## **Summary of Contents**

### Volume 1

#### PART I. GENERAL INTRODUCTION

- Chapter 1. A General Framework
- Chapter 2. The Position of an Advising and Participating Lawyer in the Context of Fraudulent Conveyances, Fraudulent Preferences and Other Judgment-Proofing Activities

# PART II. MATTERS COMMON TO FRAUDULENT CONVEYANCES AND FRAUDULENT PREFERENCES

- Chapter 3. Information Concerning a Debtor's Possible Fraudulent Disposition of Property: The Examination of the Debtor and Others
- Chapter 4. The Role of the Sheriff and the Execution Creditor Respecting the Discovery and Seizure of Property Allegedly Conveyed Fraudulently
- Chapter 5. Institution of An Action
- Chapter 6. The Meaning of "Void" Under Traditional Voidable
  Transactions Statutes and Law; Illegal Transactions; and
  "SHAM" Trusts
- Chapter 7. Judgment: Entitlement, Effect, and Relief Granted
- Chapter 8. Bonds, Judgments, Orders and Other Proceedings
- Chapter 9. The "Conveyance" of "Property"
- Chapter 10. The Financial Status of the Debtor
- Chapter 11. Tracing the Property and the Proceeds
- Chapter 12. Conflict of Laws

### Volume 2

#### PART III. FRAUDULENT CONVEYANCES

- Chapter 13. Persons Having Standing, or No Standing, to Impeach A Fraudulent Conveyance
- Chapter 14. Proving the Fraudulent Intent of the Debtor and the Prejudicial Effect of the Conveyance

- Chapter 15. Protected Conveyances Under the Fraudulent Conveyances Act Model
- Chapter 16. Protected Conveyances Under the Assignments and Preferences Act Model

#### PART IV. FRAUDULENT OR UNJUST PREFERENCES

- Chapter 17. Introduction and History
- Chapter 18. Persons Having Standing to Impeach An Unjust Preference
- Chapter 19. The Elements of An Impeachable Preference Under Provincial Legislation
- Chapter 20. Protected Statutory Preferences
- Chapter 21. Remedies Available to the Transferee After Impeachment

#### PART V. BANKRUPTCY

- Chapter 22. Bankruptcy: A Brief Introduction
- Chapter 23. Examination of Bankrupts and Others
- Chapter 24. Preferences Under the Bankruptcy and Insolvency Act
- Chapter 25. Divesting of A Debtor's Property Or Otherwise Giving A Creditor Preferential Treatment in the Event of Bankruptcy Or Insolvency
- Chapter 26. Transfers at Undervalue: An Overview
- Chapter 27. Transfers at Undervalue and the Former Settlement Provisions
- Chapter 28. Transfers at Undervalue and the Former Reviewable Transactions Provisions
- Chapter 29. Transfers at Undervalue: Mercado Capital Corporation V. Qureshi
- Chapter 30. The Payment of Dividends and the Purchase Or Redemption of Shares Under the Bankruptcy and Insolvency Act
- Chapter 31. Bankruptcy Offences and Discharge of Bankrupts
- Chapter 32. A Few Miscellaneous Matters: Remedies and Enforcement by the Trustee and Others, and the Subordination of Claims

### Volume 3

#### PART VI. OTHER CREDITORS' REMEDIES

- Chapter 33. The Oppression Remedy and the Derivative Action
- Chapter 34. Creditors as Beneficiaries of the Directors' Fiduciary

Contents-2

	Duty
Chapter 35.	The Payment of Dividends and the Purchase or Redemption of Shares
Chapter 36.	Injunctions, Certificates of Pending Litigation ( <i>Lis Pendens</i> ), Preservation of Property Orders, Anton Piller Orders and Receivership
Chapter 37.	Landlord's Distraint Against Fraudulently Conveyed Property
Chapter 38.	Transactions Induced by Fraud: Ponzi Schemes
Chapter 39.	Private and Closely Held Companies: Restrictions on Share Transfers and Other Entitlements
Chapter 40.	Bulk Sales
Appendix	40A. Appendix Status of Bulk Sales Legislation in Canada (August 2006)
Chapter 41.	Provincial Family Law: The Fraudulent and Other Disposition or Intended Disposition of Property
PART VII.	QUÉBEC: PAULIAN ACTION
Chapter 42.	Paulian Action (Action En Inopposabilité)
Appendix	42A. The Paulian Action - l'action en inopposabilité
Appendix	42B. Commentaires du ministre de la Justice [Commentaries]
Appendices	
Appendix A. 1	Legislation and Related Material
Appendix A1.	Bankruptcy and Insolvency Act (excerpts)
Appendix A2.	Assignments and Preferences Act

Appendix A3. Fraudulent Conveyances Act

Appendix A4. Uniform Law Conference of Canada *Uniform* Reviewable Transactions Act

Appendix A5. Ontario, Business Law Agenda Stakeholder Panel (Business Law Agenda: Priority Findings & Recommendations Report)

Appendix A6. Uniform Fraudulent Transfer Act

Appendix B. **Articles of Interest** 

Appendix WP. Words and Phrases

### **Table of Cases**

#### Index