OUTLOOKS ON THE JUDICIAL REMEDIES FOR THE
FRAUDULENT ASSIGNMENT OF COMPANY SHARES
IN THE LIMITED LIABILITY COMPANY;
LEGAL AND CASE-LAW LANDMARKS

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ABSTRACT: The economic reality revealed cases of diversion of the assignment of company shares from the purpose for which it was instituted and using it as a means to fraud creditors. Under the conditions of the evanescence of the procedural means of opposition to the assignment of shares, the fraudulent character of these assignments is incorporated in the remedy offered by the procedure of the attachment of liability of the persons who caused the insolvency. The fraudulent assignments generate, in practice, the initiation of court actions for the attachment of liability to persons who transferred the company shares, at nominal value, without proceeding to hand in the company's patrimony and accounting documents to persons who did not exercise, after the assignment, the mandate of administrator or hold the statute of associate.

KEY WORDS: insolvency, special civil liability in tort, fraudulent assignment.

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