

BANKRUPTCY ^{UP}DATE

October 8, 2024

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LKA Decisions

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Allred v. Nielsen Enterprises LLC (In re Kerkvliet)

Pierce v. Nielsen Enterprises LLC (In re Pankowski)

Issue: Whether either party was entitled to summary judgment concerning the trustee-plaintiff's complaint to avoid the post-petition transfer of real property from the debtor to the defendant pursuant to 11 U.S.C. §549?

Ruling: Yes, the Court granted the defendant's motion for summary judgment, and denied the trustee-plaintiff's motion. The adversary proceeding was commenced well outside the two-year statute of limitations period so it was time-barred under 11 U.S.C. §549(d), and the trustee-plaintiff did not establish the statute of limitations was equitably tolled.

Links

[*Allred v. Nielsen Enterprises LLC \(In re Kerkvliet\)*](#)

[*Pierce v. Nielsen Enterprises LLC \(In re Pankowski\)*](#)

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