Opinion Title: 12/18/2003 UNPUBLISHED In re Marker, Trustee v. Robert H. Fullerton, 03-2301, Judge Thurman

Body: The Court granted partial summary judgment on the Plaintiff Trustee's motion in an adversary proceeding commenced for recovery of property fraudulently transferred pursuant to § 25-6-6 of the Utah Code. In this proceeding, the Trustee relied on state law to reach back a period of 4 years prior to the filing of the Debtor's bankruptcy case to challenge a transfer by the Debtor to a former spouse. The Trustee alleged that the Debtor transferred certain real property to the Defendant for less than reasonably equivalent value. The Court ruled that a conveyance where a substantial portion of the consideration consisted of a promise of reduced future rents valued at approximately $98,550 did not constitute reasonably equivalent value. Other issues of fact remained to be tried.

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Judge: Judge William T. Thurman [2]

Date: Thursday, December 18, 2003

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