Burdens of Production & Proof > Nonmovants***

[HN23] See Fed. R. Civ. P. 56(e).

***Bankruptcy Law > Practice & Proceedings > Appeals > Standards of Review > General Overview***

***Civil Procedure > Judgments > Relief From Judgment > Motions to Alter & Amend***

[HN24] A bankruptcy court's denial of an appellant's motion for reconsideration is generally reviewed for abuse of discretion. However, to the extent that the denial of reconsideration is predicated on an issue of law, such an award is reviewed de novo; to the extent that the

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