

UNIFORM VOIDABLE TRANSACTIONS ACT (EXCERPT)
Act 434 of 1998

566.35 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) Except as provided in subsection (4) and subject to section 2(2), a creditor that makes 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.

(4) With respect to a qualified disposition, a creditor has the burden of proving the elements of the claim for relief by clear and convincing evidence.

History: 1998, Act 434, Imd. Eff. Dec. 30, 1998 ;-- Am. 2016, Act 552, Eff. Apr. 10, 2017 ;-- Am. 2022, Act 145, Imd. Eff. July 19, 2022