

In re Mitchell DELSON, Debtor
Patricia A. Dzikowski, Trustee, Plaintiff,
v.
Mitchell Delson; Bonnie Delson; 3353 Restaurant Corp.
d/b/a Pumpernik's, an inactive Florida Corporation;
M & S Holding Corporation, an inactive Florida
Corporation; Nicole Deutch; Investment By Planners, Inc.,
a Florida Corporation; Salomon Smith Barney, Inc., a New York Corporation;
and Comerica Bank, a banking institution regulated by
the Federal Reserve Board, Defendants
No. 99-30015-BKC-SHF
Adv. No. 99-3305-BKC-SHF-A

(Cite as: 247 B.R. 873)

The trustee filed an adversary complaint alleging that the debtor's transfer to his wife of his interest in the proceeds from the sale of the couple's homestead was a fraudulent transfer. On cross-motions for summary judgment, the Court held that where the original transfer into entirety status is not fraudulent, a subsequent transfer of exempt entirety property is not avoidable. However, the subject transfer from the debtor to his wife may still be avoidable if, at the time of the transfer, there were joint creditors who could have reached the entirety property.