

## PROPERTY OF THE ESTATE

Generally speaking, the bankruptcy estate includes all property owned by the Debtor or in which the Debtor has an interest whether individually or as a co-owner with any other person or entity. The estate includes property that the debtor owned or had an interest in on the petition date, acquired post-petition or acquired or recovered by a trustee under other provisions of the Bankruptcy Code. The estate also includes property of the debtor acquired by gift, devise, inheritance, divorce settlements and life insurance proceeds the right to which arises within 180 days after the filing of the case. The estate may be reduced by exempt assets permitted by statute.

- I. The starting point in our analysis is 11 U.S.C. Section 541 which states ....
  - A. The commencement of a case under section 301, 302, or 303 of this Title creates an estate. Such estate is comprised of ***all*** the following property, wherever located and by whomever held. Section 541(a) specifically provides:
    - a. Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interest of the Debtor in property as of the commencement of the case.
    - b. Property acquired within 180 days after filing by reason of:
      - Inheritance,
      - \* property settlement agreement with spouse, or
      - \* beneficiary of life insurance policy or death benefits.
    - c. Causes of action which may occur prior to and/or during the bankruptcy case. Consider Schedules A and B, No 30, 33 and 34. A Debtor's property interests in bankruptcy are established under State Law and if not properly disclosed and/or exempted then will not be officially abandoned under Bankruptcy Code Section 544. BE FAMILIAR WITH STATE PROPERTY LAW to advise clients. Consider District of Columbia homestead exemption law. Other examples are workman compensation claims, social security claims, personal injury claims, tax refunds, class action suits, etc.
    - d. Property that become part of the estate by avoidance action or preference. Consider Sections 542, 543, 544, 545, 546, 547, 548.
  - B. Property of the estate ***does not*** include:
    1. Any power that the debtor may only exercise for the benefit of an entity other than the debtor,
    2. Terminate interest (leases)
    3. Legal title does not include equitable title
    - 4.

C. **Chapter 13.** In addition to the property of the estate identified in Section 541, a Chapter 13 estate includes all property acquired by the debtor after the commencement of the case but before the case is closed, dismissed or converted; and earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed or converted. 11 U.S.C Section 1306e. Examples - post-petition wages

D. Valuation of Assets of the Estate?

1. Appraisal
2. Market Analysis
3. Blue Book or equivalent (retail or private)
4. Owner's Estimate

## II Avoidable Transfer by Trustee or Debtor Become Property of the Estate

The remaining information that was provided related to avoidance, preference and DC Law is fine and should be included. See attached.

Thanks.

**AVOIDABLE TRANSFERS  
BECOME PROPERTY OF THE ESTATE**

**A.**

**Preferences**

**A. Preferential Transfers.**

The Trustee may avoid any transfer of an interest of the debtor in property -

1. To or for the benefit of a creditor;
2. For or on account of an antecedent debt owed by the debtor before such transfer was made;
3. Made while the debtor is insolvent (which is presumed);
4. Made within 90 days before the date of the filing of the petition (or 1 year if transfer involved an insider); and
5. That enables the creditor to receive more than such creditor would receive if the case were a case under Chapter 7, the transfer had not been made and such creditor received payment.

**B. Exceptions to preferences.**

1. The transfer was intended by the parties to or for whose benefit such transfer was made to be a contemporaneous exchange for new value and in fact a contemporaneous exchange occurred;
2. The transfer was a payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was (A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or (B) made according to ordinary business terms;
3. A transfer that creates a security interest in property acquired by the debtor
  - A. To the extent such security interest secures new value that was given at or after the signing of a security agreement;

- i. Given at or after the signing of a security agreement that contains a description of such property as collateral;
    - ii. Given by or on behalf of the secured party under such agreement;
    - iii. Given to enable the debtor to acquire such property; and
    - iv. In fact was used by the debtor to acquire such property; and
  - B. That is perfected on or before 20 days after the debtor receives possession of such property.
- 4. A transfer to or for the benefit of a creditor, to the extent that, after such transfer, such creditor gave new value to or for the benefit of the debtor that was not secured by an otherwise unavoidable security interest and on account of which new value the debtor did not make an otherwise unavoidable transfer to or for the benefit of the creditor.
  - 5. The fixing of a statutory lien that is not otherwise avoidable.
  - 6. In a consumer case, the aggregate value of the transfers is less than \$600.
  - 7. A transfer of real property other than fixtures is perfected when a bona fide purchaser of such property from the debtor against whom applicable law permits such transfer to be perfected cannot acquire an interest that is superior to the interest of the transferee; and a transfer of a fixture or property other than real property is perfected when a creditor on a simple contract cannot acquire a judicial lien that is superior to the interest of the transferee. For these purposes, a transfer is made at the time the transfer takes effect between the transferor and the transferee, if such transfer is perfected within 10 days after such time (except as provided in 3(b) above). Furthermore, a transfer is not made until the debtor has acquired rights in the property transferred.

**B.**

**Fraudulent Conveyances**

A. 11 U.S.C. §548. A Trustee may avoid any transfer of an interest of the debtor in property, or any obligation incurred by the debtor, that was made or incurred on or within one year before the date of the filing of the petition, if the debtor voluntarily or involuntarily -

(1) made such transfer or incurred such obligation with actual 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; or

(2) (a) received less than a reasonably equivalent value in exchange for such transfer or obligation; and

(b) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation;

(c) 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; or

(d) 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.

### C.

#### **Strong-Arm Powers**

1. 11 U.S.C. §544(b)(1). A Trustee may avoid any transfer that is avoidable under applicable law by a creditor holding an unsecured claim.

Except as provided in paragraph (2), the trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor holding an unsecured claim that is allowable under section 502 of this title or that is not allowable only under section 502(e) of this title.

2. DC Code Fraudulent Conveyance Statutes. See Attached Appendix A

### D.

#### **Unauthorized Post-Petition Transfers**

The Bankruptcy Code is clear that a transfer by the Debtor of property of the Bankruptcy Estate that is not authorized may be avoided or, in the alternative, the Court may order the recovery of the value of such property.

11 U.S.C. §Section 549 states:

- (a) Except as provided in subsections (b)<sup>1</sup> or (c)<sup>2</sup> of this section, the trustee may avoid a transfer of property of the estate - -
  - (1) that occurs after the commencement of the case; and
  - (2)(A) that is authorized only under Section 303(f) or 542(c) of this title;  
or
  - (B) that is not authorized under this title or by the court.

These materials are an excerpt from materials originally prepared by James Hoffman, Esq., Craig Palik, Esq. and Mary Park McLean for the Fall 2008 Chapter 13 Nuts and Bolts Training. They have been edited for formatting and reproducing purposes.

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<sup>1</sup>§§549(b) provides that the Trustee may not recover an unauthorized postpetition transfer from “any immediate or mediate transferee” of the initial transferee where the transferee takes for value, in good faith and without knowledge of the voidability of the transfer avoided. The Trustee acknowledges that the Defendant will not be liable to the Trustee if the Court concludes the Defendant is an immediate or mediate transferee of an initial transferee rather than the initial transferee.

<sup>2</sup>§§549(c) addresses the Trustee’s ability to recover from a non-insider under §§547(b) when a transfer occurred between 90 days and one year before the filing of the petition and was for the benefit of a creditor.

## Chapter 31. Fraudulent Conveyances.

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§ 28-3101. Definitions.

§ 28-3102. Insolvency.

§ 28-3103. Value.

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### § 28-3101. Definitions.

For the purposes of this chapter, the term:

(1) “Affiliate” means:

(A) A person who directly or indirectly owns, controls, or holds with power to vote 20% or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) As a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) Solely to secure a debt, if the person has not exercised the power to vote;

(B) A corporation having 20% or more of its outstanding voting securities that are directly or indirectly owned, controlled, or held with power to vote by the debtor or a person who directly or indirectly owns, controls, or holds with power to vote 20% or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) As a fiduciary or agent without sole power to vote the securities; or

(ii) Solely to secure a debt, if the person has not in fact exercised the power to vote;

(C) A person whose business is operated by the debtor under a lease or other agreement, or a person whose assets are substantially all controlled by the debtor; or

(D) A person who operates the debtor’s business under a lease or other agreement or controls substantially all of the debtor’s assets.

(2) “Asset” means property of a debtor, but does not include:

(A) Property to the extent it is encumbered by a valid lien;  
(B) Property to the extent it is generally exempt under nonbankruptcy law; or  
(C) An interest in property held in tenancy by the entireties to the extent it is not subject to process by a creditor holding a claim against only one tenant.

(3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person who has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person who is liable on a claim.

(7) "Insider" includes:

(A) If the debtor is an individual:

(i) A relative of the debtor or of a general partner of the debtor;

(ii) A partnership in which the debtor is a general partner;

(iii) A general partner in a partnership described in sub-subparagraph (ii) of this subparagraph;

(iv) A corporation of which the debtor is a director, officer, or person in control;

(v) An unincorporated business organization in which the debtor has capital participation as a member or partner with limitation of liability for that participation, if that capital participation includes the right to conduct the business of the organization; or

(vi) A member or partner in an unincorporated business organization described in sub-subparagraph (v) of this subparagraph who has the right to conduct the business of the organization or who controls the organization;

(B) If the debtor is a corporation:

(i) A director of the debtor;

(ii) An officer of the debtor;

(iii) A person in control of the debtor;

(iv) A partnership in which the debtor is a general partner;

(v) A general partner in a partnership described in sub-subparagraph (iv) of this subparagraph;

or

(vi) A relative of a general partner, director, officer, or person in control of the debtor;

(C) If the debtor is a partnership:

(i) A general partner in the debtor;

(ii) A relative of a general partner in, or a general partner of, the partnership, or a person in control of the debtor;

(iii) Another partnership in which the debtor is a general partner;

(iv) A general partner in a partnership described in sub-subparagraph (iii) of this subparagraph; or

(v) A person in control of the debtor;

(D) If the debtor is an unincorporated business organization in which members or partners receive limitation of liability for their capital participation in the organization:

(i) A member or partner of the organization who has the right to conduct the business of the organization;

(ii) A person who controls the organization; or



- (iii) A relative of a person described in sub-subparagraph (i) or (ii) of this subparagraph;
- (E) An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
- (F) A managing agent of the debtor.

(8) “Lien” means a charge against, or an interest in, property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(9) “Person” means an individual, partnership, corporation, association, organization, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

(10) “Property” means anything that may be the subject of ownership.

(11) “Relative” means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(12) “Transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of, or parting with, an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

(13) “Valid lien” means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

(Aug. 30, 1964, 78 Stat. 674, Pub. L. 88-509, § 1; Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### **Prior Codifications**

1981 Ed., § 28-3101.

1973 Ed., § 28-3101.

#### **Editor's Notes**

Uniform Law: This section is based upon § 1 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3102. Insolvency.**

(a) A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets, at a fair valuation.

(b) A debtor who is generally not paying his or her debts as they become due is presumed to be insolvent.

(c) A partnership is insolvent under subsection (a) of this section if the sum of the partnership's debts is greater than the aggregate, at a fair valuation, of all of the partnership's assets, and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

(d) Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this chapter.

(e) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### **Prior Codifications**

1981 Ed., § 28-3102.

#### **Editor's Notes**

Uniform Law: This section is based upon § 2 of the Uniform Fraudulent Transfer Act.

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## **§ 28-3103. Value.**

(a) Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred, or an antecedent debt is secured or satisfied. Value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

(b) For the purposes of sections 28-3104(a)(2) and 28-3105, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### Prior Codifications

1981 Ed., § 28-3103.

#### Cross References

Attachment and garnishment, actions for fraudulent conveyance, see §§ 16-501 and 16-529.  
Landlord and tenant, fraudulent attornment, see § 42-3232.

#### Editor's Notes

Uniform Law: This section is based upon § 3 of the Uniform Fraudulent Transfer Act.

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## § 28–3104. Transfers fraudulent as to present and future creditors.

(a) A transfer made, or obligation incurred, by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(A) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(B) Intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they became due.

(b) In determining actual intent under subsection (a)(1) of this section, consideration may be given, among other factors, to whether:

(1) The transfer or obligation was to an insider;

- (2) The debtor retained possession or control of the property transferred after the transfer;
- (3) The transfer or obligation was disclosed or concealed;
- (4) Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
- (5) The transfer was of substantially all the debtor's assets;
- (6) The debtor absconded;
- (7) The debtor removed or concealed assets;
- (8) The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
- (9) The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
- (10) The transfer occurred shortly before or shortly after a substantial debt was incurred; and
- (11) The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### **Prior Codifications**

1981 Ed., § 28-3104.

#### **Section References**

This section is referenced in § 28-3103, § 28-3108, and § 28-3109.

#### **Editor's Notes**

Uniform Law: This section is based upon § 4 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3105. Transfers fraudulent as to present creditors.**

(a) A transfer made, or obligation incurred, by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange

for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(b) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### **Prior Codifications**

1981 Ed., § 28-3105.

#### **Section References**

This section is referenced in § 28-3103, § 28-3108, and § 28-3109.

#### **Editor's Notes**

Uniform Law: This section is based upon § 5 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3106. When transfer is made or obligation is incurred.**

For the purposes of this chapter:

(1) A transfer is made:

(A) With respect to an asset that is real property other than a fixture, including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(B) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this chapter that is superior to the interest of the transferee.

(2) If applicable law permits the transfer to be perfected as provided in paragraph (1) of this section and the transfer is not so perfected before the commencement of an action for relief under this chapter, the transfer is deemed made immediately before the commencement of the action.

(3) If applicable law does not permit the transfer to be perfected as provided in paragraph (1) of this section, the transfer is made when it becomes effective between the debtor and the transferee.

(4) A transfer is not made until the debtor has acquired rights in the asset transferred.

(5) An obligation is incurred:

(A) If oral, when it becomes effective between the parties; or

(B) If evidenced by a writing, when the writing executed by the obligor is delivered to, or for the benefit of, the obligee.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773; Apr. 9, 1997, D.C. Law 11-255, § 27(c), 44 DCR 1271.)

#### **Prior Codifications**

1981 Ed., § 28-3106.

#### **Editor's Notes**

Uniform Law: This section is based upon § 6 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3107. Remedies of creditors.**

(a) In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in section 28-3108, may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by sections 16-501 through 16-584;

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(A) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(B) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(C) Any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### **Prior Codifications**

1981 Ed., § 28-3107.

#### **Section References**

This section is referenced in § 28-3108.

#### **Editor's Notes**

Uniform Law: This section is based upon § 7 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3108. Defenses, liability, and protection of transferee.**

(a) A transfer or obligation is not voidable under section 28-3104(a)(1) against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(b) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under section 28-3107(a)(1), the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(1) The first transferee of the asset or the person for whose benefit the transfer was made; or

(2) Any subsequent transferee other than a good-faith transferee or obligee who took for value or from any subsequent transferee or obligee.

(c) If the judgment under subsection (b) of this section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer or an obligation under this chapter, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

(1) A lien on, or a right to retain, any interest in the asset transferred;

(2) Enforcement of any obligation incurred; or

(3) A reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under section 28-3104(a)(2) or section 28-3105 if the transfer results from:

(1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(2) Enforcement of a security interest in compliance with sections 28:9-101 through 28:9-507.

(f) A transfer is not voidable under section 28-3105(b):

(1) To the extent the insider gave new value to, or for the benefit of, the debtor after the transfer was made unless the new value was secured by a valid lien;

(2) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

(3) If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

#### **Prior Codifications**

1981 Ed., § 28-3108.

#### **Section References**

This section is referenced in § 28-3107.

#### **Editor's Notes**

Uniform Law: This section is based upon § 8 of the Uniform Fraudulent Transfer Act.



## **§ 28–3109. Extinguishment of cause of action.**

A cause of action with respect to a fraudulent transfer or obligation under this chapter is extinguished unless action is brought:

(1) Under section 28-3104(a)(1), within 4 years after the transfer was made or the obligation was incurred or, if later, within 1 year after the transfer or obligation was, or could reasonably have been discovered by the claimant;

(2) Under section 28-3104(a)(2) or section 28-3105(a), within 4 years after the transfer was made or the obligation was incurred; or

(3) Under section 28-3105(b), within 1 year after the transfer was made or the obligation was incurred.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

### **Prior Codifications**

1981 Ed., § 28-3109.

### **Editor's Notes**

Uniform Law: This section is based upon § 9 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3110. Supplementary provisions.**

Unless displaced by the provisions of this chapter, the principles of law and equity, including the law merchant and the laws relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement the provisions of this chapter.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

### **Prior Codifications**

1981 Ed., § 28-3110.

**Editor's Notes**

Uniform Law: This section is based upon § 10 of the Uniform Fraudulent Transfer Act.

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## **§ 28–3111. Uniformity of application and construction.**

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

(Feb. 9, 1996, D.C. Law 11-83, § 2, 42 DCR 6773.)

**Prior Codifications**

1981 Ed., § 28-3111.

**Editor's Notes**