

MUKAMAL v. BANK OF AMERICA.
07-1532-BKC-LMI-A

The earmarking exception does not apply to a credit card balance transfer directed by the debtor. Earmarking applies only where the new lender directs both the payment and specific recipient of the funds at issue.

Where a debtor uses one credit card to pay another, the debtor has sufficient control over the funds to constitute property of the debtor for purposes of 11 U.S.C. §547(b).