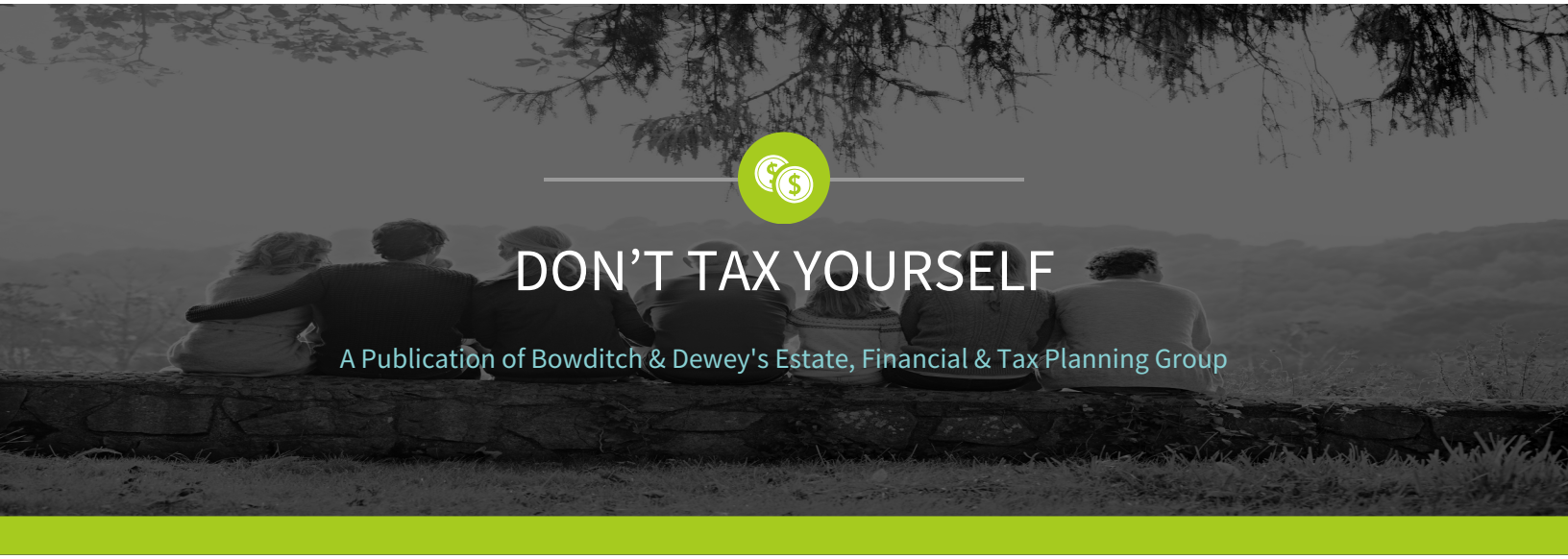

DON'T TAX YOURSELF

A Publication of Bowditch & Dewey's Estate, Financial & Tax Planning Group

David Mawhinney Quoted in Massachusetts Lawyers Weekly's "Transfers under power of attorney not exempt from discharge"

JULY 26, 2021

A U.S. Bankruptcy Court judge rules in favor of a Chapter 7 debtor after the nursing home his mother was a resident of attempted to have their claims excepted from his discharge. *Massachusetts Lawyers Weekly* spoke with local bankruptcy attorneys who agreed with the decision. One described the case as an example of why individuals should "seek legal advice the moment they start acting under a power of attorney." David Mawhinney was among the bankruptcy attorneys *Massachusetts Lawyers Weekly* spoke with about the case.

> "If a creditor has a judgment from another court saying the debtor committed fraud, that will usually be sufficient to qualify the debt as nondischargeable," he said. "Accordingly, it is best practices for a creditor to obtain such findings in any non-bankruptcy lawsuit if such findings are indeed supported by the allegations and evidence."

Continue reading "Transfers under power of attorney not exempt from discharge" on the *Massachusetts Lawyers Weekly* website (subscription required).

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