

Janice M. Hinrichsen, Inc. v. Messersmith Ventures, LLC

Case Number

S-16-0086

Case Audio

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January 3, 2017

Court Number

Buffalo

Case Summary

S-16-086, Janice M. Hinrichsen, Inc. (appellant) v. Messersmith Ventures, LLC (appellee)

District Court for Buffalo County, Hon. John P. Icenogle, retired.

Attorneys: Larry W. Beucke (Parker, Grossart, Bahensky, Beucke, Bowman & Symington, LLP) (appellant); Michael W. Baldwin (appellee)

Civil: fraudulent transfer of assets

Proceedings below: Janice M. Hinrichsen, Inc. (JHM) filed a complaint against Messersmith Ventures, LLC and Risk Assessment and Management, Inc. (RAM), alleging that RAM had fraudulently transferred assets to Messersmith Ventures. JHM sought an order voiding the transfer and allowing JHM to levy execution and a charging order against the assets of Messersmith Ventures. The district court filed a journal entry in which it found in favor of JHM, awarded JHM \$250, and allowing JHM to levy execution against the assets of Messersmith Ventures limited to \$250. JHM filed a motion for new trial, which the district court denied. JHM appeals, and Messersmith Ventures cross-appeals.

Issue: On appeal, JHM assigns that the district court erred when it (1) failed to specifically find that the transfer of assets from RAM to Messersmith Ventures was a fraudulent transfer, (2) failed to order that JHM was entitled to a charging order and execution against the assets of Messersmith Ventures, and (3) awarded judgment in the amount of \$250 to Janice M. Hinrichsen.

On cross-appeal, Messersmith Ventures assigns that the district court erred when it awarded any amount of damages to JHM because no fraudulent transfer occurred.
