

burden on the transferee to establish both a valuable consideration and the bona fides of the transaction by clear and convincing testimony," and in another case:

"Certain circumstances so frequently attend conveyances to defraud creditors that they are recognized and referred to as "badges of fraud". The badges tend to excite suspicions as to the bona fides of a challenged conveyance. Unexplained, they may warrant an inference of fraud. Whether the inference is warranted depends in large measure on whether a satisfactory explanation is presented.

"The facts which are recognized indicia of fraud are numerous, and no court could pretend to anticipate or catalog them all. Among the generally recognized badges of fraud are the insolvency or indebtedness of the transferor, lack of consideration for the conveyance, relationship between the transferor and the transferee, the pendency or threat of litigation, secrecy or concealment, departure from the usual method of business, the transfer of the debtor's entire estate, the reservation of benefit to the transferor, and the retention by the debtor of possession of the property." Coleman v. Daniel 201 S.C. 108, 199 SE 2d 741 (1979)

I find that there is more than one badge of fraud present in the present case. The conveyance was made while indebted, there was lack of consideration, the transfer was of all real estate owned by Defendant, the relation of the two parties is man and wife, the family reserved rights to the property after the conveyance in their living there, and there was a retention by the debtor of possession of the property after the transfer by using it as his residence.

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I find that the Plaintiff has fully carried the burden of proof and is entitled to recovery. I find that the conveyance should be set aside and marked void by the Register of Mesne Conveyances in the J.C. Office for Greenville County, South Carolina. It is therefore hereby

ORDERED, ADJUDGED AND DECREED that the conveyance ~~be~~ hereby set aside and the deed as recorded in the Deed Book 1116 at page 515, be and the same is to be marked void by the Register of Mesne Conveyances in the J.C. Office for Greenville County, South Carolina, and the index references are to be likewise marked.

IT IS SO ORDERED.

*Samuel B. Muderhals*  
Judge, Court of Common Pleas

Greenville, South Carolina

February 9, 1982

*Samuel B. Muderhals*  
Certified Copy  
Clerk of Court C. P. & G. S.  
Exchange Clerk County Court  
Greenville County, S. C.

RECORDED FEB 10 1982  
at 3:39 P.M.

Page -5-

Dated

FEB 10 1982

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