

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:	:	CASE NO. G10-21618-REB
	:	
CONSTANCE SUSAN AVERY,	:	
	:	
Debtor.	:	
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ALBERT F. NASUTI, Chapter 7 Trustee,	:	ADVERSARY PROCEEDING
	:	NO. 12-2050
Plaintiff,	:	
	:	
v.	:	
	:	CHAPTER 7
CONSTANCE SUSAN AVERY	:	
and WILLIAM CHASE AVERY,	:	
	:	
Defendant.	:	JUDGE BRIZENDINE
	:	

J U D G M E N T

Plaintiff Chapter 7 Trustee named above filed a motion for summary judgment on his complaint in which he seeks relief grounds that Defendant-Debtor transferred certain real property to Defendant William Chase Avery, and that same was fraudulent and is subject to avoidance in accordance with the provisions of 11 U.S.C. § 548(a)(1)(A) and/or § 548(a)(1)(B). Upon a review of the record, and there being no response to the motion, for the reasons set forth in the Court's Order entered contemporaneously herewith, it is

ORDERED, ADJUDGED, AND DECREED that the motion of Plaintiff Chapter 7 Trustee, Albert F. Nasuti, for summary judgment be, and the same hereby is, **granted**; and, it is

FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is **granted** in favor of Plaintiff Chapter 7 Trustee and against Defendants Constance Susan Avery and William Chase Avery

on the complaint and, therefore, it is

FURTHER ORDERED, ADJUDGED, AND DECREED that the transfer of real property as described in the Court's Order from Defendant-Debtor Constance Avery to William Chase Avery by quitclaim deed dated May 21, 2009 is deemed fraudulent under 11 U.S.C. § 548(a)(1)(A) as well as 11 U.S.C. § 548(a)(1)(B)(i) and (ii)(I) and/or (IV) and should, therefore, be set aside; and, it is

FURTHER ORDERED, ADJUDGED, AND DECREED that in view of the fact that said property has been subsequently transferred to third parties, **judgment** is granted in favor of Plaintiff Chapter 7 Trustee and against Defendant William Chase Avery as initial transferee of said conveyance in accordance with 11 U.S.C. § 550 in the amount of \$44,000.00 as a recovery for the value of the subject property from said Defendant.

The Clerk is directed to serve a copy of this Judgment upon Plaintiff Chapter 7 Trustee, Defendant-Debtor, Defendant William Chase Avery, and the United States Trustee.

IT IS SO ORDERED.

At Atlanta, Georgia this 5th day of March, 2013.



ROBERT E. BRIZENDINE
UNITED STATES BANKRUPTCY JUDGE