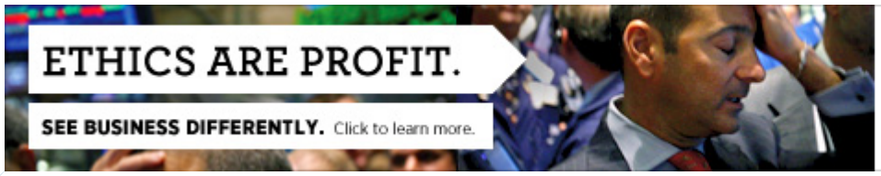


LOYOLA UNIVERSITY MARYLAND
Sellinger School of Business

Contribute to Citybizlist
Share Your News Today!

User-generated News
Read What our Users Are Contributing.

Citybizlist Local Business News
Read All Local Business News.

citybizjobs
Find a job or find employees.

citybizmarketplace
Buy, sell and trade locally.

citybizB2B
Advertise on citybizB2B.

citybiznetwork
Powered by Collective X.

citybizquicks
Twitter Updates:

FOLLOW US ON TWITTER

Alpharetta Law Firm Extends Georgia Law Against Fraudulent Conveyances

Alpharetta Law Firm Extends Georgia Law Against Fraudulent Conveyances

On November 18, 2009, the Georgia Court of Appeals embraced the argument put forward by the law firm of **Briskin, Cross, & Sanford, LLC** and established a significant new precedent in civil litigation.

Law firm Partners **Alan Briskin** and **Byron Sanford** succeeded in **convincing the Court to extend existing case law** to restrict judgment debtors from fraudulently transferring assets to avoid collection on court judgments. This decision makes strides to protect the ability of individuals and businesses to collect sums awarded to them by the courts, arguably one of the most burdensome issues faced by parties seeking justice through the civil courts.

Byron Sanford stated, "In civil lawsuits, justice is served not through the mere verdict of the court, but through the ability of the winning party to benefit from the court's judgment in its favor. In most cases, the burden of collecting the benefits justly granted by the court falls on the shoulders of the winning party, whose available instruments for collection are costly and limited by their available means."

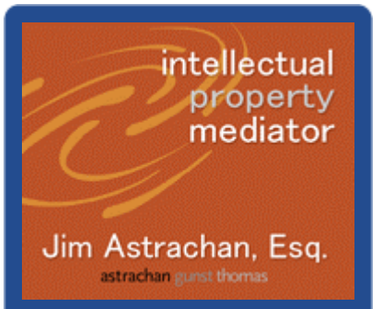
According to Alan Briskin, "this decision by the Court of Appeals clarifies an important rule regarding the authority to transfer assets of a closely held corporation, which will help prevent fraudulent transfers of assets."

In the case underlying the Court of Appeals' ruling, the holder of the judgment was seeking to collect on the judgment by **seizing the stock owned in a corporation by the debtor**. As such, the trial court ordered the sheriff to seize the corporate stock. After the sheriff seized the stock and in order to prevent collection on the judgment, the sole shareholder and officer caused the corporation to transfer substantially all of its assets.

This transfer, which significantly **diminished the value of the court-levied stock** and the winning party's ability to collect on the awarded sums, was declared by the trial court to be unlawful and not authorized by proper corporate authority since the stock was in the hands of the sheriff.

In arguing before the Court of Appeals, Briskin and Sanford sought to have the trial court's ruling upheld and to have the Court of Appeals restrict transfers by the corporation while its stock was under levy by the trial court. In its ruling, the Georgia Court of Appeals agreed with the arguments set forth by Briskin and Sanford and declared that such transfers are void and without effect. The Court further agreed with the position of Briskin and Sanford that the trial court had both the jurisdiction and the authority to void this sale of assets.

Get Email Newsletter
Follow Us On Twitter
RSS Feeds



Regarding the Court of Appeal's ruling Sanford further stated, "Our firm is deeply gratified with this ruling on behalf of our client. We are proud to have had a part in extending Georgia precedent to prevent judgment debtors from using fraudulent transfers to avoid the duties imposed upon them by law."

Briskin Cross & Sanford, LLC is a Business, Commercial, and Technology firm that has built a full-service business practice representing privately held companies and their executives, including many start-up businesses and technology firms across North Metro Atlanta and the surrounding areas.

Tweet This Share ...