

\*80660 Trustee's powers to avoid deeds executed by debtor prior to filing bankruptcy petition was not circumscribed by subsec. (d) of this section because the debtor did not possess legal title to the property at the commencement of the bankruptcy petition. In re Anderson, M.D.Tenn.1983, 30 B.R. 995.

Trustee's strong-arm lien avoidance powers are not limited by provision of Bankruptcy Code stating that property in which debtor holds, as of commencement of case, only legal title and not equitable interest, becomes property of estate only to extent of debtor's legal title to property, but not to extent of any equitable interest in such property that debtor does not hold. Nile Valley Federal Sav. & Loan Ass'n v. Security Title Guarantee Corp. of Baltimore, Colo.App.1991, 813 P.2d 849.

#### 403. Acceptance of mortgage payments

Even if wife had executed quitclaim deed to property, wife had equitable interest in property under Alabama law which would be recognized as property of wife's Chapter 13 estate, where wife had in recent years made mortgage payments to mortgagee and mortgagee had accepted payments, and wife had unbroken occupation of house for several years. In re Thomas, Bkrcty.N.D.Ala.1990, 121 B.R.

94.

#### 404. Servicing of mortgage by debtor

Mortgagees whose accounts debtor had agreed to service were not entitled to secured claims for shortages in accounts, as funds which debtor had misappropriated could not be traced and mortgagees were unable to identify any specific property held by debtor at time of Chapter 7 filing that belonged to any of mortgagees. In re Leedy Mortg. Co., Inc., Bkrcty.E.D.Pa.1990, 111 B.R. 488.

→ Federal Home Loan Mortgage Corporation was owner of notes and mortgages being serviced by debtor, and thus principal, interest, and escrow payments on deposit in debtor's account were not property of debtor's estate though Corporation did not hold original mortgages in its name, in that Corporation was holder of original notes. In re Cambridge Mortg. Corp., Bkrcty.D.S.C.1988, 92 B.R. 145.

#### 405. Trust interests generally

Because debtor does not own equitable interest in property he holds in trust for another, that interest is not "property of the estate," nor is it "property of the debtor" for purposes of preference provision. Begier v. I.R.S., U.S.Pa.1990, 110 S.Ct. 2258, 496 U.S. 53, 110 L.Ed.2d 46.