

HOUSE BILL NO. HB0064

Uniform Fraudulent Transfer Act-extinguishing claims.

Sponsored by: Representative(s) Greear and Senator(s)
Cooper, Kinskey and Nethercott

A BILL

for

1 AN ACT relating to the Uniform Fraudulent Transfer Act;
2 specifying when claims related to fraudulent transfers to
3 qualified spendthrift trusts and irrevocable trusts are
4 extinguished; amending time limits for extinguishing other
5 actions involving fraudulent transfers; making conforming
6 amendments and technical corrections; specifying
7 applicability; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 4-10-514 and 34-14-210 are amended to
12 read:

13

14 **4-10-514. Action brought pursuant to provisions of**
15 **Uniform Fraudulent Transfer Act.**

1

2 Except as provided in W.S. 4-10-518, no action of any kind,
3 including an action to enforce a judgment entered by a
4 court or other body having adjudicative authority, may be
5 brought at law or in equity for an attachment or other
6 provisional remedy against qualified trust property or to
7 set aside a qualified transfer unless the action is brought
8 pursuant to the provisions of the Uniform Fraudulent
9 ~~Transfers~~Transfer Act.

10

11 **34-14-210. Extinguishment of claim for relief.**

12

13 (a) Except as provided in subsection (b) of this
14 section, a claim for relief with respect to a fraudulent
15 transfer or obligation under this act is extinguished
16 unless an action is brought:

17

18 (i) Under W.S. 34-14-205(a)(i), within ~~four (4)~~
19 two (2) years after the transfer was made or the obligation
20 was incurred or, if later, within ~~one (1) year~~ six (6)
21 months after the transfer or obligation was or could
22 reasonably have been discovered by the claimant;

23

1 (ii) Under W.S. ~~31-14-205(a)(ii)~~
2 ~~34-14-205(a)(ii)~~ or 34-14-206(a), within ~~four (4) two (2)~~
3 years after the transfer was made or the obligation was
4 incurred; or

5
6 (iii) Under W.S. 34-14-206(b), within ~~one (1)~~
7 ~~year six (6) months~~ after the transfer was made or the
8 obligation was incurred.

9
10 (b) A claim for relief with respect to a fraudulent
11 transfer or obligation under this act involving qualified
12 transfers to a qualified spendthrift trust as provided by
13 W.S. 4-10-510 through 4-10-515 or involving transfers to an
14 irrevocable discretionary trust, provided that the trustee
15 may only make discretionary distributions under W.S.
16 4-10-506(c), is extinguished unless an action is brought:

17
18 (i) With respect to a creditor known to the
19 settlor, ninety (90) days after the date on which notice of
20 the transfer is mailed to the creditor, provided that the
21 notice states:

22

1 (A) The name and address of the settlor or
2 the settlor's representative and the name and address of
3 the trustee or the trustee's representative;

4

5 (B) That assets were transferred to a
6 qualified spendthrift trust or to an irrevocable trust
7 where the trustee can only make discretionary
8 distributions; and

9

10 (C) That the creditor is required to
11 initiate an action against the settlor and the trustee
12 within ninety (90) days from the mailing of the notice or
13 the claim is forever barred.

14

15 (ii) With respect to a creditor not known to the
16 settlor, ninety (90) days after the date on which notice of
17 the transfer is first published in a newspaper of general
18 circulation in the county in which the settlor resides,
19 provided that the notice includes the information required
20 in paragraph (i) of this subsection;

21

22 (iii) Notwithstanding paragraphs (i) and (ii) of
23 this subsection, within the later of two (2) years after

1 the transfer is made or six (6) months after the transfer
2 is or reasonably could have been discovered by the creditor
3 if the creditor can demonstrate by clear and convincing
4 evidence that the creditor asserted a specific claim
5 against the settlor before the transfer.

6

7 **Section 2.** The provisions of this act shall apply to
8 causes of action involving fraudulent transfers that accrue
9 on or after the effective date of this act.

10

11 **Section 3.** This act is effective July 1, 2021.

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13

(END)