## **Commercial Law World**

The official publication of the Commercial Law League of America

September/October 2011 Volume 29 • Issue 4

# $\mathbf{GO}[\mathbf{0}]$ In An Empty Judgment

Enforcement of default judgments can be a tricky venture

### Foiling Fraudulent **Transfers**

**How the Uniform** Fraudulent Transfer Act can help creditors find money that's gone MIA



Also: News About The First Circuit Court And The Separate Filings Rule; Chapter 11 debtors, hotels and rent-related cash flow — and more!

# Contents

September/October 2011 Volume 29 • Issue 4





### **Features**

**8** Turning The Sow's Ear Into The Silk Purse

Finding gold in an empty judgment. By David Cook, Cook Collections Attorneys, PLC

#### **13** First Circuit Adopts The "Separate Filings Rule" In Allocating A Refund Between A Debtor And a Nondebtor Spouse

An in-depth look at a Chapter 7-related tax refund case. By Janice G. Marsh, Chapter 7 Trustee, District of Massachusetts



**16** Foiling Fraudulent Transfers When bankruptcy's pending, money often moves. Thanks to the Uniform Fraudulent Transfer Act, however, creditors can find — and oftentimes recover — their losses, even when the debtor is judgment proof. By Matt Alderton

**20** Ocean Place Hotel revenues are personal property, not "rents." By John S. Mairo, Esq., Porzio, Bromberg & Newman, P.C

#### **Industry Information**

**5** Legal News Round-Up Get caught up on the latest news from Washington.

**24** Tales From The Front Timothy Wan shares the final installment of his Penguin Trilogy!

#### **League Views:**

**3** The President's Page CLLA President Beau Hays shares his thoughts on how e-mail communication can help connect — yet also overwhelm — recipients.

#### 27 Viewpoint

Find out what League leaders discussed during the recent strategic planning session in Washington, D.C.!

**28** CLLA Flashback Law Lists and the CLLA have a rich history — much like the CLLA's practice of gathering member input.

#### **Member News:**

**6** Regional/Section Round-up Some of the CLLA's sections and regions weigh in with recent news — including a Strategic Planning Meeting recap!

**23** Newly Admitted Members Find out who joined the CLLA in July and August.

**26** Member News The latest news from CLLA members around the globe.