

GENERAL REVISOR'S NOTE

In revising the Consumer Protection Act, presently appearing in Art. 83 of the Code (now Title 13 of this article), the Commission to Revise the Annotated Code noted several provisions which, unlike the balance of that Act, clearly are but contractual in nature and not of a criminal, prohibiting nature (i.e., neither referred to as an "unlawful practice" or "unfair or deceptive trade practice" nor otherwise couched in prohibitory terms) and, therefore, apparently not subject to the criminal penalties in the Act or to the general jurisdiction of and enforcement by the Division of Consumer Protection. For purposes of organizational clarity, these provisions have been transferred to this subtitle.

Present §21A (now §14-1104), which deals with the unsolicited goods of merchandise, does commence with language of prohibition ("No person...shall..." in the original); however, the scheme of that section, which provides that the merchandise is an unconditional gift to the recipient, does not lend itself to the construction that the mere sending of an unsolicited item is intended to be a criminal offense. Consequently, it is included in this subtitle rather than retained in Title 13.

## TITLE 15. DEBT COLLECTION - SPECIAL PROVISIONS.

SUBTITLE 1. PREFERENCES AND PRIORITIES IN INSOLVENCY;  
ASSIGNMENT FOR BENEFIT OF CREDITORS.[[15-501] 15-101. PREFERENCES IN INSOLVENCY.

## (A) IN GENERAL.

ANY ASSIGNEE FOR THE BENEFIT OF CREDITORS OR RECEIVER OF THE ASSETS OF AN INSOLVENT SHALL BE VESTED WITH FULL TITLE TO ALL THE PROPERTY AND ASSETS OF THE INSOLVENT AND WITH FULL POWER TO ENFORCE OBLIGATIONS OR LIABILITIES IN FAVOR OF THE INSOLVENT.

## (B) PREFERENCES, PAYMENTS, AND TRANSFERS.

ALL PREFERENCES, PAYMENTS, AND TRANSFERS MADE OR SUFFERED BY THE INSOLVENT WHICH ARE FRAUDULENT, VOID, OR VOIDABLE UNDER ANY ACT OF THE CONGRESS OF THE UNITED STATES RELATING TO BANKRUPTCY ARE FRAUDULENT, VOID, OR VOIDABLE, RESPECTIVELY, UNDER THIS SUBTITLE.

## (C) POWERS OF ASSIGNEE OR RECEIVER.

ANY ASSIGNEE FOR THE BENEFIT OF CREDITORS OR RECEIVER OF THE ASSETS OF AN INSOLVENT MAY SET ASIDE ANY: