

ANDREW MORROW

v.

RONALD BOUTET et al.

Argued October 4, 2000  
Decided October 11, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,  
ALEXANDER, and CALKINS, JJ.

#### MEMORANDUM OF DECISION

Ronald Boutet, Mary Boutet, and Oceanside Lounge Corporation (collectively, the Boutets) appeal from a judgment entered in the Superior Court (York County, *Fritzsche, J.*) after a nonjury trial on two claims. The first claim is that Ronald Boutet improperly distributed assets of Marboot, Inc. to its shareholders, pursuant to 13-A M.R.S.A § 720(2)(C) (1981), and the second claim is that Ronald Boutet, Mary Boutet, and the Oceanside Lounge Corporation fraudulently transferred assets of Marboot pursuant to the Uniform Fraudulent Transfer Act, 14 M.R.S.A. §§ 3571–3582 (Supp. 1999). The Boutets claim that the amount of the award, \$200,000, is excessive, that federal bankruptcy law precludes this action, and that the court's findings are not supported by the evidence.

Questions of fraudulent conveyance are primarily questions of fact. *See Morin v. Dubois*, 1998 ME 160, ¶ 3, 713 A.2d 956, 958 (citing *Federal Deposit Ins. Corp. v. Proia*, 663 A.2d 1252, 1254 n.2 (Me. 1995)). The

court's findings in this case are supported by sufficient evidence, and the court's action was appropriate under the bankruptcy laws as the bankruptcy court allowed Morrow to pursue his claim.

The entry is:

Judgment affirmed.

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