



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL BATLAN,

Appellant,

Civil No. 07-6062-HO

ORDER

v.

RYAN CURTIS BLEDSOE,

Appellee.

The Chapter 7 trustee appeals the bankruptcy court's grant of summary judgment in favor of appellee on the trustee's claims under 11 U.S.C. §§ 544(b)(1) and 548(a)(1)(B) to avoid transfers under a divorce decree. This court has jurisdiction. 28 U.S.C. § 158. Factual findings of the bankruptcy court are reviewed for clear error; legal conclusions are reviewed de novo. In re Daniels-Head & Assocs., 819 F.2d 914, 918 (9<sup>th</sup> Cir. 1987).

As a matter of law, the trustee cannot prevail on his claims under Sections 544(b)(1) and 548(a)(1)(B), for the reasons stated in the opinion of the bankruptcy court. See In re

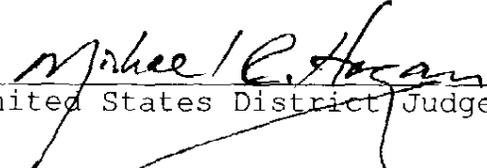
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Bledsoe, 350 B.R. 513, 520 (Bankr. D. Or. 2006). Any dispute regarding the valuation of the transfer is rendered immaterial. As he cannot prevail on his claim under Section 548(a)(1)(B), the trustee is not prejudiced by what he characterizes as the bankruptcy court's sua sponte adjudication of that claim.

Conclusion

Based on the foregoing, the judgment of the bankruptcy court is affirmed.

DATED this 18 day of June, 2007.

  
United States District Judge