

**FRAUDULENT
TRANSFER
WORKSHEET
(PAGE 1)**

Fraudulent Transfer Worksheet					
Initiation					1. Worker
2. Case #	3. Payer	4. Date	5. Source		
6. Type/description of property					
7. Source's information on transfer (date/transferee/when source knew)					
Research					
Enforcement History					
8. Attach Appropriate Printout	9. Arrearage	10. Last payment	11. BW?	12. IWN?	13. Self employed?
14. Other cases: this FOC/this court/other FOCs/other states					
15. Do circumstances of payee/payer require aggressive enforcement?					
16. Bankruptcy action pending? Y/N Date of Bankruptcy filing					
Summary of Enforcement					
17. Current actions pending?					
18. Is FOC in contact with payer?					
19. Holding tax offset money?					
Enforcement decision point-					
20. No action					
21. Normal enforcement					
22. Evaluate Fraudulent Transfer					
Property Assessment					
Real Property Description/Research at Register of Deeds					
23. Common description-4 bedroom colonial at 102 Elm, Eight Rivers, Michigan -40 woody acres east of Eight Rivers in County Eightyfive, Michigan					
24. Legal Description-Lot 393, Whiskers subdivision, Eight Rivers, Michigan -SW1/4 of NE 1/4 of Rivers Township County Eightyfive, Michigan					
25. Liens?					
26. Tenancy? (Entireties/in common)					
27. County/State where action would need to be filed					
Personal Property Description					
28. A description of the property					
29. The payer's property interest					
30. The vehicle id number, hull id number or serial number					
31. Any lien holder information					

**FRAUDULENT
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(PAGE 2)**

	32. Secretary of State's identification number
Value	
	33. \$ approximate value at time of transfer
	34. \$ value given by transferee
	35. \$ approximate value remaining not covered by liens
Property value decision point-	
	36. Property value does not warrant proceeding
	37. Property value does warrant proceeding
	38. Property still held by payer (debtor)/try lien or other enforcement
Transfer	
	39. Relationship of transferee to payer (debtor)
	40. Good faith transfer/complicating factor (MCL566.38)
	41. Transferred to: Address: City,state,zip: Phone:
Transfer Decision Point	
	42. No action-Unable to make <i>prima fascia</i> case-Payee/referral source notified
	43. Proceed with fraudulent transfer enforcement

Notes

**INSTRUCTIONS
FOR FRAUDULENT
TRANSFER
WORKSHEET**

1. Name of the person assigned to begin the evaluation of a possible fraudulent transfer-another worker could be substituted at a later point.
2. Case number of case being considered.

3. Name of the payer who may have fraudulently transferred property.
4. Current date.
5. Name of person who raised the concern with FOC or the information that lead FOC to independently conclude action needed.
6. Rough description of property-detailed description will be put in later.
7. What information does the source have that a transfer took place that the payer was a party to and when did the source obtain the information? This is liable to be hearsay and rumor which is not a problem.
8. A place to note that the system has been reviewed and appropriate payment and case history information has been printed out.
9. The arrearage due from the payer as of the current date.
10. The date of the last payment and the amount.
11. Is there a bench warrant outstanding? Yes/No.
12. Is an IWN working? Yes/No.
13. Is the payer self-employed? Yes/No.
14. Other cases the payer may have in the county or in the state because of potential distribution issues and perhaps the need to seek information on the payer or transfer?
15. Do unusual circumstances exist: such as, a special needs child, the payer leaving the country or, the payee having unusual financial distress such as job loss that indicates aggressive enforcement is needed.
16. Current information on bankruptcy is needed because it can serve as proof of insolvency that might prove payer transferred property with intent to defraud or that bankruptcy protects an asset at issue.
17. Are there current enforcement actions underway such as FIDM or license revocation?
18. Does the FOC have a good address for the payer?
19. Is tax offset money being held? (may mean the fraudulent transfer action doesn't need to be taken).
20. Worker has decided that no action of any kind needs to be taken.

21. Worker had decided that normal enforcement actions are sufficient.
22. Worker has decided that there appears to be a fraudulent transfer and the enforcement action is needed.
23. The common description of real estate, usually an address, if applicable.
24. The legal description of real property as found at the register of deeds office.
25. Are there liens on the property?
26. How is the ownership of the property recorded? Does the type of ownership prevent action?

Examples:

- **Tenancy in Common** - Two or more people own property together but each can leave property to beneficiary of his choosing. An owner can encumber his share of the property will other owners are debt free.
 - **Joint Tenancy** - Shared ownership by two or more people of real estate or other property. When an owner dies the other owners automatically own the deceased owner's share.
 - **Tenancy by the Entirety** - Ownership by married couple. On death of one spouse the other gets title to the property.
27. Location of where the fraudulent transfer action may need to be filed. (**Example:** the payer (transferor), property and transferee are all in the same county, not yours.)
 28. Description of the personal property, i.e. a 1953 Buick.
 29. Is the payer the sole owner, joint owner, or lien holder of the property?
 30. Whatever identification number is required for the particular type of personal property to record with the Secretary of State.
 31. Detail as to the name of lien holders and the amounts due them.
 32. The number assigned by the Secretary of State.
 33. The "market value" of the property at the time of transfer.
 34. The dollar amount given by the person "buying" the property.

35. The difference between 33 and 34 not covered by liens.
36. The value of the property is too low to proceed the fraud would be too difficult to prove because of low value or even if collected, it would not be worth the resource expended and another remedy would work as well.
37. The value of the property is high enough to warrant action.
38. The payer still owes the property and lien action is needed not fraudulent transfer action.
39. The relationship between the transferor and transferee can make it easier to prove fraud. If the payer's girlfriend is the transferee fraud, may be easier to prove. Are they related, friends, buddies?
40. Is there anything to suggest that the transferee thought they were giving adequate value?
41. Who and where is the transferee? Policy calls for a letter to be sent to the transferee to encourage them suggest to the pay that they work with the FOC.
42. Indicate that it is not possible to support a motion to set aside the transfer.
43. Indicate that it is possible to file a motion with a chance of success.