



Opinion 578

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Opinion Title: 08/11/2014 PUBLISHED Hofmann v. Drabner (In re Baldwin), 13-2515, Judge Thurman.

Body:

Less than a month before the Debtor filed bankruptcy, her mother transferred funds to the trust account of the Debtor's criminal defense attorney, who in turn transferred the money to the Defendants to settle criminal charges against the Debtor. The Trustee sought to avoid the transfer to the Defendants as a preferential or fraudulent transfer, and both parties moved for summary judgment. Applying the dominion or control and diminution of the estate tests found in *Parks v. FIA Card Services, N.A. (In re Marshall)*, 550 F.3d 1251 (10th Cir. 2008), the Court granted summary judgment to the Defendants, concluding that the transfer was not of "an interest of the debtor in property" under 11 U.S.C. § 547 or § 548.

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Judge: [Judge William T. Thurman](#) [2]

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