

UNIFORM FRAUDULENT TRANSFER ACT (EXCERPT)
Act 434 of 1998

***** 566.35.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 10, 2017 *****

566.35.amended Transfer by debtor as voidable.

Sec. 5. (1) A transfer made or obligation incurred by a debtor is voidable 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.

(2) A transfer made by a debtor is voidable 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.

(3) Subject to section 2(2), a creditor making a claim for relief under subsection (1) or (2) has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

History: 1998, Act 434, Imd. Eff. Dec. 30, 1998;—Am. 2016, Act 552, Eff. Apr. 10, 2017.