

upon section 550 to recover from Holdings, he may not do so in connection with his claim for Ms. Bell's breach of fiduciary duty.

The same may be said for the farm and royalty income received subsequent to the Act of Exchange. While those sums may rightfully be included in the calculation of damages for the breach of fiduciary duty, section 550 is not the proper relief for the Trustee on that claim.

- C. Since the alleged transfers did not occur within 90 days or one year of the Petition Date, no recovery can be had pursuant to section 547(b).

Count II addresses transfers which relate to the preference action under section 547(b), and specifically incorporates the matters discussed in paragraphs 16, 20-22, 29, and 38-40 of the Complaint.

(1) Paragraph 16 complains of certain "retainers" which Ms. Bell began paying to herself from the Trust beginning on or about June 14, 1999. The Motion will be sustained with respect to any such transfers occurring more than one year prior to the Petition Date insofar as Count II is concerned. *

(2) The Dation en Paiement is the transfer complained of in paragraphs 20-22 of the Complaint. That document was executed on August 31, 2001, and recorded September 13, 2001. Both of these dates were outside of the 90-day preference period, but are well within the one year "insider" preference period. As Ms. Bell was

