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Rule 1001-1. Scope of Rules and Sample Forms; Short Title.

The Local Bankruptcy Rules and sample forms for the District of South Dakota govern procedures for cases filed in the District of South Dakota under Title 11 of the United States Code . These rules are effective August 1, 2004. The rules shall be cited as the Local Bankruptcy Rules [abbreviated, for example, LBR 2016-1 when cited within the District or D.S.D. LBR 2016-1 when cited outside the District]. These local rules and sample forms shall be construed to secure the just, speedy, and inexpensive determination of every case and adversary proceeding. Pursuant to amended Fed.R.Bankr.P. 9029, effective December 1, 1995, these Local Bankruptcy Rules subscribe to the uniform numbering system and correspond to the applicable Federal Rule of Bankruptcy Procedure.

PART I
COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

1002-1 Petition: Form and Copies; Filing Requirements.
1007-1 Mailing List: Form.
1007-2 Lists (other than mailing list), Schedules, and Statements: Form, Copies, and Other Requirements.
1007-4 Extension of Time to File Lists (other than mailing list), Schedules, or Statements.
1009-1 Amendment to Petition.
1009-2 Amendment to Mailing List.
1009-3 Amendment to List (other than mailing list), Schedule, or Statement.
1014-2 Venue (Division) within District.
1015-1 Joint Cases: Substantive Consolidation of Estates.
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Rule 1002-1. Petition: Form and Copies; Filing Requirements.

(a) Form of petition. A petition shall conform substantially to the Official Bankruptcy Forms and shall be typewritten unless court approval is received for submitting a handwritten petition.

(b) Submission.

(1) Conventional filing. Only the original petition shall be submitted (no copies).

(2) Electronic filing. Only the electronic copy of a petition requesting relief under any chapter shall be filed. The original petition shall be maintained by the debtor's or petitioning creditors' attorney in the manner prescribed in the Court's Electronic Case Filing Administrative Procedures.

(c) Checklist. A checklist of filing requirements for each chapter is provided at **Appendix 1**.

References:
11 U.S.C. §§ 301 and 303
Fed.Rs.Bankr.P. 1002, 1005, 1006, 9004, 9009, and 9011
Official Bankr. Forms 1 and 5

Rule 1007-1. Mailing List: Form.

(a) Format. The debtor shall prepare and submit with the petition a mailing list of creditors that strictly complies with the format established by the Clerk. The Clerk's format for the mailing list, a sample mailing list, and a "trouble sheet" are provided at

Appendices 2, 3, and 4.

(b) Submission. Unless the Court excuses compliance, any mailing list that is not filed electronically shall be submitted in ".txt" format on a 3.5 inch diskette. Such a mailing list shall be in lieu of the hard copy mailing list otherwise required by Fed.R.Bankr.P. 1007-1. The file containing the mailing list shall be identified on the diskette using the debtor's last name (*e.g.*, "smith.txt"). Each such mailing list shall be submitted on a separate diskette in an envelope marked with the debtor's full name.

References:
11 U.S.C. § 521
Fed.R.Bankr.P. 1007

Rule 1007-2. Lists (other than mailing list), Schedules, and Statements: Form, Copies, and Other Requirements.

(a) Form. All lists (other than mailing lists), schedules, and statements shall conform substantially to the Official Bankruptcy Forms and the Introduction and General Instructions of the Official Bankruptcy Forms and shall be typewritten unless court approval is received for submitting handwritten documents. If the appropriate entry is "none," that shall be indicated. On schedules D, E, and F, creditors shall be listed in alphabetical order by name, with their complete mailing address, including zip code.

(b) Non-disclosure of personal data identifiers.

(1) Minor children. A debtor shall disclose only the relationships (e.g., "daughter"), not the names, and only the ages, not the dates of birth, of the debtor's minor children on Schedule I of Official Bankruptcy Form 6.

(2) Account numbers. A debtor may, but is not required to, include full account numbers on Schedules D, E, and F of Official Bankruptcy Form 6.

(3) Responsibility for redacting personal data identifiers. A debtor is solely responsible for redacting the personal data identifiers described in this rule. The Clerk shall have no responsibility for doing so and no liability for not doing so.

(c) Submission.

(1) Conventional filing. Only the original of each list (other than a mailing list), schedule, and statement shall be submitted (no copies). Lists (other than a mailing list), schedules, and statements shall be collated and paper-clipped at the upper left-hand corner in the same sequence as the Official Bankruptcy Forms. See **Appendix 1** for the correct order of submission.

(2) Electronic filing. Only the electronic copy of each list (other than a mailing list), schedule, and statement shall be filed. The original of each list (other than a mailing list), schedule, and statement shall be maintained by the debtor's attorney in the manner prescribed in the Court's Electronic Case Filing Administrative Procedures.

(d) Schedule C - Property Claimed as Exempt. Notwithstanding any suggestion to the contrary in Fed.R.Bankr.P. 1007(b)(1), only individual debtors are required to file a Schedule C - Property Claimed as Exempt.

(e) Schedules of current income and expenditures. Notwithstanding any suggestion to the contrary in Fed.R.Bankr.P. 1007(b)(1), only individual debtors are required to file a schedule of current income and a schedule of current expenditures.

References:
11 U.S.C. §§ 521 and 1102
Fed.Rs.Bankr.P. 1007 and 9004
Official Bankr. Forms 4, 5, 6, and 7

Rule 1007-4. Extension of Time to File Lists (other than mailing list), Schedules, or Statements.

(a) Content of Motion. A motion to extend the time to file a list (other than a mailing list), schedule, or statement shall state the cause for the extension requested and the length of the extension requested. Absent unusual circumstances, such a motion should not request an extension to a date less than five days prior to the § 341 meeting of creditors.

(b) Service. A motion to extend the time to file a list (other than a mailing list), schedule, or statement shall be served on the United States Trustee; the case trustee, if one has been appointed; the members of, and the counsel for, the creditors committee, if one has been elected or appointed; and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion be served on that party.

(c) Objection. Any objection or other response to a motion to extend the time to file a list (other than a mailing list), schedule, or statement shall be filed with the Court and served on the movant within five days of service of such a motion. The Court's transmittal of a Notice of Electronic Filing to the movant pursuant to LBR 9014-1(b) shall satisfy the requirement that the objection or other response be served on the movant. Upon the expiration of the time for filing an objection or other response to a motion to extend the time to file a list (other than a mailing list), schedule, or statement, the Court will enter an appropriate order.

Reference:
Fed.R.Bankr.P. 1007

Rule 1009-1. Amendment to Petition.

(a) Required content. An amendment to the petition shall state each change from the original petition that is being made.

(b) Separate amendment and notice of amendment. If the debtor or some other party designated by the Court prepares a separate amendment and notice of amendment, the debtor or designee shall serve a copy of the amendment and a copy of the notice on the United States Trustee; the case trustee, if one has been appointed; and the members of, and the counsel for, any committee that has been elected or appointed. The debtor or designee shall serve a copy of the notice on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the amendment and/or notice of amendment be served on that party. A sample amendment and a sample notice are provided at **Appendices 5 and 6**.

(c) Combined amendment and notice of amendment. If the debtor or some other party designated by the Court prepares a combined amendment and notice of amendment, the debtor or designee shall serve a copy of the combined amendment and notice of amendment on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the combined amendment and notice of amendment be served on that party. A sample combined amendment and notice of amendment is provided at **Appendix 7**.

Reference:
Fed.R.Bankr.P. 1009

Rule 1009-2. Amendment to Mailing List.

If a creditor is omitted from the original mailing list, or if the name or address of a previously listed creditor needs to be corrected, the debtor, unless some other party is designated by the Court, shall file an amendment to the mailing list that substantially conforms to the sample amendment to mailing list provided at **Appendix 8**. The supplement that must be attached to the amendment shall include only the names and addresses of new creditors being added to the mailing list. The supplement shall not include creditors who were on the original mailing list, even if their addresses are being corrected by the amendment.

Reference:
Fed.R.Bankr.P. 1009

Rule 1009-3. Amendment to List (other than mailing list), Schedule, or Statement.

(a) Required content. An amendment to a list (other than a mailing list), schedule, or statement shall state each change from the original document that is being made, including any change in a value, amount, or total.

(b) Separate amendment and notice of amendment. If the debtor or some other party designated by the Court prepares a separate amendment and notice of amendment, the debtor or designee shall serve a copy of the amendment and a copy of the notice on the United States Trustee; the case trustee, if one has been appointed; and the members of, and the counsel for, any committee that has been elected or appointed. The debtor or designee shall serve a copy of the notice on all parties in interest. If the debtor is amending schedule C, the parties in interest shall include all creditors. If the debtor is amending schedule D, E, or F, the parties in interest shall include all creditors being added by the amendment. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the amendment and/or notice of amendment be served on that party. A sample amendment and a sample notice are provided at **Appendices 9 and 10**.

(c) Combined amendment and notice of amendment. If the debtor or some other party designated by the Court prepares a combined amendment and notice of amendment, the debtor or designee shall serve a copy of the combined amendment and notice of amendment on all parties in interest. If the debtor is amending schedule C, the parties in interest shall include all creditors. If the debtor is amending schedule D, E, or F, the parties in interest shall include all creditors being added by the amendment. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the combined amendment and notice of amendment be served on that party. A sample combined amendment and notice of amendment is provided at **Appendix 11**.

References:
Fed.Rs.Bankr.P. 1007, 1008, 1009, 9009, and 9029

Rule 1014-2. Venue (Division) within District.

(a) Designation of division for a case. Each petition must designate the division of the District in which it is being filed. A case may be commenced in the division of the District in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of such case have been located for the 180 days (or for the longer portion thereof) immediately preceding such commencement; or in which there is pending a case under Title 11 concerning such person's affiliate, general partner, or partnership. A designation of divisions, by county, for the District is provided at **Appendix 12**.

(b) Failure to designate. If a petition fails to designate the proper division, the Clerk shall venue the matter in the division in which the debtor resides, based upon the face of the petition.

(c) Designation of division for an adversary proceeding. An adversary proceeding arising under Title 11 or arising in or related to a case under Title 11 shall be commenced in the division of the District in which such case is pending.

(d) Designation of division for case ancillary to foreign proceeding. A case under § 304 of Title 11: (1) to enjoin the commencement or continuation of an action or proceeding in a state or federal court, or the enforcement of a judgment, may be commenced only in the division of the District for the division where the state or federal court sits in which is pending the action or proceeding against which the injunction is sought; (2) to enjoin the enforcement of a lien against a property, or to require the turnover of property of an estate, may be commenced only in the division of the District for the division in which such property is found; or (3) other than a case specified in subparagraph (1) or (2) of this paragraph, may be commenced only in the division of the District for the division in which is located the principal place of business in the District or the principal assets in the District, of the estate that is the subject of such case.

(e) Change of venue. On timely motion by a party in interest and after hearing on notice to all creditors and other parties in interest, a case or an adversary proceeding arising under Title 11 may be transferred to another division if the Court determines that the transfer is in the interest of justice or for the convenience of the parties.

References:
28 U.S.C. §§ 1408, 1409, 1410, and 1412
Fed.R.Bankr.P. 1014

Rule 1015-1. Joint Cases: Substantive Consolidation of Estates.

Unless otherwise ordered, the estates in joint cases are substantively consolidated for all purposes.

References:
11 U.S.C. §§ 302 and 522

Rule 1019-1. Chapter 13 Administrative Expense.

Unless otherwise ordered, if a chapter 13 case is dismissed or converted to another chapter before confirmation of a plan, the chapter 13 trustee may retain as an administrative expense the sum of $100.00 from any pre-confirmation payments to be returned to the debtor.

PART II
OFFICERS AND ADMINISTRATION; NOTICES; 341 MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

2002-1 Notices: Content; Determining Last Date for Objections; and Shortened or Limited Notice.
2002-4 Notices: Returned Mail.
2003-1 Section 341 Meeting of Creditors.
2004-1 Filing of Rule 2004 Examination Transcripts.
2014-1 Employment of Estate Professionals.
2014-2 Withdrawal of Counsel.
2015-2 Financial Reports Filed with the United States Trustee.
2016-1 Compensation of Estate Professionals.
2072-1 Notice of Bankruptcy Case Filing.
2090-1 Attorneys: Admission and Practice.

Rule 2002-1. Notices: Content; Determining Last Date for Objections; and Shortened or Limited Notice.

(a) Content of a general notice. A notice of a motion, application, or other request for relief, including a notice of an objection to claimed exempt property but excluding a notice of an objection to the allowance of a claim or a notice of a confirmation hearing, shall conform to the Official Bankruptcy Form notice of motion and shall include:

(1) the last **date** (e.g., September 28, 2001) by which an objection or other response must be filed and served on parties in interest, which date shall be determined as outlined in paragraph (d) below;

(2) a statement that a hearing will be scheduled and noticed to parties in interest if an objection or other response is filed and served timely; and

(3) a statement that the Court may grant the relief requested without conducting a hearing if no objection or other response is filed and served timely.

A sample notice of motion is provided at **Appendix 13**.

(b) Content of a notice of a confirmation hearing. A notice of a confirmation hearing shall conform to the Official Bankruptcy Form notice of motion and shall include:

(1) the last **date** (e.g., September 28, 2001) by which an objection or other response must be filed and served on parties in interest, which date shall be determined as outlined in paragraph (d) below;

(2) the date, time, and place of the confirmation hearing; and

(3) if requested by the case trustee, the date, time, and place of any pre-confirmation meeting.

(c) Content of a notice of hearing on an objection to the allowance of a claim. A notice of hearing on an objection to the allowance of a claim shall conform to the Official Bankruptcy Form notice of objection to claim and shall include:

(1) the last **date** (e.g., September 28, 2001) by which a response may be filed and served on parties in interest, which date shall be determined as outlined in paragraph (d) below; and

(2) the date, time, and place of the hearing on the objection.

Sample notices of hearing on an objection to claim are provided at **Appendices 14** (for telephonic hearings in the Northern, Central, and Western Divisions) and **15** (for hearings in the Southern Division).

(d) Determining the last date to file objections or other responses.

(1) The last date for filing and serving an objection or other response shall be a date on or after the expiration of the required notice period prescribed by the Code, applicable Federal Rule of Bankruptcy Procedure, Local Bankruptcy Rule, or order and shall be not less than three days (*see* Fed.R.Bankr.P. 9006(a)) prior to a scheduled hearing, unless the Court for cause directs otherwise. If service of the notice is made by mail or by electronic means, when permitted under the Court's Electronic Case Filing Administrative Procedures, the required notice period shall be enlarged three days as provided by Fed.R.Bankr.P. 9006(f).

> ***Example:*** *A creditor's attorney prepares a motion to dismiss a case and a notice to file and serve by mail on July 1, 1996. Under Fed.R.Bankr.P. 2002(a)(5), the creditor's attorney must give twenty days' notice of the hearing on that motion. Under Fed.R.Bankr.P. 9006(f), the creditor's attorney must give an additional three days notice because the notice is being mailed. The minimum notice period, therefore, is twenty-three days. Under this local rule, the last date for filing and serving an objection can be no sooner than July 24, 1996. Further, the last date for filing and serving an objection can be no later than three days before the scheduled hearing. Therefore, a hearing on the motion may be held no sooner than July 29, 1996, unless the Court approves a hearing on shortened notice. Under Fed.R.Bankr.P. 9006(a), weekends and federal holidays are not counted when determining the third day before a hearing.*

A list of common motions and the required notice period for each is maintained on the Court's website (www.sdb.uscourts.gov).

(2) If notice of a particular type of motion, application, or other request for relief is required by the Code or Federal Rules of Bankruptcy Procedure but the length of notice is not prescribed by the Code, a Federal Rule of Bankruptcy Procedure, a Local Bankruptcy Rule, or an order, then the notice given shall be reasonable under the circumstances. Absent exigent circumstances, ten days notice (plus three additional days if service is made by mail or by electronic means, when permitted under the Court's Electronic Case Filing Administrative Procedures) is presumed reasonable.

(e) Shortened notice.

(1) For cause shown and subject to the limitations set forth in Fed.R.Bankr.P. 9006(c), a party seeking to shorten any notice required by the Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules shall file:

(A) an *ex parte* motion for shortened notice that substantially complies with the sample motion for shortened notice provided at **Appendix 16**; and

(B) the underlying motion, application, plan, or other request for relief.

(2) If the *ex parte* motion for shortened notice is granted, the order allowing hearing on shortened notice shall constitute the notice and shall state the date, time, and place of the hearing, if scheduled, and the last date for filing and serving an objection or other response.

(3) Upon receipt of the order for shortened notice, the movant or applicant shall promptly serve the order and underlying motion, application, plan, or other request for relief upon the appropriate parties. The movant or applicant need not serve a separate notice since the order for shortened notice constitutes the notice. The Court's transmittal of a Notice of Electronic Filing to one or more of the appropriate parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the order and underlying motion, application, plan, or other request for relief be served on that party.

(4) This procedure does not apply to a request for a preliminary hearing on a motion for use of cash collateral or a motion for authority to obtain credit, which are separately governed by Fed.Rs.Bankr.P. 4001(b)(2) and (c)(2) and LBRs 4001-2 and -3.

(f) Limited notice.

(1) In a chapter 7 case in which the Clerk has notified creditors of the need to file proofs of claim, if more than 90 days have passed since the Clerk notified creditors of the need to file proofs of claim, any notice required by the Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules to be served on "all creditors" need be served only on creditors that have filed proofs of claim, creditors that may still file proofs of claim under an extension of time within which to do so, and the other parties in interest specified in LBR 9001-1.

(2) For cause shown and subject to any limitations set forth in Fed.R.Bankr.P. 2002, a party seeking to limit service of any notice required by the Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules shall file:

(A) an *ex parte* motion for limited notice that substantially complies with the sample motion for limited notice provided at **Appendix 17**;

(B) the underlying motion, application, plan, or other request for relief; and

(C) a proposed order that substantially complies with the sample order provided at **Appendix 18**.

References:
11 U.S.C. §§ 342, 1128, 1224, and 1324
Fed.Rs.Bankr.P. 2002, 3020(b), 9006(c), and 9013

Rule 2002-4. Notices: Returned Mail.

Upon receipt of any notice or other document mailed by the Bankruptcy Noticing Center and returned to the debtor or debtor's attorney as undeliverable, the debtor or debtor's attorney shall make a reasonably diligent effort to determine the correct address for the creditor or other party in interest. Unless the debtor or debtor's attorney cannot determine the correct address for the creditor or other party in interest, the debtor or debtor's attorney shall;

(a) serve the notice or other document on the creditor or other party in interest;

(b) file a certificate of service reflecting service of the notice or other document on the creditor or other party in interest; and

(c) amend the debtor's mailing list to reflect the correct address.

Rule 2003-1. Section 341 Meeting of Creditors.

(a) Presiding officer. The United States Trustee or the United States Trustee's designee shall serve as the presiding officer at the § 341 meeting of creditors.

(b) Appearance by or for the debtor. Each debtor shall appear in person or, if the debtor is a partnership, by a general partner, or if the debtor is a corporation, by its president or other executive officer, at the designated time and place for the purpose of being examined.

(c) Transcript. Any interested party may arrange for the presence of a court reporter at that party's expense for the purpose of making a verbatim record of the § 341 meeting of creditors. If a transcript is prepared, the reporter shall file the original with the Court and a certified copy with the presiding officer. Such a transcript must be filed conventionally, not electronically.

(d) Rescheduled § 341 meeting. A § 341 meeting can be rescheduled only at the discretion of and with the approval of the presiding officer. If a § 341 meeting of creditors is rescheduled, the presiding officer, or the debtor if the presiding officer so delegates, shall file a notice of the rescheduled meeting and a certificate of service and shall serve a copy of the notice on all creditors and other parties in interest not less than five days prior to the originally scheduled § 341 meeting. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of the rescheduled meeting be served on that party. If service of the copy of the notice is made less than five days before the originally scheduled § 341 meeting, the presiding officer or the presiding officer's designee shall appear at the originally scheduled date and time to advise any party who may appear of the change.

(e) Continued § 341 meeting. If a § 341 meeting of creditors is continued, a notice of continuance must be served on all parties who appeared at a previous § 341 meeting and any party who filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of continuance be served on that party. The notice shall include a statement of the reason for the continuance and at whose request the continuance was made. The presiding officer may designate which party shall serve the notice.

(f) Statement of conclusion. Within five days after a § 341 meeting of creditors is concluded, the presiding officer shall file with the Court a statement of conclusion.

References:
11 U.S.C. §§ 341, 342, and 343
Fed.Rs.Bankr.P. 2002 and 2003
Official Bankr. Form 9

Rule 2004-1. Filing of Rule 2004 Examination Transcripts.

If a transcript of a Rule 2004 examination is prepared, the original transcript shall be filed with the Clerk. Such a transcript must be filed conventionally, not electronically.

Reference:
Fed.R.Bankr.P. 2004

Rule 2014-1. Employment of Estate Professionals.

(a) Required signatures on application. A trustee, debtor in possession, or committee that wants to employ an attorney, accountant, appraiser, agent, or other estate professional shall file with the Court an application signed by the trustee, debtor in possession, or committee chairman, a verified statement of the person to be employed, and a proposed order.

(b) Disclosure of appraiser's or auctioneer's credentials. An application for the employment of an appraiser or auctioneer shall contain, in addition to the information required under Fed.R.Bankr.P. 2014(a), the appraiser's or auctioneer's credentials, including education, memberships in professional societies or associations, and any designations received in connection therewith.

(c) Service on United States Trustee. The Court's transmittal of a Notice of Electronic Filing to the United States Trustee pursuant to LBR 9014-1(b) shall satisfy the requirement that the application and accompanying affidavit be served on the United States Trustee.

(d) Nondisclosure of possible litigants. If a trustee, debtor in possession, or committee wants to employ an attorney to commence litigation to recover money or property for the estate or to employ an attorney, accountant, or other estate professional to conduct an investigation, the application filed with the Court need not disclose the name of any party to such litigation or investigation, other than the applicant. In that event, the trustee, debtor in possession, or committee shall submit to the United States Trustee a separate statement disclosing such additional information as may be necessary for the United States Trustee to complete its review and comment to the Court.

(e) Objection by the United States Trustee. Within five days of service of an application to employ an estate professional and the affidavit of the professional to be employed, the United States Trustee shall file with the Court any comments regarding such application, retain in its file any separate statement submitted by the applicant, and serve upon the applicant a copy of any comments filed with the Court. The Court's transmittal of a Notice of Electronic Case Filing to the applicant pursuant to LBR 9014-1(b) shall satisfy the requirement that the United States Trustee's comments be served on the applicant.

(f) Entry of an employment order.

(1) If the United States Trustee files no comments regarding an employment application, the Court may enter an appropriate order without further notice or hearing.

(2) If the United States Trustee timely files comments regarding an employment application, either the United States Trustee or the applicant may, within five days of the filing of the comments, notice a hearing thereon. If either the United States Trustee or the applicant files the notice of hearing electronically, the Court's transmittal of a Notice of Electronic Case Filing to the other party pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of hearing be served on the other party. If neither the United States Trustee nor the applicant timely notices a hearing, the Court may enter an appropriate order without further notice or hearing.

(g) Effective date of employment. Unless the Court orders otherwise, upon the entry of an order approving the employment of an estate professional, the employment is deemed effective as of the date the original application was filed.

References:
11 U.S.C. §§ 327, 328, 329, 331, and 503
Fed.Rs.Bankr.P. 2014 and 6005

Rule 2014-2. Withdrawal of Counsel.

(a) Withdrawal as counsel for a debtor following retention of substitute counsel. If a debtor has retained substitute counsel:

(1) In all chapters, an attorney may withdraw from further representation of the debtor by filing a motion to substitute counsel, a proposed order granting the motion, and if required by LBR 2016-1(c):

(A) a statement that the attorney has not taken a retainer and does not intend to seek compensation or reimbursement from the debtor or the bankruptcy estate;

(B) a statement that the attorney has turned over to the case trustee or debtor in possession the full amount of any retainer that the attorney has received; or

(C) an application under Fed.R.Bankr.P. 2016(a) for all services rendered and expenses incurred in connection with the case.

If withdrawing from all further representation of the debtor, the attorney shall

serve a copy of the motion and the proposed order on all parties in interest. If withdrawing from representation of the debtor only with respect to a particular contested matter or adversary proceeding, the attorney shall serve a copy of the motion and the proposed order on all parties to the contested matter or adversary proceeding. If required by LBR 2016-1(c), the attorney shall serve a copy of the attorney's fee application upon all parties in interest and notice of the application, if required by Fed.R.Bankr.P. 2002(a)(6), upon all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the document be served on that party.

(2) In a chapter 7 or 13 case, upon the entry of an order granting a motion to substitute counsel, the substituted attorney shall promptly file a disclosure of compensation pursuant to Fed.R.Bankr.P. 2016(b) and serve a copy of the disclosure of compensation on the United States Trustee. The Court's transmittal of a Notice of Electronic Filing to the United States Trustee pursuant to LBR 9014-1(b) shall satisfy the requirement that the disclosure of compensation be served on the United States Trustee.

(3) In a chapter 11 or 12 case, if the debtor signs the motion to substitute counsel, the debtor may combine an application to employ the substituted attorney with the motion to substitute counsel. In that event, the debtor must also file the substituted attorney's affidavit of disinterestedness, as required by Fed.R.Bankr.P. 2014(a) and LBR 2014-1, and serve a copy of the affidavit on the United States Trustee. If the debtor does not sign the motion to substitute counsel, the Court will not enter an order granting a motion to substitute counsel, until the debtor files an application to employ attorney and the substituted attorney's affidavit of disinterestedness, as required by Fed.R.Bankr.P. 2014(a) and LBR 2014-1, and serves a copy of the application and affidavit on the United States Trustee. The Court's transmittal of a Notice of Electronic Filing to the United States Trustee pursuant to LBR 9014-1(b) shall satisfy the requirement that the document be served on the United States Trustee.

(b) Withdrawal as counsel for a debtor without retention of substitute counsel. If a debtor has not retained substitute counsel:

(1) An attorney may withdraw from further representation of the debtor only by scheduling a hearing pursuant to LBR 5070-1(a) and filing a motion to withdraw and notice of hearing. The debtor shall appear at the hearing. If withdrawing from all further representation of the debtor, the attorney shall serve a copy of the motion and the notice of hearing on all parties in interest. If withdrawing from representation of the debtor only with respect to a particular contested matter or adversary proceeding, the attorney shall serve a copy of the motion and the notice of hearing on all parties to the contested matter or adversary

proceeding. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice of hearing be served on that party.

(2) Upon entry of an order granting a motion to withdraw, the withdrawing attorney shall, if required by LBR 2016-1(c), file:

(A) a statement that the attorney has not taken a retainer and does not intend to seek compensation or reimbursement from the debtor or the bankruptcy estate;

(B) a statement that the attorney has turned over to the case trustee or debtor in possession the full amount of any retainer that the attorney has received; or

(C) an application under Fed.R.Bankr.P. 2016(a) for all services rendered and expenses incurred in connection with the case.

The withdrawing attorney shall serve a copy of the application upon all parties in interest and notice of the application, if required by Fed.R.Bankr.P. 2002(a)(6), upon all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the application and/or notice of application be served on that party.

(c) Withdrawal as counsel for a party (other than a debtor) to a contested matter or adversary proceeding. An attorney may withdraw from further representation of a party (other than a debtor) to a contested matter or adversary proceeding by filing a motion to substitute counsel and a proposed order granting the motion. The attorney shall serve a copy of the motion and the proposed order on all parties to the contested matter or adversary proceeding. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and proposed order be served on that party.

(d) Withdrawal as counsel for a party other than a debtor or a party to a contested matter or adversary proceeding. An attorney may withdraw from further representation of a party other than a debtor or a party to a contested matter or adversary proceeding by filing a notice of withdrawal and serving a copy of the notice of withdrawal on all parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of withdrawal be served on that party.

Rule 2015-2. Financial Reports Filed with the United States Trustee.

Financial reports required to be filed under Fed.R.Bankr.P. 2015(a)(3) shall be filed

only with the United States Trustee, but shall be deemed to be filed with the Clerk when filed with the United States Trustee. If any such financial reports are sent to the Clerk, the Clerk shall forward them to the United States Trustee.

References:
Fed.Rs.Bankr.P. 2002(k) and 2015(a)(3)

Rule 2016-1. Compensation of Estate Professionals.

(a) Disclosures of compensation and supplemental disclosures of compensation. A disclosure of compensation required by Fed.R.Bankr.P. 2016(b) shall substantially conform to the sample disclosure of compensation provided at **Appendix 19**. A supplemental disclosure of compensation required by Fed.R.Bankr.P. 2016(b) shall substantially conform to the sample supplemental disclosure of compensation provided at **Appendix 20**.

(b) Final fee application in chapter 12 case. In a chapter 12 case, any attorney, accountant, appraiser, agent, or other professional employed by the estate shall file a final application for compensation or reimbursement within forty days after completion of the professional services and in no event later than forty days after the debtor makes his final plan payment.

(c) Fee application in chapter 13 case [NOT APPLICABLE IN CHAPTER 13 CASES FILED ON OR AFTER JULY 1, 2004.].

(1) Application for compensation and reimbursement not exceeding $1,000.00. Except as provided in paragraph (d) below, and absent an objection by a creditor or other party in interest, the attorney for a chapter 13 debtor may be paid through the plan for services rendered and expenses incurred in connection with the case without filing an application under Fed.R.Bankr.P. 2016(a), *provided* the attorney's total compensation and reimbursement, including any sum previously received by the attorney as a retainer in connection with the case, does not exceed $1,000.00. In determining whether the attorney's compensation and reimbursement exceed $1,000.00, any sums requested or previously received by the attorney for applicable sales tax or the filing fee shall be excluded.

(2) Application for compensation and reimbursement exceeding $1,000.00. If paragraph (1) above does not excuse the filing of an application for compensation and reimbursement, an attorney for a chapter 13 debtor shall file an application under Fed.R.Bankr.P. 2016(a). The attorney's application shall account for the total compensation and reimbursement requested by the attorney, including any sum previously received by the attorney as a retainer in connection with the case, not just for the amount in excess of $1,000.00.

(d) Fee application upon withdrawal from representation in chapter 11, 12, or 13 case. In the event an attorney withdraws from representation of a chapter 11, 12, or 13 debtor prior to confirmation of a plan, the attorney shall promptly file:

(1) a statement that the attorney has not taken a retainer and does not intend to seek compensation or reimbursement from the debtor or the bankruptcy estate;

(2) a statement that the attorney has turned over to the case trustee or debtor in possession the full amount of any retainer that the attorney has received; or

(3) an application under Fed.R.Bankr.P. 2016(a) for all services rendered and expenses incurred in connection with the case, irrespective of the amount of compensation and reimbursement sought.

(e) Proposed Orders Awarding Compensation. A proposed order awarding compensation shall substantially conform to the sample order awarding compensation provided at **Appendix 21**.

References:
11 U.S.C. §§ 328, 329, and 330
Fed.R.Bankr.P. 2016(a)
June 3, 2004 General Order Pending Amendment of Local Bankruptcy Rule 2016-1(c)

Rule 2072-1. Notice of Bankruptcy Case Filing.

(a) Issuance by Clerk. Upon request, the Clerk shall issue and forward to the debtor for service a Notice of Bankruptcy Case Filing under the caption and bearing the seal of the United States Bankruptcy Court, District of South Dakota. The Notice shall identify the debtor, the date of filing, and the chapter under which the case was filed.

(b) Service by the debtor. If at the time the petition is filed there is pending in any federal or state court located within South Dakota a proceeding that is stayed by 11 U.S.C. §§ 362, 1201, or 1301:

(1) the debtor shall serve a copy of the Clerk's Notice of Bankruptcy Case Filing on the clerk of each stayed court. Service may be made in any manner permitted by the stayed court; and

(2) the debtor shall file with the Bankruptcy Court a certificate of service identifying the clerks of courts who were served a copy of the Notice of Bankruptcy Case Filing.

(c) Deadline for service and filing. The debtor shall serve the Notice of Bankruptcy Case Filing on the stayed federal or state court within South Dakota prior to any

scheduled hearing before the stayed court and in no event later than seven days after the filing of the petition. The debtor shall file the certificate of service with the Bankruptcy Court contemporaneously with the service of the Notice of Bankruptcy Case Filing on the stayed court.

Rule 2090-1. Attorneys: Admission and Practice.

Rule 83.2 of the Local Rules of Practice of the United States District Court for the District of South Dakota shall govern the admission and practice of attorneys before this Court.

Reference:
D.S.D. LR 83.2

PART III
CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

3001-1 Amending Proofs of Secured Claim.
3001-2 Attachments to Proofs of Claim.
3001-3 Timeliness of Proofs of Claim or Interest in a Chapter 11 Case.
3002-2 Filing Proofs of Claim or Interest in a Chapter 7 Case.
3015-1 Chapter 12 and Chapter 13: Required Plan Content.
3015-3 Chapter 12 and Chapter 13: Extension of Time to File a Plan; Service of Plan and Confirmation Hearing Notice; Extension of Time for Chapter 12 Confirmation Hearing; Notice of Rescheduled Chapter 13 Confirmation Hearing; Pre-Confirmation Meeting; Proposed Confirmation Order.
3015-4 Chapter 12 and Chapter 13: Modification of a Plan after Confirmation; Required Content of a Proposed Order Approving a Motion to Modify a Plan after Confirmation.
3016-1 Chapter 11 Plan: Required Content Regarding Quarterly Fees.
3016-3 Chapter 11 Plan: Reduction or Extension of Debtor's Exclusivity Periods; Reduction or Extension of Debtor's Exclusivity Period in Small Business Case; Reduction of Time for Filing Plan in Small Business Case.
3018-1 Chapter 11: Form, Service, Filing, and Tabulation of Ballots.
3020-1 Chapter 11: Post-Confirmation Order.
3070-1 Distributions under Confirmed Chapter 13 Plans.
3071-1 Chapter 12 or Chapter 13: Pre-Confirmation Modification of a Plan.
3072-1 Chapter 12: Discharge and Closing.
3072-2 Chapter 13: Discharge Prior to Completion of Plan Payments (Hardship Discharge).

Rule 3001-1. Amending Proofs of Secured Claim.

Upon determining that its claim is partially unsecured, a creditor that has previously filed a proof of claim describing its claim as fully secured shall promptly file an amended proof of claim.

Reference:
Fed.R.Bankr.P. 3001

Rule 3001-2. Attachments to Proofs of Claim.

(a) Notwithstanding Fed.R.Bankr.P. 3001 and any language to the contrary in any proof of claim form, a creditor shall not attach documents to the creditor's proof of claim, regardless of whether that proof of claim is filed electronically or by more traditional means.

(b) A creditor shall, upon request, provide copies of all documents supporting the

creditor's claim to the trustee, the debtor-in-possession, or the attorney for the debtor-in-possession.

(c) In the event a creditor attaches documents to the creditor's proof of claim in contravention of this rule, the Clerk may forward, without filing, all such documents to the trustee, the debtor-in-possession, or the attorney for the debtor-in-possession.

Rule 3001-3. Timeliness of Proofs of Claim or Interest in a Chapter 11 Case.

Unless otherwise ordered, in a chapter 11 case, the last day to timely file a proof of claim or interest is fixed at 90 days after the date first set for the meeting of creditors.

Rule 3002-2. Filing Proofs of Claim or Interest in a Chapter 7 Case.

Notwithstanding Fed.R.Bankr.P. 3002(a), a creditor need not file a proof of claim or interest in a chapter 7 case unless notified by the Clerk to do so.

Reference:
Fed.R.Bankr.P. 3002

Rule 3015-1. Chapter 12 and Chapter 13: Required Plan Content.

(a) Liquidation analysis. A chapter 12 or chapter 13 plan shall include a detailed liquidation analysis that sets forth the plan's compliance with 11 U.S.C. §§ 1225(a)(4) or 1325(a)(4).

(b) Income and expenses. A chapter 12 plan or a chapter 13 plan for a debtor engaged in farming or other business shall include a detailed statement of the debtor's income and expenses for the preceding 12 months and a detailed statement of the debtor's projected income and expenses for the term of the plan.

(c) Plan payment dates. A chapter 12 or a chapter 13 plan shall include a statement of the date (month, day, year) of the first payment under the plan, whether for an administrative expense or to a creditor, and the date of the last payment under the plan.

(d) Debtor's signature. A chapter 12 or chapter 13 plan shall be signed by the debtor and any counsel for the debtor.

A sample plan is provided at **Appendix 22**.

References:
11 U.S.C. §§ 1221 and 1222
Fed.R.Bankr.P. 3015

Rule 3015-3. Chapter 12 and Chapter 13: Extension of Time to File a Plan; Service of Plan and Confirmation Hearing Notice; Extension of Time for Chapter 12 Confirmation Hearing; Notice of Rescheduled Chapter 13 Confirmation Hearing; Pre-Confirmation Meeting; Proposed Confirmation Order.

(a) Chapter 12.

(1) Extension of time to file a chapter 12 plan. A chapter 12 debtor requesting an extension of time to file a plan shall file a motion, which states the extension requested and the cause therefor, and a notice and shall serve a copy of the motion and a copy of the notice on the United States Trustee, the case trustee, and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The motion shall be filed before the original time for filing the plan expires. The notice shall conform to the Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) five days after service of the motion and that a hearing on any timely filed objection may be held in the Court's discretion.

(2) Service of chapter 12 plan and notice of confirmation hearing. A chapter 12 debtor shall serve the debtor's proposed plan and a notice of confirmation hearing on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the plan and notice of confirmation hearing be served on that party. The notice of confirmation hearing shall substantially conform to the sample notice of confirmation hearing provided at **Appendix 23** (for Northern, Central, and Western Division cases) or **Appendix 24** (for Southern Division cases). *See also* LBRs 3071-1 (pre-confirmation modification of plan) and 3015-4 (motion to modify plan post-confirmation).

(3) Extension of time for chapter 12 confirmation hearing. If the first hearing date available will not allow a chapter 12 debtor to comply with the confirmation hearing notice requirements provided by the Federal Rules of Bankruptcy Procedure, the forty-five day requirement of 11 U.S.C. § 1224 is extended to the next available hearing date. A chapter 12 debtor requesting an additional extension of time for a confirmation hearing shall file a motion, which states the extension requested and the cause therefor, and a notice and shall serve a copy of the motion and a copy of the notice on the United States Trustee, the case trustee, and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The notice shall conform to the

Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) five days after service of the motion and that a hearing on any timely filed objection may be held in the Court's discretion.

(4) Pre-confirmation meeting. A chapter 12 trustee may conduct a pre-confirmation meeting with the debtor and any parties who have objected to a proposed plan upon reasonable notice. The trustee may direct the debtor to provide notice of the meeting. If the trustee or the debtor files the notice of the meeting electronically, the Court's transmittal of a Notice of Electronic Case Filing to a party entitled to notice of the meeting pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of the meeting be served on that party. If a pre-confirmation meeting is held, the trustee shall report the outcome thereof by letter to the Court. The trustee shall serve a copy of the letter on any party who appeared at the pre-confirmation meeting and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the trustee's report be served on that party.

(5) Required content of a proposed chapter 12 confirmation order. A proposed order confirming a chapter 12 plan shall include a statement of the date (month, day, year) of the first payment under the plan, whether for an administrative expense or to a creditor, and the date of the last payment under the plan. A proposed order confirming a chapter 12 plan shall not restate other claim or claim treatment information accurately set forth in the confirmed plan. A sample confirmation order is provided at **Appendix 25**.

(b) Chapter 13.

(1) Extension of time to file a chapter 13 plan. A chapter 13 debtor requesting an extension of time to file a plan shall file a motion, which states the extension requested and the cause therefor, and a notice and shall serve a copy of the motion and a copy of the notice on the United States Trustee, the case trustee, and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The motion shall be filed before the original time for filing the plan expires. The notice shall conform to the Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) five days after service of the motion and that a hearing on any timely filed objection may be held in the Court's discretion.

(2) Service of chapter 13 plan and notice of confirmation hearing. A chapter 13 debtor shall serve the debtor's proposed plan, and if required by paragraph

(4) below, a notice of rescheduled confirmation hearing on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the plan and notice of rescheduled confirmation hearing be served on that party. *See also* LBRs 3071-1 (pre-confirmation modification of plan) and 3015-4 (motion to modify plan post-confirmation).

(3) Pre-confirmation meeting. A chapter 13 trustee may conduct a pre-confirmation meeting with the debtor and any parties who have objected to a proposed plan upon reasonable notice. The trustee may direct the debtor to provide notice of the meeting. If the trustee or the debtor files the notice of the meeting electronically, the Court's transmittal of a Notice of Electronic Case Filing to a party entitled to notice of the meeting pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of the meeting be served on that party. If a pre-confirmation meeting is held, the trustee shall report the outcome thereof by letter to the Court. The trustee shall serve a copy of the letter on any party who appeared at the pre-confirmation meeting and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the trustee's report be served on that party.

(4) Amended notice of chapter 13 confirmation hearing. If a chapter 13 debtor does not file and serve a proposed plan at least 28 days prior to the expiration of the last date for objections set forth in the Clerk's Notice of Commencement of Case ("§ 341 Notice"), the debtor, after consultation with the chapter 13 trustee and the Clerk, shall serve an amended notice of confirmation hearing in compliance with LBR 2003-1. The amended notice of confirmation hearing shall substantially conform to the sample notice of confirmation hearing provided at **Appendix 26** (for Northern, Central, and Western Division cases) or **Appendix 27** (for Southern Division cases) and shall include:

(A) a new last date for filing an objection to the plan that is at least 28 days after the plan is served but not less than three business days before the confirmation hearing date;

(B) if the confirmation hearing date originally set forth in the § 341 notice is less than three business days after the new last date for objections, a new date, time, and place of the confirmation hearing as set by the Clerk;

(C) if requested by the trustee, the date, time, and place of any rescheduled or continued § 341 meeting of creditors; and

(D) if requested by the trustee, the date, time, and place of any pre-confirmation meeting.

The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the amended notice of confirmation hearing be served on that party.

(5) Required content of a proposed chapter 13 confirmation order. A proposed order confirming a chapter 13 plan shall include a statement of the date (month, day, year) of the first payment under the plan, whether for an administrative expense or to a creditor, and the date of the last payment under the plan. A proposed order confirming a chapter 13 plan shall not restate other claim or claim treatment information accurately set forth in the confirmed plan. A sample confirmation order is provided at **Appendix 28**.

References:
11 U.S.C. § 1229
Fed.Rs.Bankr.P. 2002(b) and 3015

Rule 3015-4. Chapter 12 and Chapter 13: Modification of a Plan after Confirmation; Required Content of a Proposed Order Approving a Motion to Modify a Plan after Confirmation.

(a) Content of motion. A motion to modify a chapter 12 or chapter 13 plan after confirmation shall contain the following information:

(1) the name(s) of any affected creditor(s) or class of creditor(s);

(2) a detailed description of each proposed change to the confirmed plan;

(3) a statement of the debtor's current and prior year's actual income and expenses;

(4) a statement of the debtor's projected income and expenses for the remaining term of the plan;

(5) a current liquidation analysis; and

(6) a statement of any change to the first plan payment date or the last plan payment date.

(b) Notice. The notice of a motion to modify a chapter 12 or chapter 13 plan after confirmation shall conform to the Official Bankruptcy Form notice of motion and LBR 2002-1(a) and, if requested by the case trustee, shall include the date, time, and place of any pre-modification meeting. The party requesting the modification shall serve a copy of the motion and a copy of the notice on all creditors and other parties in interest.

(c) Pre-modification meeting. The chapter 12 trustee or chapter 13 trustee may conduct a pre-modification meeting upon reasonable notice to all parties in interest. The trustee may direct the debtor to provide notice of the meeting. If a pre-modification meeting is held, the trustee shall report the outcome thereof by letter to the Court. The trustee shall serve a copy of the letter on any party who appeared at the pre-modification meeting and other parties in interest.

(d) Required content of a proposed order approving a motion for modification of chapter 12 or chapter 13 plan after confirmation. A proposed order approving a motion for modification of a chapter 12 or a chapter 13 plan after confirmation shall include a statement of any change in the date of the first payment under the plan or the date of the last payment under the plan.

References:
See LBR 3071-1 re Pre-Confirmation Modification of a Chapter 12 or Chapter 13 Plan
11 U.S.C. § 1229
Fed.Rs.Bankr.P. 2002(b) and 3015

Rule 3016-1. Chapter 11 Plan: Required Content Regarding Quarterly Fees.

A chapter 11 plan shall state that all pre-confirmation quarterly fees have been paid or will be paid on the effective date of the plan and that all post-confirmation quarterly fees will be paid as they come due until the case is closed, converted, or dismissed.

References:
11 U.S.C. § 1123
Fed.R.Bankr.P. 3016

Rule 3016-3. Chapter 11 Plan: Reduction or Extension of Debtor's Exclusivity Periods; Reduction or Extension of Debtor's Exclusivity Period in Small Business Case; Reduction of Time for Filing Plan in Small Business Case.

(a) Reduction or extension of debtor's exclusivity periods. A party in interest requesting a reduction or an extension of the 120- or 180-day period within which only the debtor may file a plan shall file a motion, which states the reduction or extension requested and the cause therefor, and a notice and shall serve a copy of the motion and a copy of the notice on the United States Trustee; the members of, and any counsel for, any committee that has been elected or appointed; and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The motion shall be filed before the later of the expiration of the original exclusivity period(s) and the expiration of any pending extension thereof. The notice shall conform to the Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) five days after service of the motion

and that a hearing on any timely filed objection may be held in the Court's discretion.

(b) Reduction or extension of debtor's exclusivity period in small business case. A party in interest requesting a reduction or an extension of the 100-day period within which only the debtor may file a plan in a small business case shall file a motion, which states the reduction or extension requested and the cause therefor, and a notice and shall serve a copy of the motion and a copy of the notice on the United States Trustee; the members of, and any counsel for, any committee that has been elected or appointed; and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The motion shall be filed before the later of the expiration of the original exclusivity period and the expiration of any pending extension thereof. The notice shall conform to the Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) five days after service of the motion and that a hearing on any timely filed objection may be held in the Court's discretion.

(c) Reduction of time for filing plans in small business case. A party in interest requesting a reduction of the 160-day period within which all plans must be filed in a small business case shall file a motion, which states the reduction requested and the cause therefor, and a notice and shall serve a copy of the motion and a copy of the notice on the United States Trustee; the members of, and any counsel for, any committee that has been elected or appointed; and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The motion shall be filed before the later of the expiration of the original 160-day period and the expiration of any pending extension thereof. The notice shall conform to the Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) five days after service of the motion and that a hearing on any timely filed objection may be held in the Court's discretion.

References:
11 U.S.C. § 1121
Fed.R.Bankr.P. 3016

Rule 3018-1. Chapter 11: Form, Service, Filing, and Tabulation of Ballots.

(a) Ballot form, service, and filing. The proponent of a chapter 11 plan shall furnish a ballot that conforms to the Official Bankruptcy Form to all creditors and other parties in interest with instructions on the ballot stating that the original completed ballot must be returned to the Clerk within the time specified for filing objections. Upon receipt of a creditor's completed ballot, the Clerk shall file the original ballot and forward a copy of the ballot to the plan proponent; the United States Trustee; and the members

of, and the counsel for, any committee that has been elected or appointed.

(b) Tabulation of Ballots. The plan proponent shall tabulate the ballots and file a completed tabulation with the Court at or before the time set for the confirmation hearing. The completed tabulation shall be captioned as required by LBR 9004-2 and shall include:

(1) with respect to each class of claims or interests, a statement of whether the class has accepted the plan or is not impaired under the plan;

(2) if a class of claims is impaired under the plan, a statement of whether at least one class of impaired claims has accepted the plan; and

(3) if not every class of impaired claims has accepted the plan, a statement of whether the plan proponent will seek to confirm the plan under 11 U.S.C. § 1129(b).

References:
11 U.S.C. §§ 1126 and 1129(a)(8) and (10), (b)

Rule 3020-1. Chapter 11: Post-Confirmation Order.

Whenever a chapter 11 plan is confirmed, the Court shall enter a post-confirmation order directing the proponent to perform all matters necessary to complete the administration of the estate and permit entry of a final decree. The Clerk shall serve a copy of the post-confirmation order on all parties in interest.

References:
11 U.S.C. § 1142
Fed.R.Bankr.P. 3020

Rule 3070-1. Distributions under Confirmed Chapter 13 Plans.

Unless the plan specifically provides otherwise, the trustee shall distribute all funds in the manner outlined in the trustee's Procedures for Distributions in Confirmed Chapter 13 Plans.

Rule 3071-1. Chapter 12 and Chapter 13: Pre-confirmation Modification of a Plan.

(a) Content. Any proposed chapter 12 or chapter 13 plan that is modified before confirmation shall:

(1) comply with LBR 3015-1;

(2) be captioned "Modified Plan Dated [date the debtor signs the modified

plan]"; and

(3) be filed with a notice of confirmation hearing and a copy of the modified plan and notice.

(b) Service. A copy of the modified plan and a copy of the notice shall be served in compliance with LBR 3015-3 on the case trustee, the United States Trustee, any creditor or other party in interest that may be affected adversely by the modification, any party who has filed an objection to a previously filed plan, and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the modified plan and notice be served on that party.

(1) If at least 23 days remain between the date a modified chapter 12 plan is served and the last date for objections to the previously filed plan, the debtor may use the previously scheduled date and time for the notice of confirmation hearing on the modified plan. If less than 23 days remain between the date the modified chapter 12 plan is served and the last date for objections to the previously filed plan, the debtor shall obtain a new hearing date and time from the Clerk.

(2) If at least 28 days remain between the date a modified chapter 13 plan is served and the last date for objections to the previously filed plan, the debtor may use the previously scheduled date and time for the notice of confirmation hearing on the modified plan. If less than 28 days remain between the date the modified chapter 13 plan is served and the last date for objections to the previously filed plan, the debtor shall obtain a new hearing date and time from the Clerk.

(c) Effect of Filing and Serving a Modified Plan. If a debtor properly files, serves, and notices for hearing a modified plan, any previously filed plan and any objections to a previously filed plan shall be deemed moot.

References:
11 U.S.C. §§ 1223 and 1323
Fed.R.Bankr.P. 2002(a)(5)

Rule 3072-1. Chapter 12: Discharge and Closing.

(a) Service of final report and final account form. Within ten days after the date on which all plan payments, other than payments to holders of allowed claims provided for under 11 U.S.C. § 1222(b)(5) or 1222(b)(10), have been completed, the chapter 12 trustee shall serve on the debtor the form for the final report and final account and file with the Court a certificate of service evidencing the service. The chapter 12 trustee shall notify the debtor's counsel by letter that the trustee has served the debtor

with the final report and final account form.

(b) Discharge upon completion of plan payments.

(1) *Debtor's duties.* Within thirty days after service of the final report and final account form, a debtor eligible for discharge under 11 U.S.C. § 1228(a) shall:

(A) file with the Court and serve on the chapter 12 trustee a final report and final account of the administration of the case on the form prescribed by the United States Trustee; and

(B) file and serve on all creditors and parties in interest a notice of filing the final report and final account that substantially conforms to the sample notice of filing final report and final account provided at **Appendix 29** and that states:

(i) the debtor has filed with the Court and served on the chapter 12 trustee a final report and final account;

(ii) the debtor has completed all payments under the plan, other than payments to holders of allowed claims provided for under 11 U.S.C. 1222(b)(5) or 1222(b)(10);

(iii) any party objecting to entry of discharge on the grounds that the debtor has failed to complete all plan payments, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(10), shall file a motion to dismiss on or before thirty days after service of the notice; and

(iv) if no party timely files a motion to dismiss for failure to complete all plan payments, discharge shall be entered.

The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the final report and final account and notice of filing the final report and final account be served on that party.

(2) *Motion to dismiss for failure to complete plan payments.* A motion to dismiss for failure to complete plan payments shall be filed with the Court and served with a notice on all creditors and other parties in interest on or before thirty days after the debtor serves the notice of filing final report and final account. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party.

(3) *Notice of motion.* The notice of a motion to dismiss for failure to complete plan payments shall conform to the Official Bankruptcy Form notice of motion and shall be served on all creditors and other parties in interest and shall contain the date, time, and place for the hearing on the motion to dismiss.

(4) *Failure to file final report and account.* If a debtor who is eligible for discharge under 11 U.S.C. § 1228(a) fails to file a final report and final account timely, the chapter 12 trustee shall seek an appropriate remedy from the Court that insures that the case is timely closed, including but not limited to dismissal of the case.

(c) Discharge prior to completion of plan payments (hardship discharge). A debtor seeking discharge prior to completion of all plan payments shall:

(1) file with the Court and serve on the chapter 12 trustee a report and account of the administration of the case on a form prescribed by the United States Trustee;

(2) file and serve on all creditors and parties in interest a motion for hardship discharge that:

(A) states that the debtor has filed with the Court and served on the chapter 12 trustee a report and account on a form prescribed by the United States Trustee;

(B) describes the circumstances for which the debtor should not justly be held accountable that render the debtor unable to complete payments under the plan;

(C) includes a liquidation analysis showing that the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the bankruptcy estate had been liquidated under chapter 7 on such date; and

(D) explains why modification of the plan is not practicable; and

(3) file and serve on all creditors and parties in interest a notice of the motion for hardship discharge. The notice shall conform to the Official Bankruptcy Form notice of motion and LBR 2002-1(a), and shall contain a last date for objections that is not less than 13 days following service of the motion.

The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the report and account, motion for hardship discharge, and notice of the motion

for hardship discharge be served on that party.

(d) Pre-discharge meeting. The chapter 12 trustee may conduct a pre-discharge meeting upon reasonable notice to all parties in interest. The pre-discharge meeting shall not constitute a substitution of discovery procedures established for adversary proceedings or contested matters by these rules, the Federal Rules of Bankruptcy Procedures, or the Federal Rules of Civil Procedure. The trustee may direct the debtor to provide notice of the meeting. If the trustee or the debtor files the notice of the meeting electronically, the Court's transmittal of a Notice of Electronic Case Filing to a party entitled to notice of the meeting pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice of the meeting be served on that party. If a pre-discharge meeting is held, the trustee shall report the outcome thereof by letter to the Court. The trustee shall serve a copy of the letter on any party who appeared at the pre-confirmation meeting and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the trustee's report be served on that party.

(e) Entry of discharge. If no motion to dismiss for failure to complete plan payments is timely filed or upon entry of an order denying a motion to dismiss for failure to complete plan payments or upon entry of an order granting a motion for hardship discharge, the Court shall enter an order of discharge.

(f) Closing the case. Upon receipt of the debtor's final report and final account and after entry of an order discharging the debtor, the chapter 12 trustee shall file with the Court and serve on the United States Trustee, the debtor, and debtor's counsel a final report and account on a form prescribed by the United States Trustee. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the trustee's report be served on that party. If no objection to the trustee's final report and final account is received within thirty days after service, the Court shall enter an order closing the case. A copy of the order closing the case shall be served on the trustee, United States Trustee, debtor, and debtor's attorney.

References:
11 U.S.C. § 1228
Fed.R.Bankr.P. 4007

Rule 3072-2. Chapter 13: Discharge Prior to Completion of Plan Payments (Hardship Discharge).

A debtor seeking discharge prior to completion of all plan payments shall:

(1) file and serve on all creditors and parties in interest a motion for hardship discharge that:

(A) describes the circumstances for which the debtor should not justly be held accountable that render the debtor unable to complete payments under the plan;

(B) includes a liquidation analysis showing that the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the bankruptcy estate had been liquidated under chapter 7 on such date; and

(C) explains why modification of the plan is not practicable; and

(2) file and serve on all creditors and parties in interest a notice of the motion for hardship discharge. The notice shall conform to the Official Bankruptcy Form notice of motion and LBR 2002-1(a) and shall contain a last date for objections that is not less than 13 days following service of the motion.

If the motion for hardship discharge and notice of the motion for hardship discharge are filed electronically, the Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion for hardship discharge and notice of the motion for hardship discharge be served on that party.

PART IV
THE DEBTOR: DUTIES AND BENEFITS

4001-1 Relief from Automatic Stay or Prohibiting or Conditioning the Use, Sale, or Lease of Property.
4001-2 Authorization to Use Cash Collateral.
4001-3 Authority to Obtain Credit.
4003-1 Objection to Exemptions.
4003-2 Avoiding a Lien on or Other Transfer of Exempt Property.
4004-1 Extension of Time to File a Discharge Complaint or to Defer Entry of Discharge.
4007-1 Extension of Time to File a Dischargeability Complaint.
4008-1 Reaffirmation Agreement.
4072-1 Discharge of Judgment Pursuant to S.D.C.L. § 15-16-20.

Rule 4001-1. Relief From Automatic Stay or Prohibiting or Conditioning the Use, Sale, or Lease of Property.

(a) Content of a motion for relief from automatic stay. A motion for relief from the automatic stay shall state whether relief is sought under 11 U.S.C. § 362(d)(1) or (d)(2) and the facts alleged in support thereof and shall be served with a notice on all parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. Unless such relief is sought *ex parte* pursuant to Fed.R.Bankr.P. 4001(a)(2), the notice shall conform to LBR 2002-1(a).

(b) Content of a motion to prohibit or condition the use, sale, or lease of property. A motion to prohibit or condition the use, sale or lease of property shall set forth a description of the subject property, the liens or other encumbrances on the property, and the facts alleged in support of the prohibition or condition sought and shall be served with a notice on all parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. Unless such relief is sought *ex parte* pursuant to Fed.R.Bankr.P. 4001(a)(2), the notice shall conform to LBR 2002-1(a).

(c) Agreement (settlement) regarding relief from the automatic stay or prohibiting or conditioning the use, sale or lease of property following a motion for such relief. If the movant and all parties who objected to a properly filed and served motion for relief from stay or a motion to prohibit or condition the use, sale or lease of property reach an agreement after the last date for objection has passed, and if the agreement does not exceed the scope of the original motion, the parties may submit an agreed proposed order that incorporates the terms of the agreement without further notice or hearing.

(d) Agreement (stipulation) regarding relief from the automatic stay or to prohibit or condition the use, sale, or lease of property when a motion for such relief has not been filed. Parties in interest who agree to the entry of an order regarding relief from the automatic stay or prohibiting or conditioning the use, sale, or lease of property when a motion for such relief has not been filed shall file a motion to approve the agreement, the agreement, and a notice and shall serve the motion to approve, agreement, and notice on all parties in interest in compliance with Fed.R.Bankr.P. 4001(d)(1). The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion to approve, agreement, and notice be served on that party. The notice shall conform to LBR 2002-1(a).

References:
11 U.S.C. §§ 362 and 363
Fed.R.Bankr.P. 4001

Rule 4001-2. Authorization to Use Cash Collateral.

(a) Content of a motion. A motion for authorization to use cash collateral shall include:

(1) a statement of the source(s) of the cash collateral, the amount sought, and the term during which use is sought;

(2) a statement of the debtor's projected income and projected expenses by month for the time during which use of cash collateral is sought; and

(3) an offer of adequate protection.

(b) Preliminary Hearing. Any request for a preliminary hearing on a motion for authorization to use cash collateral shall be included as a separate paragraph in the motion for such authorization (a motion to shorten notice should *not* be filed). The separate paragraph shall also include:

(1) a statement of the immediate and irreparable harm the estate will suffer if the debtor is not permitted to use cash collateral pending a final hearing on the motion;

(2) the amount of cash collateral needed during the notice period following service of the motion; and

(3) the source(s) of the cash collateral and an offer of adequate protection, if different than the source(s) or offer set forth pursuant to paragraph (a) above.

The caption of the motion for authorization to use cash collateral shall include the

phrase, "and Request for Preliminary Hearing." If the request for preliminary hearing is granted, the Court will enter an order setting the preliminary hearing and fax a copy of the order to the debtor's attorney for service with the motion. The Court's transmittal of a Notice of Electronic Filing to one or more of the parties entitled to notice of the motion pursuant to LBR 9014-1(b) shall satisfy the requirement that the order and underlying motion be served on that party.

(c) Agreement (settlement) regarding authorization to use cash collateral following a motion for such authorization. If the debtor and all parties who objected to a properly filed and served motion for authorization to use cash collateral reach an agreement after the last date for objection has passed, and if the agreement does not exceed the scope of the original motion, an agreed order that incorporates the terms of the agreement may be submitted without further notice or hearing.

(d) Agreement (stipulation) regarding use of cash collateral when a motion for authorization to use cash collateral has not been filed. Parties in interest who agree to the entry of an order authorizing the use of cash collateral when a motion for such authorization has not been filed shall file a motion to approve the agreement, the agreement, and a notice and shall serve the motion, agreement, and notice on all parties in interest in compliance with Fed.R.Bankr.P. 4001(d)(1). The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion to approve, agreement, and notice be served on that party. The notice shall conform to LBR 2002-1(a).

References:
11 U.S.C. § 363
Fed.Rs.Bankr.P. 2002(a)(6), 2002(c)(1), and 4001

Rule 4001-3. Authority to Obtain Credit.

(a) Content of a motion. A motion for authority to obtain credit shall include:

(1) a statement of the source(s) of the credit, the amount sought, any property to be pledged as collateral, and the repayment and security terms; and

(2) a statement of the debtor's projected income and projected expenses for the time during which the credit shall be extended.

(b) Preliminary Hearing. Any request for a preliminary hearing on a motion for authority to obtain credit shall be included as a separate paragraph in the motion for such authority (a motion to shorten notice should *not* be filed). The separate paragraph shall also include:

(1) a statement of the immediate and irreparable harm the estate will suffer if

the debtor is not permitted to obtain credit;

(2) the amount of credit needed in the 15-day period following the date of the request; and

(3) the source(s) of the credit, a description of any property to be pledged as collateral, and the repayment and security terms, if different than the source(s), description, or terms set forth pursuant to paragraph (a) above.

The caption of the motion for authority to obtain credit shall include the phrase, "and Request for Preliminary Hearing." If the request for preliminary hearing is granted, the Court will enter an order setting the preliminary hearing and fax a copy of the order to the debtor's attorney for service with the motion. The Court's transmittal of a Notice of Electronic Filing to one or more of the parties entitled to notice of the motion pursuant to LBR 9014-1(b) shall satisfy the requirement that the order and underlying motion be served on that party.

(c) Agreement (settlement) regarding authority to obtain credit following a motion for such authority. If the debtor and all parties who objected to a properly filed and served motion for authority to obtain credit reach an agreement after the last date for objection has passed, and if the agreement does not exceed the scope of the original motion, an agreed order that incorporates the terms of the agreement may be submitted without further notice or hearing.

References:
11 U.S.C. § 364
Fed.R.Bankr.P. 4001

Rule 4003-1. Objection to Exemptions.

(a) Objection. Any party objecting to a debtor's claimed exemptions shall file an objection and a notice and serve a copy of the objection and a copy of the notice on all parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the objection be served on that party. The notice shall conform to the Official Bankruptcy Form notice of motion and LBR 2002-1(a).

(b) Required Response. A debtor who wishes to contest an objection to claimed exemptions shall, within the time permitted under LBR 2002-1(d)(2) for filing an objection to a motion, application, or other request for relief, file a response to the objection, setting forth the basis for contesting the objection, and serve a copy of the response on the objecting party and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the response be served on that party.

References:
11 U.S.C. § 522
S.D.C.L. §§ 43-45-1 *et. seq.*; 43-31-1 *et. seq.*; and 3-12-115
Fed.R.Bankr.P. 4003

Rule 4003-2 Avoiding a Lien on or Other Transfer of Exempt Property.

(a) Motion. A motion to avoid a lien on or other transfer of exempt property shall:

(1) conform substantially to the sample motion at **Appendix 30** and demonstrate that the lien or other transfer impairs an exemption to which the debtor is entitled under 11 U.S.C. § 522(f) or that the lien is avoidable under 11 U.S.C. § 522(h);

(2) be served with a notice that substantially conforms to the sample notice at **Appendix 31**; and

(3) be served on the lien holder, the lien holder's counsel, if known, and any party who has filed a notice of appearance.

(A) If the State of South Dakota or one of its officers or entities is a lien holder, service of the motion and notice shall be made separately on the officer or entity and on the Attorney General, pursuant to LBR 9014-1(b)(4).

(B) If a county within the State of South Dakota or one of its officers or entities is a lien holder, service of the motion and notice shall be made separately on the office or entity and on the State's Attorney for that county, pursuant to LBR 9014-1(b)(5).

The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party.

(b) Service of Motion. A motion to avoid a lien on or other transfer of exempt property shall not be filed and served before any timely filed objection to exempt property has been resolved, but shall be filed and served prior to closing of the case whenever possible.

(c) Proposed order. When a motion to avoid a lien on or other transfer of exempt property is filed, the movant shall submit a proposed order that substantially conforms to the sample order at **Appendix 32.**

(d) Service of Order. Service of any order avoiding a lien or other transfer of exempt property shall be completed by the Clerk.

References:
11 U.S.C. § 522
Fed.Rs.Bankr.P. 4003(d) and 9014

Rule 4004-1. Extension of Time to File a Discharge Complaint or to Defer Entry of Discharge.

(a) Motion by a party in interest to extend time to file a discharge complaint. A motion by a party in interest to extend the time to file a discharge complaint shall state the cause therefor and shall be served with a notice on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The notice shall conform to the Official Bankruptcy Form notice of motion, shall state that any objection or other response to the motion must be filed by a date certain (month, day, year) five days after service of the motion and notice, and shall state that a hearing will be held only if an objection is filed timely.

(b) Motion by debtor to defer entry of the order granting discharge. A motion by a debtor to defer entry of the order granting discharge for thirty days or to a date certain after any initial thirty-day extension shall state the cause therefor and shall be served on the United States Trustee, the case trustee, and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion be served on that party. No notice of the motion is required.

References:
11 U.S.C. §§ 727 and 1141(d)
Fed.R.Bankr.P. 4004(b) and (c)

Rule 4007-1. Extension of Time to File a Dischargeability Complaint. A motion by a party in interest, including the debtor, to extend the time to file a dischargeability complaint under 11 U.S.C. § 523(c) shall state the cause therefor and shall be served with a notice on the debtor; the debtor's counsel; the United States Trustee; the case trustee, if one has been appointed; the members of, and the counsel for, any committee that has been elected or appointed; and any party who has filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party. The notice shall conform to the Official Bankruptcy Form notice of a motion; shall state that any objection or other response to the motion must be filed by a date certain (month, day, year) five days after service of the motion and notice; and shall state that a hearing will be held only if an objection is filed timely.

References:
11 U.S.C. §§ 523(c), 1141(d)(2), 1228(a)(2) and (c)(2), and 1328(a)(2) and (c)(2)
Fed.R.Bankr.P. 4007(c) and (d)

Rule 4008-1. Reaffirmation Agreement.

A reaffirmation agreement shall substantially conform to the sample reaffirmation agreement and declaration of attorney provided at **Appendix 33** (secured debt) **or Appendix 34** (unsecured debt) or to the revised procedural Form B 240 issued by the Administrative Office of the United States Courts on June 17, 1999. A reaffirmation agreement that does not substantially conform to the appropriate sample reaffirmation agreement or the revised procedural Form B 240 may not be enforceable.

References:
11 U.S.C. § 524
Fed.R.Bankr.P. 4008

Rule 4072-1. Discharge of Judgments Pursuant to S.D.C.L. § 15-16-20.

(a) Checklist. A checklist of issues that should be addressed in preparing, serving, and filing a motion for an order directing a clerk of court to discharge a judgment pursuant to S.D.C.L. § 15-16-20 is provided at **Appendix 35**.

(b) Motion. A motion for an order directing a clerk of a circuit court in South Dakota to discharge a judgment pursuant to S.D.C.L. § 15-16-20 shall:

(1) conform substantially to the sample at **Appendix 36**;

(2) be served with a notice that substantially conforms to the sample notice at **Appendix 37**; and

(3) be served on the judgment holder, the judgment holder's counsel at the time the judgment was entered, if known, and the entities, if any, who have filed a notice of appearance.

(A) If the State of South Dakota or one of its officers or entities is a judgment holder, service of the motion and notice shall be made separately on the officer or entity and on the Attorney General, pursuant to LBR 9014-1(b)(4).

(B) If a county within the State of South Dakota or one of its officers or entities is a judgment holder, service of the motion and notice shall be made separately on the office or entity and on the State's Attorney for that county, pursuant to LBR 9014-1(b)(5).

The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party.

(c) Service of motion. A motion for an order directing a clerk of court to discharge a judgment pursuant to S.D.C.L. § 15-16-20 shall be filed and served after entry of a discharge order under 11 U.S.C. §§ 727, 944, 1141, 1228, or 1328, but prior to closing of the case whenever possible.

(d) Proposed order. When a motion for an order directing a clerk of court to discharge a judgment pursuant to S.D.C.L. § 15-16-20 is filed, the movant shall submit a proposed order that substantially conforms to the sample at **Appendix 38**.

(e) Service of order. The Clerk shall serve a certified copy of any order directing a clerk of court to discharge a judgment pursuant to S.D.C.L. § 15-16-20 on the movant, who shall then serve a copy of the order on the judgment holder, the judgment holder's counsel at the time the judgment was entered, if known, and the entities, if any, who have filed a notice of appearance. The Court's transmittal of a Notice of Electronic Filing to one or more of the parties entitled to notice of the motion pursuant to LBR 9014-1(b) shall satisfy the requirement that the order be served on that party.

References:
11 U.S.C. § 524
S.D.C.L. § 15-16-20

PART V
COURTS AND CLERKS

5003-1 Certification of Judgment or Order.
5005-1 Electronic Filing.
5010-1 Reopening a Case.
5070-1 Scheduling a Hearing.
5076-1 Electronic Recording of Hearings or Trials.
5077-1 Recordings and Transcripts of Hearings or Trials.
5080-1 Payment of Clerk's Fees (other than filing fees).
5081-1 Fees: Form of Payment.
5095-1 Deposit of Funds.

Rule 5003-1. Certification of Judgment or Order.

If a party requests a certified copy of a judgment or order entered in a file that has been archived, the Clerk may certify a copy of the correct copy of the judgment or order maintained in the Clerk's Judgment Order Book.

References:
11 U.S.C. § 107
Fed.R.Civ.P. 58
Fed.R.Bankr.P. 9021

Rule 5005-1. Electronic Filing.

Any document to be filed with the Court may be filed electronically in the manner outlined in the Court's Electronic Case Filing Administrative Procedures.

References:
Fed.R.Bankr.P. 5005(a)(2)

Rule 5010-1. Reopening a Case.

(a) Motion to reopen. A motion to reopen a case shall state the cause for reopening the case and shall be served on all parties in interest. No separate notice of the motion is required.

(b) Motion not required. A case need *not* be reopened to:

(1) correct an administrative error;

(2) commence an action related to a discharge, including an action to determine the dischargeability of a claim that was neither listed nor scheduled; or

(3) obtain a writ of execution pursuant to Fed.R.Bankr.P. 7069 to enforce a judgment determined to be nondischargeable.

References:
11 U.S.C. § 350(b)
28 U.S.C. § 1930(a)
Fed.Rs.Civ.P. 60 and 69
Fed.Rs.Bankr.P. 4007, 5010, 7069 and 9024

Rule 5070-1. Scheduling a Hearing.

(a) Hearings scheduled by a party. A party may obtain a hearing date from the scheduling clerk prior to filing: (1) a chapter 11 plan; (2) a chapter 11 disclosure statement; (3) a chapter 12 plan; (4) a chapter 13 plan, if the confirmation hearing must be rescheduled pursuant to LBR 3015-3(e); (5) a modified chapter 12 or chapter 13 plan;(6) an objection to the allowance of a claim; or (7) a motion to withdraw as counsel for debtor pursuant to LBR 2014-2. If the disclosure statement, plan, modified plan, objection, or motion to be heard is not filed within five days following the date the hearing is requested, the scheduling clerk may strike the matter from the Court's calendar without notice.

(b) Hearings scheduled by the Court. A party need not obtain a hearing date with respect to any other matter, as the Court will set all other hearings, as needed, following the deadline for objecting or otherwise responding to a motion or other request for relief.

Reference:
Fed.R.Bankr.P. 9014

Rule 5076-1. Electronic Recording of Hearings or Trials.

The Clerk shall maintain the original recording of any hearing or trial in the public records of the Court for not less than ten years from the date the case or adversary proceeding is closed.

Rule 5077-1. Recordings and Transcripts of Hearings or Trials.

(a) Request for recording or transcript. A party may request a copy of the recording or a transcript of any hearing or trial by submitting a written request on the form provided at **Appendix 39** (recording) or **Appendix 40** (transcript). A party requesting a copy of a recording shall pay the fee set by the Judicial Conference. A party requesting a transcript shall pay a deposit before the transcript is prepared and shall pay any remaining balance before the transcript is delivered. Additional information regarding recordings and transcripts is available on the Court's website (www.sdb.uscourts.gov).

(b) Incomplete or inaccurate requests. If a request for a recording or transcript contains incomplete or inaccurate information, the party submitting it must submit an amended request. Court personnel may not alter a written request for a recording or transcript.

(c) Filing certified copy of transcript. Whenever a transcript of a hearing or trial is prepared, the official transcriber shall promptly file a certified copy of it with the Clerk. Unless otherwise directed by the Court, the Clerk shall file such transcript in the case or adversary proceeding designated by the caption of the transcript.

Rule 5080-1. Payment of Clerk's Fees (other than filing fees).

(a) Chapter 11 cases. All Clerk's fees (other than filing fees) charged to a chapter 11 estate shall be paid by the debtor in possession or, if a trustee has been appointed, the trustee from estate funds within 30 days of assessment or on the effective date of the confirmed plan, whichever is earlier.

(b) Chapter 12 and 13 cases. All Clerk's fees (other than filing fees) charged to a chapter 12 or chapter 13 estate shall be paid by the debtor in possession or, if the confirmed plan so provides, the trustee from estate funds within 30 days of assessment or on the effective date of the confirmed plan, whichever is earlier. All such fees must be paid before the debtor is granted a discharge.

(c) Dismissed cases, any chapter. All Clerk's fees (other than filing fees) charged to an estate that remain unpaid at the time a case is dismissed shall be paid by the debtor or debtor in possession within 10 days of the entry of the order dismissing the case, unless a trustee is serving in the case and has estate funds on hand with which to pay all or part of such fees. In that event, the debtor shall be liable only for the balance remaining after payment by the trustee.

References:
11 U.S.C. §§ 1129(a)(12), 1226(b)(1), 1228(a), 1326(b)(1), and 1328(a)
28 U.S.C. § 1930

Rule 5081-1. Fees: Form of Payment.

The Clerk may refuse to accept payment of Clerk's fees by check and may require payment of such fees by cash, money order, or cashier's check.

Rule 5095-1. Deposit of Funds.

(a) Deposit of funds with the Treasurer of the United States. Unless the Court orders otherwise, all monies paid into the registry of the Court shall be deposited with the Treasurer of the United States pursuant to 28 U.S.C. § 2041 and shall not be withdrawn except by order pursuant to 28 U.S.C. § 2042.

(b) Deposit of funds with a designated depository. If the Court orders that monies paid into the registry of the Court be deposited with a designated depository, counsel shall prepare a proposed order that:

(1) states the amount to be paid into the registry of the Court;

(2) designates the depository into which such amount is to be deposited;

(3) specifies the terms of the deposit;

(4) states the taxpayer identification number of the entity to whom any interest earned will represent income;

(5) provides that the parties assume any and all risks of the deposit;

(6) provides that the parties, not the Clerk, are responsible for interest rates, renewal dates, and the like;

(7) provides that the parties, not the Clerk, are responsible for obtaining any and all subsequent orders that may be necessary or appropriate to maintain the account or seek distributions from the account; and

(8) provides that the Clerk may deduct from any income earned on the account a fee, not to exceed that authorized by the Judicial Conference of the United States, without further order of the Court.

References:
28 U.S.C. §§ 2041 and 2042
Fed.R.Civ.P. 67
Fed.R.Bankr.P. 7067

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

6004-1 Sale of Estate Property.
6007-1 Abandonment of Estate Property.
6070-1 Payment of Income Tax Refund to Chapter 7 Trustee.

Rule 6004-1. Sale of Estate Property.

In addition to the information required by Fed.R.Bankr.P. 2002(c)(1), any motion for approval of sale of estate property out of the ordinary course of business by a trustee or a debtor in possession shall describe the property to be sold and shall state the property's value, how the value was determined, the terms and conditions of the proposed sale, and if a private sale, the proposed buyer(s).

References:
11 U.S.C. § 363
Fed.Rs.Bankr.P. 2002(c)(1) and 6004

Rule 6007-1. Abandonment of Estate Property.

(a) Notice of proposed abandonment of estate property by a trustee or debtor in possession. A notice of abandonment by a chapter 7 trustee, a chapter 11 trustee, or a debtor in possession shall:

(1) conform to the Official Bankruptcy Form notice;

(2) describe the property to be abandoned, its value, how the value was determined, and the facts and circumstances that demonstrate why the property is burdensome or of inconsequential value to the estate;

(3) state that any objection to the proposed abandonment must be filed by a date certain (month, day, year) fifteen days after service of the notice and that a hearing will be scheduled only if an objection is timely filed; and

(4) be served on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the notice be served on that party.

An order regarding the trustee's proposed abandonment need not be entered unless an objection is filed timely.

(b) Motion to compel trustee to abandon estate property:

(1) A motion to compel a trustee to abandon estate property shall describe the property to be abandoned, its value, how the value was determined, and the facts and circumstances that demonstrate why the property is burdensome or of inconsequential value to the estate.

(2) A motion to compel abandonment and a notice shall be served on all creditors and other parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion and notice be served on that party.

(3) The notice of the motion to compel abandonment shall conform to the Official Bankruptcy Form notice of motion and shall state that any objection to the motion must be filed by a date certain (month, day, year) fifteen days after service of the motion and notice. The notice also shall state that a hearing will be scheduled only if an objection is filed timely.

(c) Order compelling abandonment. If a motion to compel a trustee to abandon estate property is granted, the order shall state that the trustee shall abandon the property and that entry of the order shall constitute notice that the trustee has abandoned the property in compliance with the order.

References:
11 U.S.C. §§ 554 and 725
Fed.R.Bankr.P. 6007

Rule 6070-1. Payment of Income Tax Refund to Chapter 7 Trustee.

(a) Request for turnover of tax refund. In any chapter 7 case in which the trustee determines that the bankruptcy estate has an interest in a tax refund to which the debtor is entitled, the trustee shall notify the Internal Revenue Service in writing of the estate's interest and shall provide a copy of the Clerk's Notice of: Commencement of Case under Chapter 7 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates ("§ 341 Notice") to the Internal Revenue Service. The trustee shall provide a copy of the trustee's letter to the Internal Revenue Service to the debtor and the debtor's attorney.

(b) Turnover of tax refund. Upon being notified in writing of the bankruptcy estate's interest in the debtor's tax refund, the Internal Revenue Service shall promptly pay over to the trustee the entire sum owing to the debtor.

(c) Debtor's portion of tax refund. Upon receipt of the debtor's tax refund, the trustee shall promptly pay over to the debtor any portion of the tax refund that is not estate

property, including any portion that the debtor has claimed exempt.

(d) Request for determination of debtor's interest in tax refund. At any time prior to the Court's approval of the trustee' proposed distribution of estate funds pursuant to a Final Report Before Distribution, the debtor may notify the trustee in writing that the debtor disputes the amount of the tax refund claimed by the estate, in which event the trustee shall promptly schedule and give notice of a hearing to determine the extent of the estate's interest in the tax refund.

PART VII
ADVERSARY PROCEEDINGS

7003-1 Cover Sheet.
7005-1 Electronic Filing.
7007-1 Motions in Adversary Proceedings.
7026-1 Filing of Discovery Documents.
7054-1 Judgment Costs.
7055-1 Application for Default Judgment.

Rule 7003-1. Cover Sheet.

An adversary proceeding cover sheet shall be completed by the plaintiff on an official form supplied by the Clerk and shall be filed (original only) with the complaint.

References:
Fed.R.Civ.P. 3
Fed.Rs.Bankr.P. 7001 and 7003

Rule 7005-1. Electronic Filing.

Any document required to be filed with the Court may be filed electronically in the manner outlined in the Court's Electronic Case Filing Administrative Procedures.

References:
Fed.R.Civ.P. 5(e)
Fed.R.Bankr.P. 7005

Rule 7007-1. Motions in Adversary Proceedings.

(a) Filing and service of motion. A motion in an adversary proceeding shall be filed with the Court and served on the opposing party or parties. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion be served on that party.

(b) Notice of motion not required. In the absence of a specific rule or order to the contrary, a party filing a motion in an adversary proceeding shall not prepare, file, or serve an accompanying notice of motion.

(c) Deadline for objections or other responses. If the relief requested cannot be granted *ex parte*, the Court will establish and give notice of the deadline for filing an objection or other response to a motion in an adversary proceeding.

(d) Hearing on motion. In its discretion, the Court may schedule a hearing on any motion in an adversary proceeding.

References:
Fed.R.Civ.P. 7
Fed.R.Bankr.P. 7007

Rule 7026-1. Filing of Discovery Documents.

Notwithstanding Rule 26.1 of the Local Rules of Practice of the United States District Court for the District of South Dakota, original discovery request documents, including requests for admissions, interrogatories, and requests for production of documents, and the answers and responses thereto, including deposition transcripts but excluding documents produced in response to a request for documents, shall be filed with the Clerk. Transcripts shall be filed conventionally, not electronically.

Rule 7054-1. Judgment Costs

Costs allowed under Fed.R.Bankr.P. 7054(b) shall be taxed by the Clerk and reviewed by the Court as set forth in D.S.D. LR 54.1.

References:
28 U.S.C. §§ 1920 and 1924
Fed.R.Civ.P. 54
D.S.D. LR 54.1
Fed.R.Bankr.P. 7054

Rule 7055-1. Application for Default Judgment.

A party seeking a default judgment shall serve a copy of the application for default judgment on the defendant and the defendant's attorney, if known.

PART VIII
APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

8006-1 Record on Appeal to the United States District Court.

Rule 8006-1. Record on Appeal to the United States District Court.

(a) Retention of original record. Unless otherwise ordered by the District Court, the Bankruptcy Court Clerk shall retain the original record designated in all appeals, except exhibits and transcripts.

(b) Transmission of certified copy of the docket. The Bankruptcy Court Clerk shall transmit a certified copy of the bankruptcy case docket sheet with the copies of the designated record on appeal to the District Court.

References:
Fed.Rs.Bankr.P. 8006 and 8007

PART IX
GENERAL PROVISIONS

9001-1 Definitions.
9004-1 General Form Requirements for Pleadings and Other Documents Submitted for Filing.
9004-2 Captions for Pleadings and Other Documents Submitted for Filing.
9011-1 Signing and Verification of Papers.
9014-1 Filing and Service of Pleadings; Certificates of Service.
9014-2 Objections and Other Responses in Contested Matters.
9014-3 Withdrawal of Pleadings in Contested Matters.
9014-4 Motions for Judgment on the Pleadings in Contested Matters.
9021-1 Service of Orders; Orders upon Default or Satisfaction of a Condition.
9070-1 Exhibits: Marking; Number of Copies.
9072-1 Proposed Orders: Submission; Review.

Rule 9001-1. Definitions.

The definitions of words and phrases in 11 U.S.C. §§ 101, 902, and 1101 and Fed.R.Bankr.P. 9001 and the rules of construction in 11 U.S.C. § 102 govern their use in these rules. In addition, the following words and phrases used in these local rules have the meanings indicated:

(1) "Fed.R.Bankr.P." means the Federal Rules of Bankruptcy Procedure promulgated by the United States Supreme Court;

(2) "Fed.R.Civ.P." means the Federal Rules of Civil Procedure promulgated by the United States Supreme Court; and

(3) "Parties in interest" as used in the Code, the Federal Rules of Bankruptcy Procedures, or these rules, unless otherwise stated or ordered by the Court, are:

(A) the entity(ies) against whom relief is sought;

(B) the debtor(s);

(C) the attorney for the debtor(s);

(D) the trustee or examiner, if any;

(E) in a chapter 11 case, the 10 largest unsecured creditors, unless and until the United States Trustee appoints a committee of unsecured creditors;

(F) the chairperson and the attorney of any committee authorized under the Code;

(G) the United States Trustee;

(H) the entities, if any, listed on the docket as having requested notice under Fed.Rs.Bankr.P. 2002(i) or 9010(b); and

(I) any entity claiming a lien on or other interest in any affected property.

References:
11 U.S.C. §§ 101, 102, 902, and 1101
28 U.S.C. § 2075
Fed.R.Civ.P. 83
Fed.Rs.Bankr.P. 2002, 9001, and 9029

Rule 9004-1. General Form Requirements for Pleadings and Other Documents Submitted for Filing.

(a) Form requirements.

(1) Conventional filing. All documents to be filed with the Court shall be on white, 8½" x 11" paper, and with the exception of commercially-obtained Official Forms, such as petitions, schedules, and statements, shall have a minimum one-inch top margin and a minimum two-inch bottom margin on the first page. All such documents shall be typewritten without erasures, excessive correction fluid, or other marks materially defacing them. If the Court for cause accepts for filing a document that is not typewritten, a typed copy shall be submitted within five days. The handwritten document shall remain filed.

(2) Electronic filing. The original hard copy of any document to be filed with the Court that is filed electronically and maintained by the filer in the manner prescribed in the Court's Electronic Case Filing Administrative Procedures shall comply fully with the form requirements for conventionally-filed documents outlined in this rule, with the following exception:

(A) The minimum two-inch bottom margin requirement shall not apply to electronically-filed documents.

(b) Non-disclosure of personal data identifiers.

(1) Non-disclosure in general. A party shall not include personal data identifiers in any document filed with the Court, unless specifically directed to do so by an order of the Court, a statute, a Federal Rule of Bankruptcy Procedure, an Official Bankruptcy Form, or these Local Bankruptcy Rules.

(2) Social security numbers. If a party must include an individual's social security number in a document filed with the Court, the party shall provide only

the last four digits of that number.

(3) Minor children. If a party must refer to a minor child in any document filed with the Court, other than Schedule I of Official Bankruptcy Form 6 (see LBR 1007-2(b)(1)), the party shall disclose only the minor child's initials and the year in which the minor child was born.

(4) Account numbers. If a party must include account numbers in any document filed with the Court, other than Schedules D, E, and F of Official Bankruptcy Form 6 (see LBR 1007-2(b)(2)), the party shall provide only the last four digits of those account numbers.

(5) Filing unredacted documents under seal. With the Court's prior approval, a party may file under seal an unredacted document containing any of the personal data identifiers described in this rule. However, the Court may nevertheless require the party to file a redacted copy for the public file.

(6) Responsibility for redacting personal data identifiers. The party filing a document is solely responsible for redacting the personal data identifiers described in this rule. The Clerk shall have no responsibility for doing so and no liability for not doing so.

(c) Signatures. All documents to be filed with the Court, whether filed conventionally or filed electronically and maintained by the filer in the manner prescribed in the Court's Electronic Case Filing Administrative Procedures, shall be signed in blue ink.

(d) Briefs. Notwithstanding D.S.D. LR 7.2(A), a party need not submit a brief in support of a motion or application, unless specifically ordered to do so by the Court.

(e) Multi-page pleading. If a document to be filed with the Court consists of more than one page, the pages shall be one-sided and paper-clipped at the upper left-hand corner. Separate documents, for example, a motion and a notice, shall *not* be stapled or paper-clipped together.

(f) Separate documents required; exceptions. Any document to be filed with the Court shall be a separate, captioned document, except that:

(1) a certificate of service may be included on the last page of a pleading or may be indicated with a stamp on the front page of the pleading with a list (names and addresses) of the parties served attached. A sample of an appended certificate of service is set forth at **Appendix 41**;

(2) a notice of amendment may be combined with an amendment pursuant to LBRs 1009-1 and -3; and

(3) a Report of Trustee in No-Asset Case, Report of Abandonment of Property, Final Report and Account in Minimal Asset Case, Final Report and Account before Distribution, Final Report and Account after Distribution, Application for Deposit of Small/Unclaimed Dividends, and other reports of a similar nature by a case trustee may each be combined in one pleading on a form prescribed by the United States Trustee, with a certificate of review by the United States Trustee and/or an order of the Court, so long as the caption plainly shows that the pleading includes both a report and a certificate of review and/or an order.

(g) Copies. Copies of documents to be filed with the Court shall not be filed with the Clerk or provided to the Court, unless specifically required by the Code, a Federal Rule of Bankruptcy Procedure, or these rules. Every required copy of a document to be filed with the Court shall be stamped "COPY".

(h) Exhibits attached to a pleading. Exhibits attached to a document to be filed with the Court shall be typewritten, printed, or otherwise reproduced in clear, legible, and permanent form, and designated as an exhibit, for example, "EXHIBIT A."

References:
Fed.Rs.Bankr.P. 7010, 9004, and 9011

Rule 9004-2. Captions for Pleadings and Other Documents Submitted for Filing.

The caption of the case or adversary proceeding on any motion, application, proposed plan, notice, certificate of service, proposed order, or other pleading submitted for filing shall include the full name(s) of the debtor(s), the Social Security number or tax identification number of the debtor(s), the case or adversary number, the chapter number, and a title. The title shall include a short description of the pleading and the name of the party who has offered it. Effective December 1, 2003, the caption shall include only the last four digits of the debtor's Social Security number.

References:
Fed.R.Civ.P. 10
Fed.Rs.Bankr.P. 1005, 2002(m), 7008, 7010, and 9004

Rule 9011-1. Signing and Verification of Papers.

In addition to providing the information required by Fed.R.Bankr.P. 9011, every document filed with the Court and signed by an attorney shall state the attorney's fax number and e-mail address, if any.

Reference:
Fed.R.Bankr.P. 9011

Rule 9014-1. Filing and Service of Pleadings; Certificates of Service.

(a) Filing. A document to be filed with the Court shall be filed on or before the date service is made on other parties. If filed conventionally, a document is deemed filed with the Court when received by the Clerk, not when mailed by the filer. A document is deemed filed with the Court on the date and at the time reflected on the Court's Notice of Electronic Filing. Except as provided in LBRs 1002-1(b) and 1007-2(b), only the original pleading shall be submitted for filing. Extra copies of a pleading or proposed order shall ***not*** be sent to the Clerk or Judge unless a party is specifically ordered to do so.

(b) Service of pleadings.

(1) Any document to be filed with the Court shall be served by the moving party pursuant to the applicable Code section, Federal Rule of Bankruptcy Procedure, or Local Bankruptcy Rule; provided, however, that the moving party need not serve the document on any party to whom the Court has transmitted a Notice of Electronic Filing in the manner outlined in the Court's Electronic Case Filing Administrative Procedures.

(2) A certificate of service shall be filed with the original pleading. The certificate of service may be included on the last page of the pleading or may be indicated with a stamp on the front page of the pleading with a list (names and addresses) of the parties served attached. See **Appendix 42** for a sample certificate of service or **Appendix 41** for a sample appended certificate of service.

(3) Whenever in compliance with the Federal Rules of Bankruptcy Procedure, service of a motion, notice, or agreement is to be made on "such other entities as the court may direct," service shall be made on parties in interest as defined by LBR 9001-1(3).

A list of common motions and the parties who must receive notice of each is maintained on the Court's website (www.sdb.uscourts.gov).

(4) Whenever the State of South Dakota or one of its officers or entities is deemed a party in interest, service of any pleading, notice, or order shall be made separately on the officer or entity and on the Attorney General.

(5) Whenever a county within the State of South Dakota or one of its officers or entities is deemed a party in interest, service of any pleading, notice, or order shall be made separately on the county officer or entity and on the State's Attorney for that county.

(c) Clerk to provide mailing list for notice or service. The Clerk, upon request and without charge, shall provide the moving party with a copy of the current mailing list for a case or adversary proceeding so that appropriate service of a pleading or notice can be made by the movant.

References:
Fed.Rs.Bankr.P. 2002, 9006, 9013, and 9014

Rule 9014-2. Objections and Other Responses in Contested Matters.

(a) Content of objection or other response. An objection or other response to a motion, application, plan, or other request for relief shall comply substantially with Fed.Rs.Civ.P. 8 and 10. A request for a hearing or a general denial is insufficient.

(b) Filing and service of an objection or other response. An objection or other response to a motion, application, plan, or other request for relief shall be filed with the Court and served on the movant, applicant, or plan proponent and other parties in interest on or before the last date for objections set forth in the notice. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the objection or other response be served on that party.

(c) Requests for opportunity to modify a plan. If a debtor in a chapter 12 or chapter 13 case responds to a motion to dismiss or convert or to a motion for relief from the automatic stay and therein requests an opportunity to modify a confirmed plan, the debtor shall file the motion to modify a plan after confirmation with the response. The motion to modify a plan after confirmation shall be served and noticed for hearing at the next date available in compliance with the noticing requirements set forth in the Federal Rules of Bankruptcy Procedure and these rules. The Court may relieve a debtor from compliance with this rule only for cause shown.

References:
Fed.Rs.Civ.P. 8 and 10
Fed.Rs.Bankr.P. 9006, 9007, and 9014

Rule 9014-3. Withdrawal of Pleadings in Contested Matters.

(a) Statement of Withdrawal. Notwithstanding Fed.R.Bankr.P. 7041 and Fed.R.Civ.P. 41(a), a party may withdraw any pleading in a contested matter by filing a statement of withdrawal and serving the statement of withdrawal on the parties in interest. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the motion be served on that party. A sample statement of withdrawal is provided at **Appendix 43**.

(b) Effect of Filing Statement of Withdrawal on Contested Matter. If a motion,

application, objection to a proof of claim, or objection to a claimed exemption is withdrawn in any contested matter in compliance with paragraph (a) above, the contested matter shall be deemed moot and any hearing thereon shall be deemed cancelled unless otherwise ordered by the Court.

(c) Effect of Filing Statement of Withdrawal on Application of Fed.R.Bankr.P. 9011(c). Nothing in this rule shall affect or alter the application of Fed.R.Bankr.P. 9011(c).

Rule 9014-4. Motions for Judgment on the Pleadings in Contested Matters.

In addition to the other Federal Rules of Bankruptcy Procedure and by reference Federal Rules of Civil Procedure made applicable in contested matters by Fed.R.Bankr.P. 9014(c), Fed.R.Civ.P. 12 (c) ("Motion for Judgment on the Pleadings") shall apply in contested matters.

Rule 9021-1. Service of Orders; Orders upon Default or Satisfaction of a Condition.

(a) Service of orders. Unless otherwise directed by the Court, the Clerk shall serve all decisions, orders, and judgments on the parties required by the Code, Federal Rules of Bankruptcy Procedure, or the Local Bankruptcy Rules of Procedure.

(1) A copy of the parties served will be provided by the Clerk to the party who prepared the proposed order or judgment. The party who submitted the proposed order or judgment shall be responsible for serving any additional parties the party wants served.

(2) Service of any order discharging judgments under S.D.C.L. § 15-16-20 shall be completed by the movant; provided, however, that the Court's transmittal of a Notice of Electronic Filing to one or more of the parties entitled to notice of the motion pursuant to LBR 9014-1(b) shall satisfy the requirement that the order be served on that party.

(b) Entry of orders upon default or satisfaction of a condition. A stipulation, judgment, or order filed and entered by this Court containing conditional terms, including automatic dismissal, conversion, or relief from stay when a stated condition occurs, are not in themselves self-executing. The moving party must submit an affidavit or other written statement confirming that the condition for entry of the automatic order has been met, a certificate of service evidencing service of the affidavit or other written statement on the party(ies) against whom relief is sought, and a proposed order.

References:
11 U.S.C. §§ 362 and 363
S.D.C.L. § 15-16-20
Fed.Rs.Civ.P. 8, 10, and 58

Fed.Rs.Bankr.P. 2002, 4001, 7008, 7010, 9004, 9006, 9007, 9011, 9013, 9014, and 9021
Introduction and General Instructions-Official Bankr. Forms
D.S.D. LBR 4071-1

Rule 9070-1. Exhibits: Marking; Number of Copies.

(a) Marking. All original exhibits shall be marked by the courtroom deputy before the hearing or trial. All copies of exhibits shall be marked by the proponent before the hearing or trial.

(b) Copies. In addition to the original exhibit, a party shall provide the Court with two copies of each exhibit and the opposing party(ies) with one copy of each exhibit. When voluminous, the two copies of exhibits for the Court shall be organized in a binder, indexed, and tabbed. Sample indices are set forth in **Appendices 44** (for adversary proceedings) and **45** (for contested matters). If an exhibit is in color, the copies of that exhibit shall also be in color.

Rule 9072-1. Proposed Orders: Submission; Review.

(a) Submission of proposed orders. Whenever the Court directs a party in interest to submit a proposed order or judgment, the proposed order shall be submitted not more than five days following the entry of the decision or the date of the hearing or trial.

(b) Review of proposed order by other parties in interest.

(1) Upon oral request made on the record at a hearing or trial or upon written request, a party in interest may request an opportunity to review any proposed order. The party preparing the proposed order shall file with the Court and serve on the requesting party the proposed order, a copy of any document to which the proposed order refers, and a certificate of service. Service of the proposed order and related documents shall be by mail, facsimile transfer, or personal delivery. The Court's transmittal of a Notice of Electronic Filing to one or more of the foregoing parties pursuant to LBR 9014-1(b) shall satisfy the requirement that the proposed order and related documents be served on the requesting party. The Certificate of Service shall state that service was made pursuant to this rule.

(2) Within five days after service of the proposed order, the requesting party may file an objection to the proposed order or submit an alternative proposed order to the Court. If the parties cannot promptly resolve among themselves any objection to the proposed order, the party who prepared the proposed order shall notify the Court in writing.

(3) Upon written notice to the Court that a dispute regarding the content of a

proposed order has been reconciled, the Court may, without further notice, enter the agreed-upon order. Upon written notice to the Court that a dispute cannot be reconciled, the Court may enter an order proposed by one of the parties or its own order or may set the matter for hearing *sua sponte*.

Reference:
Fed.R.Bankr.P. 9006

APPENDICES

1 Minimum Filing Requirements and Proper Sequence of Documents

2 Format for Mailing List of Creditors

3 Sample Mailing List of Creditors

4 "Trouble Sheet" for Mailing List of Creditors

5 Sample Amendment to Petition

6 Sample Notice of Amendment to Petition

7 Sample Combined Amendment to Petition and Notice of Amendment

8 Sample Amendment to Mailing List

9 Sample Amendment to Schedule or Statement

10 Sample Notice of Amendment to Schedule or Statement

11 Sample Combined Amendment to Schedule or Statement and Notice of Amendment

12 Designation of Divisions by County

13 Sample Notice of Motion

14 Sample Notice of Hearing on Objection to Claim (Telephonic)

15 Sample Notice of Hearing on Objection to Claim

16 Sample Motion to Shorten Notice

17 Sample Motion for Limited Notice

18 Sample Order Limiting Notice

19 Sample Disclosure of Compensation

20 Sample Supplemental Disclosure of Compensation

21 Sample Proposed Order Awarding Compensation

22 Sample Chapter 12 or Chapter 13 Plan

23 Sample Notice of Confirmation Hearing (Telephonic) (Chapter 12)

24 Sample Notice of Confirmation Hearing (Chapter 12)

25 Sample Order Confirming Plan (Chapter 12)

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27 Sample Notice of Confirmation Hearing (Chapter 13)

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29 Sample Notice of Filing Final Report and Final Account

30 Sample Motion to Avoid Lien

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33 Sample Reaffirmation Agreement (Secured Debt)

34 Sample Reaffirmation Agreement (Unsecured Debt)

35 Checklist for Motions for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

36 Sample Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

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39 Order Form (Recording)

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41 Sample Appended Certificate of Service

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43 Sample Statement of Withdrawal

44 Sample Exhibit Index (Adversary Proceeding)

45 Sample Exhibit Index (Contested Matter)

Appendix 1 **Minimum Filing Requirements and Proper Sequence of Documents**

CHAPTER 7:

Due at filing:

_____ Petition (signed by attorney AND debtor(s), and if debtor is an individual with primarily consumer debts, Exhibit "B" signed by attorney)
_____ Mailing List of Creditors
_____ $209 Fee

Due within 15 days of petition:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H
_____ Schedules I J (individual debtors only)
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)

Due within 30 days of petition:

_____ Statement of Intention (individual debtors only)

Appendix 1 (cont'd)

CHAPTER 11:

Due at filing:

_____ Petition (signed by attorney AND debtor(s) and, if debtor is an individual with primarily consumer debts, Exhibit "B" signed by attorney)
_____ Exhibit "A" (corporate debtors only)
_____ Mailing List of Creditors
_____ List of Ten Largest Unsecured Creditors
_____ $839 Fee

Due before professional services are rendered:

_____ Application to Employ Professional

Due within 15 days of petition:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H I J
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)
_____ List of Equity Security Holders (corporate debtors only)

Due within 120 days of petition:

_____ Disclosure Statement and Plan

Appendix 1 (cont'd)

CHAPTER 12:

Due at filing:

_____ Petition (signed by attorney AND debtor(s))
_____ Mailing List of Creditors
_____ $239 Fee

Due before professional services are rendered:

_____ Application to Employ Professional

Due within 15 days of filing:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H I J
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)

Due within 90 days of filing:

_____ Plan

Appendix 1 (cont'd)

CHAPTER 13:

Due at filing:

_____ Petition (signed by attorney AND debtor(s), and if debtor is an individual with primarily consumer debts, Exhibit "B" signed by attorney)
_____ Mailing List of Creditors
_____ $194 Fee

Due within 15 days of filing:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H I J
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)
_____ Plan

The mailing list of creditors uploaded into the Court's Case Management/Electronic Case Filing ("CM/ECF") system is used whenever notice must be given to creditors. To ensure the accuracy of the Court's records, the following guidelines must be strictly adhered to:

- **!** Type the list in a single column placed against the left margin (do **NOT** leave spaces to the left of the column **or** center the column).
- **!** Do **NOT** use all CAPITAL letters or **bold** or *italicized* print.
- **!** List creditors alphabetically.
- **!** Do **NOT** include the debtor(s), the attorney for the debtor(s), the U.S. Trustee or the case trustee (the Clerk will automatically add them);
- **!** Provide a full (*i.e.*, three- or four-line) address, unless a creditor has its own zip code (*e.g.*, Reader's Digest, Pleasantville, NY 10570).
- **!** Limit each creditor's name and address to six lines, single-spaced.
- **!** Limit each line of a name or address to 40 characters and/or spaces.
- **!** Place any attention line on the second line of the name/address block.
- **!** Use the correct postal abbreviation for each state (*e.g.*, SD for South Dakota).
- **!** Place the zip code on the last line of the name/address block. Type nine-digit zip codes with a hyphen separating the two groups of numbers (*e.g.*, 00000-0000).
- **!** Leave at least one blank line between each name/address block.
- **!** Avoid stray or extra marks on the list (*e.g.*, letterhead, dates, debtor's name, and page numbers).
- **!** Avoid the other problems highlighted on the "trouble sheet" at Appendix 4.
- **!** Save the mailing list in an ASCII file format with an appropriate text extension (*e.g.*, **.txt**).

Appendix 3 **Sample Mailing List of Creditors**

Albert's Awnings
1515 Sunny Drive
Suite 333
Sioux Falls, SD 57101-0000

Bagel Barn
412 West Blvd.
Rapid City, SD 57121-0000

Camera Corner
Attn: Bud Smith
567 Snapshot Lane
Belle Fourche, SD 57717-0000

Credit Check Service
342 Center Drive
Pierre, SD 57501-0000

Dr. David Doctor
Suite 1212
5888 Merriman Road
Merriman, NE 66787-0000

Doug Flannery
RR 2, Box 12
Hastings, NE 68666-0000

Kite Flying, Ltd.
4098 Windy Hill Drive
Blunt, SD 57202-0000

Mom's Cookie Company
909 Sweet Treat Street
Aberdeen, SD 57896-0000

Pricey Paintings
7855 S New Money Lane
Sioux Falls, SD 57101-0000

In re Debtor, Inc.

← **PAGE TITLE**
Do not caption or otherwise "label" the mailing list.

ALBERT'S AWNINGS
1515 SUNNY DRIVE
SUITE 333
SIOUX FALLS, SD 57101

← **NOT LEFT-JUSTIFIED**
Names and addresses must be left-justified.

← **ALL UPPER CASE**
Use upper and lower case as if you were typing a letter.

Bagel Barn
Rapid City, SD 57701

← **BOLD OR ITALICS**
Do not use **bold** or *italics*.

← **TWO-LINE ADDRESS**
Provide a complete mailing address for each creditor.

Camera Corner
P.O. Box "J"
567 Snapshot Lane
Suite 7111213
Belle Fourche, SD 57717

← **ADDRESS TOO LONG**
Limit name and address to no more than six lines of 40 or fewer characters each.

Attn: Bud Smith
President & CEO

← **ATTENTION LINE**
Any attention line should be placed on the second line of the address.

Credit Check Service
Acct. No. 12345
342 Center Drive
Pierre, SD 57501 0001

← **ACCOUNT NUMBERS**
Do not include account numbers.

← **NINE-DIGIT ZIP CODE**
Separate the two groups of digits with a dash, not a space.

U.S. Trustee
Shriver Square-Suite 502
230 S. Phillips Avenue
Sioux Falls, SD 57104

← **PARTIES IN INTEREST**
List only creditors. Do not list debtor, debtor's attorney, U.S. Trustee, etc.

PAGE NUMBER → -1-
Do not number pages or type anything but creditors' names and addresses on list.

↑ **STRAY MARKS**
No lines, symbols, etc. should appear on list.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO PETITION
	)	
Debtor.	)	

Debtor Jane A. Anonymous amends her petition as follows:[2]

1. Other Names used by Debtor: Anne's Pottes 'n Pannes

2. County of Residence: Merit

3. Nature of Debts: Business

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the amendments are voluminous, they may be set forth in an attachment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF
	)	AMENDMENT TO PETITION
Debtor.	)	

TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:[2]

Debtor Jane A. Anonymous has filed papers with the Court to amend her petition to:

(1) add her trade name, Anne's Pottes 'n Pannes;

(2) add her county of residence, Merit; and

(3) describe the nature of her debts, business.[3]

Your rights may be affected. You should discuss this notice with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Notice of an amendment to a petition must be served on all creditors and other parties in interest.

[3] Including a summary of the amendment in the Notice is recommended, but is not required by the Code or a federal rule.

Appendix 7 **Sample Combined Amendment to Petition and Notice of Amendment**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO PETITION
	)	AND NOTICE OF AMENDMENT
Debtor.	)	

TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:[2]

Debtor Jane A. Anonymous amends her petition as follows:[3]

1. Other Names used by Debtor: Anne's Pottes 'n Pannes

2. County of Residence: Merit

3. Nature of Debts: Business

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

Your rights may be affected by this amendment. You should discuss this with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5555

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Notice of an amendment to a petition must be served on all creditors and other parties in interest.

[3] If the amendments are voluminous, they may be set forth in an attachment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO MAILING LIST
	)	
Debtor.	)	

Debtor hereby amends her mailing list to add the following creditors:[2]

Boomer's Fireworks
7476 Black Cat Blvd.
Justice, SD 57000

Bruce's Gun Emporium
357 Magnum Lane
Justice, SD 57000

and correct the address of the following creditor:

Bud's Bar
1202 Tipsy Drive
Justice, SD 57000

Attached is a supplement to the mailing list in the format prescribed by the Clerk that includes the added creditor.[3]

Dated: February 9, 2004.

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the mailing list is being amended to **add** a creditor, Schedule D, E, or F (as appropriate) must also be amended to include that creditor.

[3] If no new creditors are being added to the mailing list, delete the last paragraph of the sample Amendment and do **not** attach a supplement to the mailing list.

Boomer's Fireworks[1]
7476 Black Cat Blvd.
Justice, SD 57000

Bruce's Gun Emporium
357 Magnum Lane
Justice, SD 57000

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] Do **not** caption or otherwise label the supplement to the mailing list. Include **only** the names and addresses of **new** creditors being **added** to the mailing list. Creditors who were on the original mailing list should **not** be included, **even if their addresses are being corrected**. The supplement to the mailing list must be **left-justified** (not centered).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO SCHEDULE F[2]
	)	
Debtor.	)	

Debtor Jane A. Anonymous hereby amends her Schedule F as follows:[3]

Add the following claim:

Hazel's Dry Cleaning 1802 Hanger Lane Justice, SD 57000	incurred March, 2003	$1,200.00 (disputed)

Correct the amount of the following claim:

Bud's Bar	incurred February, 2003	$ 857.22

The total amount of claims of creditors holding unsecured, nonpriority claims following this amendment is $22,993.12.

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If Schedule D, E, and/or F is being amended to **add** a creditor, the mailing list of creditors must also be amended to include that creditor.

[3] If the amendments are voluminous, they may be set forth in an attachment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF
	)	AMENDMENT TO SCHEDULE F
Debtor.	)	

TO THE COURT AND ALL PARTIES IN INTEREST:[2]

Debtor Jane A. Anonymous has filed papers with the Court to amend her Schedule F to:

(1) add Hazel's Dry Cleaning, which has a disputed claim for $1,200.00; and

(2) change the amount of Bud's Bar's claim from $912.82 to $857.22.[3]

Your rights may be affected. You should discuss this notice with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If Schedule C is being amended, insert instead "TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:".

[3] Including a summary of the amendment in the Notice is recommended, but is not required by the Code or a federal rule.

Appendix 11

Sample Combined Amendment to Schedule or Statement and Notice of Amendment

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO SCHEDULE F
	)	AND NOTICE OF AMENDMENT[2]
Debtor.	)	

TO THE COURT AND PARTIES IN INTEREST:[3]

Debtor Jane A. Anonymous amends her Schedule F as follows:[4]

Add the following claim:

Hazel's Dry Cleaning 1802 Hanger Lane Justice, SD 57000	incurred March 2003	$1,200.00 (disputed)

Correct the amount of the following claim:

Bud's Bar	incurred February 2003	$ 857.22

The total amount of claims of creditors holding unsecured, nonpriority claims following this amendment is $22,993.12.

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

Your rights may be affected by this amendment. You should discuss this with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5555

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If Schedule D, E, and/or F is being amended to **add** a creditor, the mailing list of creditors must also be amended to include that creditor.

[3] If Schedule C is being amended, insert instead "TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:".

[4] If the amendments are voluminous, they may be set forth in an attachment.

Appendix 12 **Designation of Divisions by County**

NORTHERN (Aberdeen)	CENTRAL (Pierre)	SOUTHERN (Sioux Falls)	WESTERN (Rapid City)
Brown	Buffalo	Aurora	Bennett
Campbell	Dewey	Beadle	Butte
Clark	Faulk	Bon Homme	Custer
Codington	Gregory	Brookings	Fall River
Corson	Haakon	Brule	Harding
Day	Hand	Charles Mix	Jackson
Deuel	Hughes	Clay	Lawrence
Edmunds	Hyde	Davison	Meade
Grant	Jerauld	Douglas	Pennington
Hamlin	Jones	Hanson	Perkins
McPherson	Lyman	Hutchinson	Shannon
Marshall	Mellette	Kingsbury	
Roberts	Potter	Lake	
Spink	Stanley	Lincoln	
Walworth	Sully	McCook	
	Todd	Miner	
	Tripp	Minnehaha	
	Ziebach	Moody	
		Sanborn	
		Turner	
		Union	
		Yankton	

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF MOTION
	)	FOR RELIEF FROM STAY
Debtor.	)	

TO ALL PARTIES IN INTEREST:

Easy Credit Finance Co. Inc. has filed papers with the Court asking the Court to grant it relief from the automatic stay.[2] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant Easy Credit Finance Co. Inc. relief from the automatic stay,[1] then by **June 4, 2004**,[3] you or your attorney must file with the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501,[3] a typewritten response explaining your position. You may mail your response to the Clerk, but if you do, you must mail it early enough to ensure the Clerk receives it by this date. You must also mail a copy of your response to the attorney for the moving party, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk at (605) 224-6013.[4]

If you file and serve a response by the date stated above, the Court will schedule a hearing, if needed, and give you written notice of the date, time, and location of that hearing. Otherwise, the Court may decide that you do not oppose the relief requested by Easy Credit Finance Co. Inc. and may enter an order granting that relief without holding a hearing.

Dated May 22, 2004.

_____

William W. Williams, Esq.
202 Barrister Blvd.
Justice, SD 57000
Tele: 605/555-3333
Fax: 605/555-3334

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Describe the relief sought in general terms.

[3] For the date by which a response to a particular type of motion must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[4] For the Clerk's address and phone number, use the Clerk's Sioux Falls address and phone number for Southern Division cases and the Clerk's Pierre address and phone number for Northern, Central, and Western Division cases.

Appendix 14 **Sample Notice of Hearing on Objection to Claim (Telephonic)**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF HEARING ON
	)	OBJECTION TO CLAIM (TELEPHONIC)[2]
Debtor.	)	

TO EASY CREDIT FINANCE CO., INC. AND OTHER PARTIES IN INTEREST:

Chapter 7 Trustee Samuel S. Smith has filed an objection to Easy Credit Finance Co., Inc.'s claim in this bankruptcy case. **This claim may be reduced, modified, or disallowed**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to reduce, modify, or disallow Easy Credit Finance Co., Inc.'s claim, then on or before **July 1, 2004**,[3] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **July 1, 2004**. You must also mail a copy of your response to the objecting party, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 224-6013.

The Court will hold a telephonic hearing at **9:00 a.m. Central Time** on **July 20, 2004**[4] to decide whether to reduce, modify, or disallow Easy Credit Finance Co.'s claim. If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at that time. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before **July 1, 2004**, the Court may decide you do not oppose the relief requested by Trustee Smith and may enter an order granting that relief following the hearing.

Dated May 22, 2004.

_____

Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Northern, Central, and Western Division cases. Use the form provided at Appendix 15 for Southern Division cases.

[3] For the date by which a response must be filed, use a date at least 30 days (33 days for service by mail) after service of the notice and objection.

[4] A hearing must be scheduled on all objections to proofs of claim. Contact the scheduling deputy (605-224-1142) to obtain a date and time.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-40000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF HEARING ON
	)	OBJECTION TO CLAIM[2]
Debtor.	)	

TO EASY CREDIT FINANCE CO., INC. AND OTHER PARTIES IN INTEREST:

Chapter 7 Trustee Samuel S. Smith has filed an objection to Easy Credit Finance Co., Inc.'s claim in this bankruptcy case. **This claim may be reduced, modified, or disallowed**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to reduce, modify, or disallow Easy Credit Finance Co., Inc.'s claim, then on or before **July 1, 2004**,[3] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 400 S. Phillips Ave., Room 104, Sioux Falls, SD 57104-6851. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **July 1, 2004**. You must also mail a copy of your response to the objecting party, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 330-4541.

The Court will hold a hearing at **9:00 a.m.** on **July 8, 2004**[4] in the Bankruptcy Courtroom, Room 117, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to reduce, modify, or disallow Easy Credit Finance Co.'s claim.

If you do not file and serve a response on or before **July 1, 2004**, the Court may decide you do not oppose the relief requested by Trustee Smith and may enter an order granting that relief following the hearing.

Dated May 22, 2004.

_____
Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Southern Division cases. Use the form provided at Appendix 14 for Northern, Central, and Western Division cases.

[3] For the date by which a response must be filed, use a date at least 30 days (33 days for service by mail) after service of the notice and objection.

[4] A hearing must be scheduled on all objections to proofs of claim. Contact the scheduling deputy (605-224-1142) to obtain a date and time.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	TRUSTEE'S MOTION TO
	)	SHORTEN NOTICE OF TRUSTEE'S
	)	MOTION TO APPROVE SALE OF
Debtor.	)	PERISHABLE GOODS

In support of his Motion to Shorten Notice of his Motion to Approve Sale of Perishable Goods, Trustee S. Samuel Smith states that:

(1) Trustee has filed a Motion to Approve Sale of Perishable Goods ("Motion"), which if approved, will net $250.00 for the bankruptcy estate.

(2) Trustee asks that notice of his Motion be shortened and that a deadline of May 3, 2004 be set for objecting to his Motion, for the following reason(s):

(a) Debtor has listed certain perishable goods on her Schedule B.

(b) Trustee has located a buyer who is willing to purchase these goods, provided they can be delivered to her no later than May 4, 2004.

(c) If the goods are not sold by that date, they will spoil and have no value to the estate.

Wherefore, Trustee respectfully requests that the Court enter an order setting May 3, 2004 as the deadline for objecting to his Motion.

Dated: April 27, 2004

_____

Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	TRUSTEE'S MOTION TO LIMIT
	)	NOTICE OF TRUSTEE'S MOTION
Debtor.	)	TO APPROVE SALE OF CAR

In support of his Motion to Limit Notice of his Motion to Approve Sale of Car, Trustee S. Samuel Smith states that:

(1) Trustee has filed a Motion to Approve Sale of Car ("Motion"), which if approved, will net $250.00 for the bankruptcy estate.

(2) Trustee asks that notice of his Motion be limited to parties in interest and those creditors who have timely filed proofs of claim, for the following reasons:

(a) Debtor has listed 250 creditors on her schedules. If notice is not limited in the manner requested, the costs of reproducing ($.10 X 250 creditors) and mailing ($.37 X 250 creditors) notice of Trustee's motion will reduce the amount available for distribution to creditors to $140.00.

(b) The interests of those creditors who have not filed notices of appearance or proofs of claim will be adequately represented by the parties to whom Trustee wishes to limit notice.

Wherefore, Trustee respectfully requests that the Court enter an order limiting notice of Trustee's Motion to parties in interest and those creditors who have timely filed proofs of claim.

Dated: February 27, 2004

_____

Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	ORDER LIMITING NOTICE
	)	ON TRUSTEE'S MOTION
Debtor.	)	TO APPROVE SALE OF CAR

Upon consideration of Trustee S. Samuel Smith's Motion to Limit Notice on Motion to Approve Sale of Car, filed by Trustee Smith on March 1, 2004, and for cause shown,

IT IS HEREBY ORDERED that notice of Trustee Smith's Motion to Approve Sale of Car shall be limited to parties in interest and those creditors who have timely filed proofs of claim.

So ordered this 1st day of March, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	DISCLOSURE OF COMPENSATION
	)	
Debtor.	)	

1. Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and LBR 2016-1(a), I declare that within one year of the filing of the petition herein I have been paid[2] the following compensation by Debtor[3] for services rendered or to be rendered in contemplation of or in connection with the case.

(a) Legal Fees:		$_____
(b) Sales Tax, Filing Fee, Other Costs:	+	$_____
(c) Total:	=	$_____[4]

2. In return for the compensation set forth in ¶ 1(c) above, I have rendered or have agreed to render the following legal services (check all that apply):

- ❏ analyzing the debtor's financial situation and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- ❏ preparing and filing the debtor's petition, schedules, and statement of financial affairs; and
- ❏ representing the debtor at the meeting of creditors.[5]

3. I have not shared or agreed to share my fees with anyone who is not a member or an associate of my law firm.[6]

Dated: February 6, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE COMMENTS ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] In a chapter 7 case, fees for services rendered or to be rendered through the § 341 meeting of creditors must be paid in full before the petition is filed. In a chapter 11, 12, or 13 case, add "or have agreed to be paid," if necessary.

[3] If someone other than the debtor has paid (or in a chapter 11, 12, or 13 case, will pay) the fees, substitute that person's name for the debtor's.

[4] In a chapter 11, 12, or 13 case, add the following lines, if necessary.

(d) I have received:	–	$_____
(e) I am still owed:	=	$_____

[5] In a chapter 11, 12, or 13 case, modify the form to list the other services to be performed, *e.g.*, preparing and filing the plan and representing the debtor through confirmation of a plan.

[6] If there is a fee sharing agreement, revise ¶ 3 to read, "I have shared or have agreed to share my fees with [name], who is not a member or associate of my law firm." If the fee sharing agreement has been reduced to writing, add "I have attached a copy of our agreement."

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	SUPPLEMENTAL
	)	DISCLOSURE OF COMPENSATION
Debtor.	)	

Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and LBR 2016-1(a), I declare that since the filing of my Disclosure of Compensation or last Supplemental Disclosure of Compensation on _____, my fee arrangement with Debtor has changed as follows:[2]

Debtor has paid me $125.00 to prepare and file a motion to discharge judgments voided in bankruptcy.

Debtor has agreed to pay me $125.00 per hour plus actual expenses to represent her in a nondischargeability action filed by her former spouse.

Dated: March 6, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] List **all** changes since original disclosure of compensation or most recent supplemental disclosure of compensation, including additional services rendered or to be rendered and payments received or to be received.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-10000
	)	Chapter 13
SHEEZA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	ORDER APPROVING
	)	APPLICATION FOR COMPENSATION
Debtor.	)	FOR DEBTOR'S ATTORNEY

Upon consideration of the Application for Compensation and Reimbursement of Expenses, filed by Joseph J. Jones on April 1, 2004, and the record before the Court, and it appearing that no timely objection thereto was timely filed, and for cause shown,

IT IS HEREBY ORDERED that Attorney Jones is awarded $2,000.00 for compensation, $380.00 for reimbursement of expenses, and $120.00 for applicable sales tax, for a total award of $2,500.00. Against this total, Attorney Jones's $1,000.00 retainer shall be applied. The remaining balance of $1,500.00 shall be paid by Trustee Dale A. Wein pursuant to the terms of Debtor's confirmed plan.

So ordered this _____ day of May, 2004.

BY THE COURT:

_____
Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 13
WADE G. EARNER,	)	
Soc. Sec. No. XXX-XX-4321,[1]	)	Plan Dated April 1, 2004[2]
	)	
Debtor.	)	

1. **Payments by Debtor to Trustee**: Debtor will pay the Trustee $500.00 per month for 36 months (the "plan term"), for a total of $18,000. Debtor will make the first payment on May 1, 2004 and the last payment on April 1, 2007.

2. **Payments by Trustee to Creditors**: After deducting his 10% fee, the Trustee will make the following payments, beginning the first month following confirmation of this plan (month "1"):

a. **Priority Claims**:

Creditor	Claim	Int.	Pymnt.	Mos.	Total
Boyd R. Dee, Esq.	$1,060.00	0%	$106.00	1-10	$1,060.00
Internal Revenue Service	$5,000.00	8%	$156.69	1-36	$5,640.84

b. **Secured Claims in Default**:

Creditor	Default	Int.	Pymnt.	Mos.	Total
E-Z Finance Co.	$500.00	18%	$18.08	1-36	$650.88

In addition, Debtor will make the regular payments on secured claims in default that come due after the date the petition was filed. Each secured creditor whose claim is in default will retain its lien until its secured claim is paid in full.

c. **Other Secured Claims**:

Creditor	Claim	Int.	Pymnt.	Mos.	Total
E-Z-R Finance Co.	$5,000.00	12%	$71.74	1-36	$2,582.64
E-Z-Est Finance Co.	$1,000.00	8%	$31.34	1-36	$1,128.24

At the end of the plan term, Debtor will pay the balance remaining on any of these secured claims by continuing to make the payment listed above until the secured claim has been paid in full. Each secured creditor will retain its lien until its secured claim is paid in full.

d. **Unsecured Claims**: After making the payments to priority and secured creditors described above, the Trustee will distribute the balance of the payments made by the Debtor to the holders of timely-filed unsecured claims. If all unsecured creditors known to Debtor timely file proofs of claim, each unsecured creditor will be paid approximately 51.37% of its claim.

3. **Direct Payment of Unimpaired Claims:** Debtor will make all required payments on the following unimpaired claim(s) until paid in full according to the terms of the original agreement(s) between Debtor and the creditor(s).

Creditor	Claim	Pymnt.	Frequency
E-Z-Estier Finance Co.	$10,000.00	$500.00	Monthly

These payments will be made DIRECTLY to the creditor, not to the Trustee, and will not be subject to the Trustee's supervision or control. The creditor will receive no payment in any amount from the Trustee on account of this claim.[3]

4. **Disbursements by Trustee.** The Trustee shall disburse available funds first to all scheduled installments in the following order: administrative expenses, including attorney fees, unsecured priority claims, and secured claims. Thereafter, the Trustee shall disburse available funds to claims without installment payment schedules in the following order: administrative expenses, including attorney fees, unsecured priority claims, and unsecured non-priority claims.[4]

5. **Other provisions:** None.[5]

6. **Disposable Income:** If the Trustee or an unsecured creditor objects to confirmation of this plan,[6] all of the debtor's disposable income to be received in the three-year period beginning on May 1, 2004 will be applied to make payments under this plan.[7]

7. **Attachments:** Attached hereto and incorporated herein by reference is a liquidation analysis that demonstrates that creditors will receive as much or more than they would if Debtor's non-exempt assets were liquidated in a chapter 7 bankruptcy.[8]

Dated: April 1, 2004.

_____
Wade G. Earner

_____
Boyd R. Dee, Esq.
P.O. Box "X"
Justice, SD 57000-0000
Tele: (605) 555-6666
Fax: (605) 555-6667

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Do **not** repeat the chapter number or use the word "Debtor" or "Debtor's" in the title. If the plan has been modified, the proper title is "Modified Plan dated [date]," **regardless of the number of times it has been modified**. Do **not** include "Second," "Third," etc.

[3] Clearly identify all creditors whose claims are to be paid directly by the debtor, whether the claim relates to a home mortgage, a contract for deed, an automobile loan or lease, or some other type of debt. If there are no creditors whose claims are to be paid directly by the debtor, delete this paragraph and renumber the remaining paragraphs accordingly.

[4] In chapter 13 only. In chapter 12, delete this paragraph and renumber remaining paragraphs accordingly.

[5] *See* 11 U.S.C. §§ 1222(b) or 1322(b) for a non-inclusive list of possible "other provisions", including assumption or rejection of executory contracts. Include in this paragraph (¶ 5) the maximum amount, terms, and lender for any planned borrowing in the ordinary course of business during the plan term.

[6] Because standing trustees routinely object to confirmation of any plan that neither proposes to pay all unsecured creditors in full nor offers disposable income, the debtor may wish to consider avoiding such an objection by deleting "If the Trustee or an unsecured creditor objects to confirmation of this plan" and offering disposable income from the start.

[7] *See* 11 U.S.C. §§ 1225(b) or 1322(b) for determination of disposable income period.

[8] If the debtor is engaged in business (including farming), add *"a statement of Debtor's income and expenses for the past 12 months, and a projection of Debtor's income and expenses during the plan term"*.

Appendix 23 **Sample Notice of Confirmation Hearing (Telephonic) (Chapter 12)**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-50000
	)	Chapter 12
PHIL N. DeBLANQUE,	)	
Soc. Sec. No. XXX-XX-1212,[1]	)	NOTICE OF
	)	CONFIRMATION HEARING
Debtor.	)	(TELEPHONIC)[2]

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 224-6013.

The Court will hold a telephonic hearing at **9:00 a.m. Central Time** on **May 11, 2004**[6] to decide whether to confirm Debtor's plan.[3] If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at that time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[2] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Northern, Central, and Western Division chapter 12 cases. Use the form provided at Appendix 24 for Southern Division cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-40000
	)	Chapter 12
PHIL N. DeBLANQUE,[1]	)	
Soc. Sec. No. XXX-XX-1212,	)	NOTICE OF
	)	CONFIRMATION HEARING[2]
Debtor.	)	

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 400 S. Phillips Ave., Room 104, Sioux Falls, SD 57104-6851. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 330-4541.

The Court will hold a hearing at **9:00 a.m.** on **May 5, 2004**[6] in the Bankruptcy Courtroom, Room 117, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to confirm Debtor's plan.[3]

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[3] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form Southern Division chapter 12 cases. Use the form provided at Appendix 23 for Northern, Central, and Western Division chapter 12 cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 12
IMA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1212,[1]	)	ORDER CONFIRMING PLAN[2]
	)	
Debtor.	)	

The matter before the Court is the confirmation of Debtor's [*modified*] plan dated March 1, 2004. A hearing was held on April 1, 2004. Appearances included Trustee John S. Lovald, H. Lewis Dewey for Debtor, and Thurston Howell III for First National Bank. Testimony in support of the plan was received from Debtor Ima Debtor. In recognition of and compliance with the findings and conclusions entered on the record,

IT IS HEREBY ORDERED THAT Debtor's plan dated March 1, 2004 is confirmed.[3]

IT IS HEREBY FURTHER ORDERED THAT Debtor shall make her first payment under the plan on May 1, 2004 and her last payment under the plan on April 1, 2001.

IT IS HEREBY FURTHER ORDERED THAT all of Debtor's disposable income to be received in the three-year period [*or such longer period as may be ordered by the Court under 11 U.S.C. § 1222(c)*] beginning on May 1, 2004 shall be applied to make payments under her plan, as provided by 11 U.S.C. § 1225(b).[4]

So ordered this 1st day of April, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] The title remains the same, **regardless of whether the original or a modified plan is confirmed**, and **regardless of whether the Court orders the debtor to file a Plan as Confirmed**. Only the content of the order changes if a Plan as Confirmed is filed, as explained in Committee Note 2 below.

[3] Use the language in the second paragraph if the plan is confirmed without changes. If the plan is confirmed with minor changes and the Court determines that a "plan as confirmed" need not be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the following clarifications . . ." If the Court determines that a "plan as confirmed" must be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed filed simultaneously with this Order."

[4] The language in the fourth paragraph is required if the debtor has offered in the plan to pay disposable income pursuant to 11 U.S.C. § 1225 OR if unsecured creditors are not being paid in full under the plan and the trustee or an unsecured creditor objects to confirmation. *See* 11 U.S.C. § 1225(b).

Appendix 26 **Sample Notice of Confirmation Hearing (Telephonic) (Chapter 13)**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-50000
	)	Chapter 13
T.O. MORROW,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	NOTICE OF
	)	CONFIRMATION HEARING
Debtor.	)	(TELEPHONIC)[2]

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 224-6013.

The Court will hold a telephonic hearing at **9:00 a.m. Central Time** on **May 11, 2004**[6] to decide whether to confirm Debtor's plan.[3] If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at that time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[3] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Northern, Central, and Western Division chapter 13 cases. Use the form provided at Appendix 27 for Southern Division chapter 13 cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-40000
	)	Chapter 13
T.O. MORROW,[1]	)	
Soc. Sec. No. XXX-XX-1313,	)	NOTICE OF
	)	CONFIRMATION HEARING[2]
Debtor.	)	

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 400 S. Phillips Ave., Room 104, Sioux Falls, SD 57104-6851. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 330-4541.

The Court will hold a hearing at **9:00 a.m.** on **May 5, 2004**[6] in the Bankruptcy Courtroom, Room 117, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to confirm Debtor's plan.[3]

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[3] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form Southern Division chapter 13 cases. Use the form provided at Appendix 26 for Northern, Central, and Western Division chapter 13 cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 13
SHEEZA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	ORDER CONFIRMING PLAN[2]
	)	
Debtor.	)	

The matter before the Court is the confirmation of Debtor's [*modified*] plan dated March 1, 2004. A hearing was held on April 1, 2004. Appearances included Trustee Dale A. Wein, H. Lewis Dewey for Debtor, and Thurston Howell III for First National Bank. In recognition of and compliance with the findings and conclusions entered on the record,

IT IS HEREBY ORDERED THAT Debtor's plan dated March 1, 2004 is confirmed.[3]

IT IS HEREBY FURTHER ORDERED THAT Debtor shall make her first payment under the plan on May 1, 2004 and her last payment under the plan on April 1, 2007.

IT IS HEREBY FURTHER ORDERED THAT all of Debtor's disposable income to be received in the three-year period [*or such longer period as may be ordered by the Court pursuant to the agreement of the parties*] beginning on May 1, 2004 shall be applied to make payments under her plan, as provided by 11 U.S.C. § 1325(b).[4]

So ordered this 1st day of April, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] The title remains the same, **regardless of whether the original or a modified plan is confirmed**, and **regardless of whether the Court orders the debtor to file a Plan as Confirmed**. Only the content of the order changes if a Plan as Confirmed is filed, as explained in Committee Note 2 below.

[3] Use the language in the second paragraph if the plan is confirmed without changes. If the plan is confirmed with minor changes and the Court determines that a "plan as confirmed" need not be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the following clarifications . . ." If the Court determines that a "plan as confirmed" must be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed filed simultaneously with this Order."

[4] The language in the fourth paragraph is required if the debtor has offered in the plan to pay disposable income pursuant to 11 U.S.C. § 1325 OR if unsecured creditors are not being paid in full under the plan and the trustee or an unsecured creditor objects to confirmation. *See* 11 U.S.C. § 1325(b).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 12
IMA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1212,[1]	)	NOTICE OF FILING FINAL
	)	REPORT AND FINAL ACCOUNT
Debtor.	)	

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed with the Court and served on the chapter 12 trustee a final report and final account.

Debtor believes she has completed all payments under the plan, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(10).

Any party objecting to entry of discharge on the grounds that Debtor has failed to complete all plan payments, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(10), shall file a motion to dismiss on or before July 7, 2004.[2]

If no party timely files a motion to dismiss for failure to complete all plan payments, discharge shall be entered.

Dated: June 2, 2004

_____

C.K. Oddson, Esq.
P.O. Box 12
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1213

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use date that is 30 days after service of the notice (33 days if served by mail).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	DEBTOR'S MOTION TO AVOID LIEN
	)	PURSUANT TO 11 U.S.C. § 522(f)
Debtor.	)	

In support of her motion to avoid lien pursuant to 11 U.S.C. § 522(f), Debtor states that:

(1) Debtor owns a Westinghouse refrigerator and a Panasonic microwave, which are held primarily for the personal, family, or household use of Debtor and which have a fair market value of $1,000.00.

(2) Debtor has claimed the property described in ¶ (1) exempt pursuant to S.D.C.L. § 43-45-4.

(3) Easy Credit Finance Co., Inc. holds a nonpossessory, nonpurchase money security interest in the property described in ¶ 1 to secure Debtor's repayment of the sum of $250.00.[2]

(4) Sears holds a purchase money security interest in the property described in ¶ 1.[3]

(5) The lien described in ¶ 3 impairs Debtor's claimed exemption:

Value of Debtor's interest:	$1,000.00
Amount of lien to be avoided:[2]	$ 250.00
Amount of all other liens:[3]	$ 500.00
Debtor's allowed exemption:	$ 300.00
Impairment:	$ 50.00

WHEREFORE, Debtor respectfully requests that the Court enter an order avoiding Easy Credit Co., Inc.'s lien against Debtor's appliances to the extent it impairs Debtor's claimed exemption.

Dated: May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If more than one lien is to be avoided, describe the additional lienholder(s) and lien(s) in ¶ 3 **and** include the **total** amount of the lien(s) to be avoided on the appropriate line in ¶ 5.

[3] If there are liens that will not (cannot) be avoided, describe the lienholder(s) and lien(s) in ¶ 4 **and** include the **total** amount of the lien(s) that will not (cannot) be avoided on the appropriate line in ¶ 5.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF MOTION TO AVOID LIEN
	)	PURSUANT TO 11 U.S.C. § 522(f)
Debtor.	)	

TO ALL PARTIES IN INTEREST:

Debtor Jane A. Anonymous has filed papers with the Court to avoid Easy Credit Finance Co. Inc.'s lien against her appliances. **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to avoid Easy Credit Finance Co. Inc.'s lien, then by June 4, 2004,[2] you or your attorney must file with the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501,[2] a typewritten response explaining your position. You may mail your response to the Clerk, but if you do, you must mail it early enough to ensure the Clerk receives it by this date. You or your attorney must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk at (605) 224-6013.[3]

If you file and serve a response by the date stated above, the Court will schedule a hearing, if needed, and give you written notice of the date, time, and location of that hearing. Otherwise, the Court may decide that you do not oppose the relief requested by Debtor and may enter an order granting that relief without holding a hearing.

Dated May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] For the date by which a response must be filed, use a date at least 13 days after service of the motion and notice.

[3] For the Clerk's address and phone number, use the Clerk's Sioux Falls address and phone number for Southern Division cases and the Clerk's Pierre address and phone number for Northern, Central, and Western Division cases.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,	)	ORDER AVOIDING LIEN
	)	
Debtor.	)	

Upon consideration of Debtor's Motion for Order Avoiding Lien Pursuant to 11 U.S.C. § 522(f), filed by Debtor on May 22, 2004, and the record before the Court, and it appearing that no timely objection to the Motion has been filed,

IT IS HEREBY ORDERED that Easy Finance Co., Inc.'s nonpossessory, nonpurchase money security interest in Debtor's appliances is avoided.

So ordered this 17th day of June, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	REAFFIRMATION AGREEMENT
	)	AND DECLARATION OF ATTORNEY
Debtor.	)	(SECURED DEBT)[2]

1. Debtor Jane A. Anonymous and Creditor Eighth National Bank agree that Debtor reaffirms the debt she owes to Creditor.[3]

2. This debt is secured by a lien against Debtor's 1975 AMC Gremlin. Debtor and Creditor agree this property is worth $1,550.00.

3. Debtor agrees to pay Creditor principal of $1,550.00[4] and interest at the rate of 12% per year. Interest will begin to accrue on September 1, 2004. Debtor will make 36 monthly payments of $51.50, for a total of $1,854.00. Debtor's first payment will be due on October 1, 2004.[5] The principal amount does not include any attorney fees or other costs incurred by the Creditor.[6]

4. The parties' original note and security agreement dated April 1, 2003 are:

- ☐ unchanged.
- ☒ changed as follows: The amount owed has been reduced to the value of the collateral. The monthly payment has been reduced by $49.50. The term has been extended 12 months.

5. This agreement may be rescinded at any time prior to discharge or within 60 days after it is filed with the Court, whichever occurs later, by giving written notice of rescission to Creditor at the address set forth below.

6. Reaffirmation of this debt is not required under the Bankruptcy Code, under nonbankruptcy law, or under any agreement not in accordance with the provisions of 11 U.S.C. § 524(c).

Dated: September 4, 2004

_____
Jane A. Anonymous

Dated: September 1, 2004

_____
Guy N.A. Greysoot
Eighth National Bank

Appendix 33 (cont'd)

DECLARATION OF ATTORNEY[7]

I declare under penalty of perjury that I have represented Debtor Jane A. Anonymous in connection with this agreement, that this agreement represents a fully informed and voluntary agreement by Debtor, that this agreement does not impose an undue hardship on Debtor or a dependent of Debtor, and that I have fully advised Debtor of the legal effect and consequences of this agreement and any default under it.

Dated: September 4, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the debt being reaffirmed is unsecured, *see* Appendix 34. **This form is intended to comply with 11 U.S.C. § 524(c). No representation is made that it complies with nonbankruptcy law regarding the extension of credit, including specifically the Truth in Lending Act, 15 U.S.C. § 1601 et seq.**

[3] If the debt being reaffirmed was not listed on the debtor's Statement of Intention, the debtor should file an amended Statement of Intention with the reaffirmation agreement. Refer to Local Bankruptcy Rule 1009-3 for guidance on amending a Statement of Intention.

[4] If the principal amount being reaffirmed is greater than the value of the property (per ¶ 2), include an explanation of why the debtor wishes to reaffirm the unsecured balance in a separately numbered paragraph 4 (and renumber ¶¶ 4, 5, and 6), e.g., "Debtor wishes to reaffirm this undersecured debt because her mother has personally guaranteed it (or the debt may be nondischargeable, the creditor will extend the debtor new credit, the debtor wishes to protect a co-debtor, etc.)."

[5] Include the principal amount being reaffirmed, the interest rate, the number, frequency, and amount of payments, the total sum to be paid, and the date of the first payment.

[6] If the principal amount being reaffirmed includes attorney fees or other costs, the last sentence of ¶ 3 should be changed to: "The principal amount includes attorney fees of $_____ and costs of $_____ incurred by Creditor."

[7] Omit the Declaration of Attorney if the debtor is not represented by an attorney.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	REAFFIRMATION AGREEMENT
	)	AND DECLARATION OF ATTORNEY
Debtor.	)	(UNSECURED DEBT)[2]

1. Debtor Jane A. Anonymous and Creditor Eighth National Bank agree that Debtor reaffirms the debt she owes to Creditor.[3]

2. This debt is unsecured.

3. Debtor agrees to pay Creditor principal of $1,550.00, plus interest at the rate of 12% per year. Interest will begin to accrue on September 1, 2004. Debtor will make 36 monthly payments of $51.50, for a total of $1,854.00. Debtor's first payment will be due on October 1, 2004.[4] This amount does not include any attorney fees or other costs incurred by the Creditor.[5]

4. Debtor wishes to reaffirm this unsecured debt because her mother has personally guaranteed it.[6]

5. This agreement may be rescinded at any time prior to discharge or within 60 days after it is filed with the Court, whichever occurs later, by giving written notice of rescission to Creditor at the address set forth below.

6. Reaffirmation of this debt is not required under the Bankruptcy Code, under nonbankruptcy law, or under any agreement not in accordance with the provisions of 11 U.S.C. § 524(c).

Dated: September 4, 2004

_____
Jane A. Anonymous

Dated: September 1, 2004

_____
Guy N.A. Greysoot
Eighth National Bank

Appendix 34 (cont'd)

DECLARATION OF ATTORNEY[7]

I declare under penalty of perjury that I have represented Debtor Jane A. Anonymous in connection with this agreement, that this agreement represents a fully informed and voluntary agreement by Debtor, that this agreement does not impose an undue hardship on Debtor or a dependent of Debtor, and that I have fully advised Debtor of the legal effect and consequences of this agreement and any default under it.

Dated: September 4, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the debt being reaffirmed is secured, *see* Appendix 33. **This form is intended to comply with 11 U.S.C. § 524(c). No representation is made that it complies with nonbankruptcy law regarding the extension of credit, including specifically the Truth in Lending Act, 15 U.S.C. § 1601 et seq.**

[3] If the debt being reaffirmed was not listed on the debtor's Statement of Intention, the debtor should file an amended Statement of Intention with the reaffirmation agreement. Refer to Local Bankruptcy Rule 1009-3 for guidance on amending a Statement of Intention.

[4] Include the principal amount being reaffirmed, the interest rate, the number, frequency, and amount of payments, the total sum to be paid, and the date of the first payment.

[5] If the principal amount being reaffirmed includes attorney fees and/or other costs, the last sentence of ¶ 2 should be changed to: "The principal amount includes attorney fees of $_____ and costs of $_____ incurred by Creditor."

[6] Include an explanation of why the debtor wishes to reaffirm an unsecured debt (e.g., the debt may be nondischargeable, the creditor will extend the debtor new credit, the debtor wishes to protect a co-debtor, etc.).

[7] Omit the Declaration of Attorney if the debtor is not represented by an attorney.

CHECKLIST FOR MOTIONS FOR ORDER DIRECTING CLERK OF COURT TO DISCHARGE JUDGMENTS VOIDED IN BANKRUPTCY

❑ **Only judgments against the bankruptcy debtor(s) may be listed in the motion and proposed order.** Although a judgment may have been entered against a bankruptcy debtor and a formal business entity, spouse or former spouse, or other associate or family member, only the judgment against the bankruptcy debtor(s) may be included in the motion and proposed order. An order under S.D.C.L. § 15-16-20 has no effect on the judgment against any other person or entity against whom the judgment was entered.

❑ **All judgment creditors listed in the motion were scheduled and received notice of the bankruptcy case before the discharge was entered.** If the judgment creditor was not scheduled and did not receive the Notice of Commencement of Case from the Bankruptcy Clerk before the discharge was entered and if the case was a no-asset Chapter 7 case, the debtor must obtain a voluntary waiver of notice from the judgment creditor and attach it to the motion or the debtor must commence an adversary proceeding under § 523(a)(3) seeking a declaration that the unscheduled debt was nonetheless discharged.

❑ **All judgment listed in the motion represent a debt that was actually discharged.** Some debts/judgments are not automatically voided and may not be included in the motion. For a Chapter 7 case, these include, from § 523(a):

523(a)(1) - certain taxes;
523(a)(3) - certain debts not listed in the debtor's schedules;
523(a)(5) - family support debts;
523(a)(7) - fines and penalties to governmental units;
523(a)(8) - student loans (unless hardship declared by court through an adversary proceeding)
523(a)(9) - debts arising from death or injuries associated with a DWI;
523(a)(10) - debts declared non dischargeable in a previous bankruptcy;
523(a)(11) - certain insurance and bank related judgments or orders;
523(a)(12) - certain FDIC related obligations;
523(a)(13) - criminal restitution obligations from federal crimes;
523(a)(14) - debts incurred to pay non dischargeable taxes;
523(a)(16) - certain co-op or condo fees;
523(a)(17) - certain federal court or prisoner costs and expenses; and
523(a)(18) - family support payments owed to a state.

CHECKLIST CONTINUED ON FOLLOWING PAGE

For certain other judgments/debts to be declared non dischargeable, the creditor must timely seek and obtain a judgment of non dischargeability from the Bankruptcy Court. If a non dischargeability adversary proceeding has not been timely filed under the following four subsections of § 523(a), the debtor's motion to discharge judgments may include judgment of this nature:

523(a)(2) - fraud based debts;
523(a)(4) - debts arising from fraud or defalcation by a fiduciary or from larceny or embezzlement;
523(a)(6) - debts arising from willful and malicious injuries; and
523(a)(15) - certain property settlement debts arising from a divorce or formal separation.

In a Chapter 11 case for *an individual*, the debts listed under § 523 are excepted from discharge in the same manner as in a Chapter 7 case.

In a Chapter 12 case, the debts listed under § 523(a) are excepted from discharge in the same manner as in a Chapter 7 case. The other debts excluded from discharge in a Chapter 12 case are those long-term debts that are being paid beyond the plan term, as provided by § 1228(a), which incorporates §§ 1222(b)(5) and (9), and those debts not "provided for by the plan", as stated in § 1228(a). (Different statutes may apply if a hardship discharge is granted.)

In a Chapter 13 case, the only debts excepted from discharge are those listed under §§ 523(a)(5), (8), and (9); those for restitution, for a criminal fine, included in the sentence on the debtor's conviction of a crime, as provided by § 1328(a)(3); long term debts being paid beyond the plan term, as provided by § 1322(b)(5); and those debts not "provided for by the plan", as stated in § 1328(a). (Different statutes may apply if a hardship discharge is granted.)

❑ **All judgments were for pre-petition debts.** If a particular judgment was entered post-petition for a pre-petition debt, a motion under § 15-16-20 is still applicable. *See* 11 U.S.C. § 524(a)(1) (a discharge "voids any judgment at any time obtained"). However, the debtor will bear the burden, if necessary, of proving that the post-petition judgment included in the motion is actually for a pre-petition debt.

❑ **The form for the motion, notice, and proposed order set forth in the Local Bankruptcy Rules, Appendices 36, 37, and 38, have been followed.**

CHECKLIST CONTINUED ON FOLLOWING PAGE

- ❑ **The motion and proposed order list the name of each judgment holder, the civil number of the state court proceeding, the date (month, day, and year) the judgment was entered, and the amount of the judgment.** A motion under S.D.C.L. § 15-16-20 applies only to judgments entered by the circuit courts of the State of South Dakota. The Federal District Court for the District of South Dakota requires only a copy of the general discharge order to discharge a judgment on its books. Some other states also require only a copy of the general discharge order. Check with court officials or a bankruptcy attorney in a particular state to learn their local procedure, if any.

- ❑ **The motion and notice have been served on each judgment creditor and the creditor's attorney, if known.** Look to the schedules or mailing list in the Bankruptcy Court file and/or the county's judgment entry for the name of any attorney that represented the creditor.

  If the judgment creditor is now at an unknown address, state in the motion what efforts have been made to locate a current address.

  If judgment creditor is a business that no longer exists, state in the motion how that information is known.

  The debtor is no longer required to serve a motion to discharge judgments on the case trustee, the United States Trustee, the United States Attorney (unless the federal government is the judgment holder), or the county clerk of court. (The clerk of court will, of course, receive the order.)

Sample Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	DEBTOR'S MOTION FOR ORDER
	)	DIRECTING CLERK OF COURT
	)	TO DISCHARGE JUDGMENT
Debtor.	)	VOIDED IN BANKRUPTCY

In support of her motion for an order directing the Clerk of Court to discharge a judgment voided in bankruptcy, Debtor states that:

(1) When Debtor's petition was filed on February 3, 2004, the following [*or attached*] judgment had been rendered or transcripts thereof had been filed against Debtor:[2]

> Hazel's Dry Cleaning, judgment for $118.52, dated May 2, 2003, Civ. No. 03-03, Fifth Judicial Circuit , Brown County, South Dakota

(2) An Order discharging debts under 11 U.S.C. § 727(a) was entered on May 21, 2004.

(3) The judgment listed above has been voided pursuant to 11 U.S.C. § 524(a).

(4) Debtor did not own any non exempt real property on the petition date to which this judgment could attach, and the judgment listed does not represent and did not arise from the enforcement of a valid mechanic's lien, other statutory lien, or a consensual lien that attached to specific real property or personal property pre-petition.

WHEREFORE, Debtor hereby moves the Court for an Order specifying that the above-listed judgment has been voided in bankruptcy and directing the Clerk of Court in whose office such judgment has been rendered, or such transcript thereof has been filed, to enter said order in the judgment docket as provided by S.D.C.L. § 15-16-20.

Dated: May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTE

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] List **all** pre-petition judgments that have been voided. If an attachment is used, that attachment must include all required information regarding the judgment(s).

Appendix 37

Sample Notice of Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF MOTION FOR ORDER
	)	DIRECTING CLERK OF COURT
	)	TO DISCHARGE JUDGMENT
Debtor.	)	VOIDED IN BANKRUPTCY

TO ALL PARTIES IN INTEREST:

Debtor Jane A. Anonymous has filed papers with the Court to discharge Hazel's Dry Cleaning's judgment against her. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to discharge Hazel's Dry Cleaning's judgment, then by June 4, 2004,[2] you or your attorney must file with the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501,[3] a typewritten response explaining your position. You may mail your response to the Clerk, but if you do, you must mail it early enough to ensure the Clerk receives it by this date. You or your attorney must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk at (605) 224-6013.[3]

If you file and serve a response by the date stated above, the Court will schedule a hearing, if needed, and give you written notice of the date, time, and location of that hearing. Otherwise, the Court may decide that you do not oppose the relief requested by Debtor and may enter an order granting that relief without holding a hearing.

Dated: May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] For the date by which a response must be filed, use a date at least 13 days after service of the motion and notice.

[3] For the Clerk's address and phone number, use the Clerk's Sioux Falls address and phone number for Southern Division cases and the Clerk's Pierre address and phone number for Northern, Central, and Western Division cases.

Sample Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,	)	ORDER DIRECTING CLERK
	)	OF COURT TO DISCHARGE
Debtor.	)	JUDGMENT VOIDED IN BANKRUPTCY

Upon consideration of Debtor's Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy, filed by Debtor on May 22, 1987, and the record before the Court, and it appearing that no timely objection to the Motion has been filed,

IT IS HEREBY ORDERED that Debtor's personal liability under the following judgment has been voided in bankruptcy:

Hazel's Dry Cleaning, judgment for $118.52, dated May 2, 2003, Civ. No. 03-03, Fifth Judicial Circuit , Brown County, South Dakota

IT IS FURTHER ORDERED that pursuant to S.D.C.L. § 15-16-20 the Clerk of the Court in which the above judgment was rendered, or a transcript thereof has been filed, shall enter a certified copy of this Order in the Clerk's judgment docket.

IT IS FURTHER ORDERED that pursuant to S.D.C.L. § 15-16-20 said entries shall discharge Debtor from her personal liability under the judgment specified from and after the date of entry. Nothing in this Order shall affect any valid lien that attached to Debtor's property pre-petition.

So ordered this 17th day of June, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

✎AO 436 (Rev. 1/87)	Administrative Office of the United States Courts *Read Instructions on Next Page*	**RECORDING ORDER**

1. NAME	2. PHONE NUMBER	3. DATE	
4. MAILING ADDRESS	5. CITY	6. STATE	7. ZIP CODE

8. CASE NUMBER	9. CASE NAME	DATES OF PROCEEDINGS	
		10. FROM	11. TO
12. PRESIDING JUDICIAL OFFICER		LOCATION OF PROCEEDINGS	
		13. CITY	14. STATE

15. ORDER FOR ☐ APPEAL ☐ NON-APPEAL ☐ CRIMINAL ☐ CIVIL ☐ CRIMINAL JUSTICE ACT ☐ IN FORMA PAUPERIS ☐ BANKRUPTCY ☐ OTHER (Specify)

16. Recording REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which duplicate recording(s) are requested.)

PORTIONS	DATE(S)	PORTIONS(S)	DATE(S)
☐ VOIR DIRE		☐ TESTIMONY (specify witness)	
☐ OPENING STATEMENT (Pl.)			
☐ OPENING STATEMENT (Def.)			
☐ CLOSING ARGUMENT (Pl.)		☐ PRE-TRIAL PROCEEDING (specify)	
☐ CLOSING ARGUMENT (Def.)			
☐ OPINION OF COURT			
☐ JURY INSTRUCTIONS		☐ OTHER (Specify)	
☐ SENTENCING			
☐ BAIL HEARING			

17. ORDER	# CDs	# COPIES	COSTS
☐ DIGITALLY RECORDED COMPACT DISC			
CERTIFICATION (Nos. 18 & 19) By signing below, I certify that I will pay all charges (deposit plus additional) upon completion of the order.	ESTIMATE TOTAL		
18. SIGNATURE	19. DATE		

PROCESSED BY			PHONE NUMBER	
	DATE	BY		
ORDER RECEIVED			DEPOSIT PAID	
DEPOSIT PAID			TOTAL CHARGES	
RECORDING DUPLICATED			LESS DEPOSIT	
PARTY NOTIFIED TO PICK UP RECORDING			TOTAL REFUNDED	
PARTY RECEIVED RECORDING			TOTAL DUE	

(All previous editions of this form are cancelled and should be destroyed.)
DISTRIBUTION: COURT COPY ORDER RECEIPT ORDER COPY

SEE INSTRUCTIONS ON FOLLOWING PAGE

Appendix 39 (cont'd)

INSTRUCTIONS

Use. Use this form to order duplicate recordings of proceedings. Complete a separate order form for each case number for which recordings are ordered.

Completion. Complete Items 1-19.

Item 8 List only one case number per order.

Item 15 Place an "X" in each box that applies.

Item 16 Check specific portion(s) and list specific date(s) of proceedings for which copy is requested.

Item 17 Indicate number of copies ordered.

Item 18 Sign in this space to certify that you will pay all charges upon completion of the order. (This includes the deposit plus any additional charges.)

Item 19 Enter the date signed.

Do *not* complete shaded areas, which are reserved for the Court's use.

Order Copy. Keep a copy for your records.

Mailing or Delivering to the Court. Mail or deliver two copies to the Office of the Clerk of Court.

Deposit Fee. For orders of 20 or more recordings, the court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Deliver Time. Delivery time is computed from the date of receipt of the deposit fee (if requested, otherwise computed from the court's receipt date).

Completion of Order. The court will notify you when the recordings are completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

Order Form (Transcript)

✎AO 435 (Rev. 1/90)	Administrative Office of the United States Courts *Read Instructions on Next Page*	**TRANSCRIPT ORDER**	**DUE DATE:**
1. NAME		2. PHONE NUMBER	3. DATE
4. MAILING ADDRESS		5. CITY	6. STATE / 7. ZIP CODE
8. CASE NUMBER	9. JUDICIAL OFFICIAL	DATES OF PROCEEDINGS	
		10. FROM	11. TO
12. CASE NAME		LOCATION OF PROCEEDINGS	
		13. CITY	14. STATE

15. ORDER FOR ☐ APPEAL ☐ CRIMINAL ☐ CRIMINAL JUSTICE ACT ☐ BANKRUPTCY ☐ NON-APPEAL ☐ CIVIL ☐ IN FORMA PAUPERIS ☐ OTHER (Specify)

16. TAPE REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested.)

PORTIONS	DATE(S)	PORTIONS(S)	DATE(S)
☐ VOIR DIRE		☐ TESTIMONY (specify witness)	
☐ OPENING STATEMENT (Pl.)			
☐ OPENING STATEMENT (Def.)			
☐ CLOSING ARGUMENT (Pl.)		☐ PRE-TRIAL PROCEEDING (specify)	
☐ CLOSING ARGUMENT (Def.)			
☐ OPINION OF COURT			
☐ JURY INSTRUCTIONS		☐ OTHER (Specify)	
☐ SENTENCING			
☐ BAIL HEARING			

17. ORDER

CATEGORY	ORIGINAL*	FIRST COPY	ADD'L COPIES	NO. OF PAGES ESTIMATE	COSTS
ORDINARY	☐	☐	No. ____		
EXPEDITED	☐	☐	No. ____		
DAILY	☐	☐	No. ____		
HOURLY	☐	☐	No. ____		
CERTIFICATION (Nos. 18 & 19) By signing below, I certify that I will pay all charges (deposit plus additional).				ESTIMATE TOTAL	
18. SIGNATURE				PROCESSED BY	
19. DATE				PHONE NUMBER	
TRANSCRIPT TO BE PREPARED BY				COURT ADDRESS	
	DATE	BY			
ORDER RECEIVED				DEPOSIT PAID	
DEPOSIT PAID				TOTAL CHARGES	
TRANSCRIPT ORDERED				LESS DEPOSIT	
PARTY NOT'D TO PICK UP TRANSCRIPT				TOTAL REFUNDED	
PARTY RECEIVED TRANSCRIPT				TOTAL DUE	

* Includes free copy for the Court. (Previous editions of this form may still be used.)

DISTRIBUTION: COURT COPY TRANSCRIPTION COPY ORDER RECEIPT ORDER COPY

SEE INSTRUCTIONS ON FOLLOWING PAGE

INSTRUCTIONS

Use. Use this form to order transcript of proceedings. Complete a separate order form for each case number for which transcript is ordered.

Completion. Complete Items 1-19.

Item 8 Enter only one case number per order.

Item 15 Place an "X" in each box that applies.

Item 16 Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of transcript as are needed.

Item 17 **Categories.** Only four (4) categories of transcripts may be ordered:

Ordinary. A transcript to be delivered within thirty (30) calendar days after receipt of an order. (Order is considered received upon receipt of the deposit.)

Expedited. A transcript to be delivered within seven (7) calendar days after receipt of an order.

Daily. A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.

Hourly. A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

NOTE: Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary *delivery* rate.

INSTRUCTIONS CONTINUED ON FOLLOWING PAGE

Ordering. Place an "X" in each box that applies. Indicate the number of additional copies ordered.

Original. Original typing of the transcript. An original must be ordered and prepared prior to the availability of copies. The original fee is charged only once. The fee for the original includes the free copy for the court.

First Copy. First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

Additional Copies. All other copies of the transcript ordered by the same party.

Item 18 Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

Item 19 Enter the date signed

Do *not* complete shaded areas which are reserved for the court's use.

Order Copy. Keep a copy for your records.

Mailing or Delivering to the Court. Mail or deliver the original, and two copies to the Clerk of Court.

Deposit Fee. The court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Deliver Time. Delivery time is computed from the date of receipt of the deposit fee.

Completion of Order. The court will notify you when the transcript is completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-50000
	)	Chapter 13
JOHN ANDREW DOE,	)	
Soc. Sec. No. XXX-XX-4321,[1]	)	TOWN BANK'S
	)	OBJECTION TO PLAN
Debtor.	)	

Town Bank, a secured creditor, objects to confirmation of Debtor's proposed Chapter 13 plan dated February 3, 2004 on the following grounds . . .

Wherefore, Town Bank respectfully requests that confirmation of Debtor's proposed plan dated February 3, 2004 be denied.

Dated: February 5, 2004.

_____
Joseph J. Jones, Jr., Esq.
201 Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5550
Fax: 605/555-5551

Certificate of Service

I, Joseph J. Jones, Jr., do hereby certify that on the 5th day of February, 2004, I caused copies of the foregoing OBJECTION TO PLAN to be served upon:

[list names and addresses of parties served here]

by depositing copies of the same in an envelope securely sealed and with first class postage fully prepaid thereon in the United States Mail at Justice, South Dakota, and addressed to the above-named persons at the foregoing addresses, the same being the last known addresses of those persons.

_____
Joseph J. Jones, Jr., Esq.

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA
Northern Division

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	CERTIFICATE OF SERVICE
	)	
Debtor.	)	

I hereby certify that on February 9, 2004, I served true copies of Debtor's Amendment to Schedule F and Notice of Amendment on the following parties by first-class mail, postage prepaid:

United States Trustee
230 S. Phillips Ave., Suite 502
Sioux Falls, SD 57104-6321

Hazel's Dry Cleaning
1802 Hanger Lane
Justice, SD 57000

Samuel S. Smith
Chapter 7 Trustee
P.O. Box "S"
Justice, SD 57000

Bud's Bar
1202 Tipsy Drive
Justice, SD 57000

_____
Leigh Gull-Assistant

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-10000
	)	Chapter 13
SHEEZA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	DEBTOR'S WITHDRAWAL
	)	OF OBJECTION TO E-Z CREDIT'S
Debtor.	)	MOTION FOR RELIEF FROM STAY[2]

Debtor hereby withdraws her Objection to E-Z Credit's Motion for Relief from Stay.[2]

Dated: April 2, 2004.

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Always include the complete description of the objection being withdrawn.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

Adversary: Easy Credit Finance Co., Inc. v. Anonymous
Adv. No.: 04-1000

Main Case: In re Jane A. Anonymous
Bankr. No.: 04-10000
Chapter: 7

Date of Trial: April 1, 2005

EXHIBIT LIST

Submitted by: Plaintiff Easy Credit Finance Co., Inc.
Attorney: William W. Williams

ID.	BRIEF DESCRIPTION	MARKED	OFFERED	OBJECTIO	ADMITTED	NOTES
1	Loan application					
2	Financial statement (Easy Credit)					
3	Financial statement (First National)					
4	Financial statement (Second National)					
5	Homeowner's policy					
6	Bankruptcy schedules/statements					
7	Statement of account					
8	Appraisal					
9	Police report (vandalism)					

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

Case Name: In re Jane A. Anonymous
Bankr. No.: 04-10000
Chapter: 7

Date of Hearing: April 1, 2005

EXHIBIT LIST

Submitted by Movant Easy Credit Finance Co., Inc.
Attorney: William W. Williams

ID.	BRIEF DESCRIPTION	MARKED	OFFERED	OBJECTIO	ADMITTED	NOTES
1	Purchase agreement					
2	Security agreement					
3	Financing statement					
4	Statement of account					
5	Notice of cancellation of insurance					
6	Appraisal					
7	Police report (vandalism)					

APPENDICES

1 Minimum Filing Requirements and Proper Sequence of Documents

2 Format for Mailing List of Creditors

3 Sample Mailing List of Creditors

4 "Trouble Sheet" for Mailing List of Creditors

5 Sample Amendment to Petition

6 Sample Notice of Amendment to Petition

7 Sample Combined Amendment to Petition and Notice of Amendment

8 Sample Amendment to Mailing List

9 Sample Amendment to Schedule or Statement

10 Sample Notice of Amendment to Schedule or Statement

11 Sample Combined Amendment to Schedule or Statement and Notice of Amendment

12 Designation of Divisions by County

13 Sample Notice of Motion

14 Sample Notice of Hearing on Objection to Claim (Telephonic)

15 Sample Notice of Hearing on Objection to Claim

16 Sample Motion to Shorten Notice

17 Sample Motion for Limited Notice

18 Sample Order Limiting Notice

19 Sample Disclosure of Compensation

20 Sample Supplemental Disclosure of Compensation

21 Sample Proposed Order Awarding Compensation

22 Sample Chapter 12 or Chapter 13 Plan

23 Sample Notice of Confirmation Hearing (Telephonic) (Chapter 12)

24 Sample Notice of Confirmation Hearing (Chapter 12)

25 Sample Order Confirming Plan (Chapter 12)

26 Sample Notice of Confirmation Hearing (Telephonic) (Chapter 13)

27 Sample Notice of Confirmation Hearing (Chapter 13)

28 Sample Order Confirming Plan (Chapter 13)

29 Sample Notice of Filing Final Report and Final Account

30 Sample Motion to Avoid Lien

31 Sample Notice of Motion to Avoid Lien

32 Sample Order Avoiding Lien

33 Sample Reaffirmation Agreement (Secured Debt)

34 Sample Reaffirmation Agreement (Unsecured Debt)

35 Checklist for Motions for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

36 Sample Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

37 Sample Notice of Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

38 Sample Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

39 Order Form (Recording)

40 Order Form (Transcript)

41 Sample Appended Certificate of Service

42 Sample Certificate of Service

43 Sample Statement of Withdrawal

44 Sample Exhibit Index (Adversary Proceeding)

45 Sample Exhibit Index (Contested Matter)

CHAPTER 7:

Due at filing:

_____ Petition (signed by attorney AND debtor(s), and if debtor is an individual with primarily consumer debts, Exhibit "B" signed by attorney)
_____ Statement of Social Security Number (individual debtors only)
_____ Mailing List of Creditors
_____ $209 Fee

Due within 15 days of petition:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H
_____ Schedules I J (individual debtors only)
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)

Due within 30 days of petition:

_____ Statement of Intention (individual debtors only)

LBR 1002-1 LBR 1007-2

Appendix 1 (cont'd)

CHAPTER 11:

Due at filing:

_____ Petition (signed by attorney AND debtor(s) and, if debtor is an individual with primarily consumer debts, Exhibit "B" signed by attorney)
_____ Exhibit "A" (corporate debtors only)
_____ Statement of Social Security Number (individual debtors only)
_____ Mailing List of Creditors
_____ List of Ten Largest Unsecured Creditors
_____ $839 Fee

Due before professional services are rendered:

_____ Application to Employ Professional

Due within 15 days of petition:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H I J
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)
_____ List of Equity Security Holders (corporate debtors only)

Due within 120 days of petition:

_____ Disclosure Statement and Plan

LBR 1002-1 LBR 1007-2

Appendix 1 (cont'd)

CHAPTER 12:

Due at filing:

_____ Petition (signed by attorney AND debtor(s))
_____ Statement of Social Security Number (individual debtors only)
_____ Mailing List of Creditors
_____ $239 Fee

Due before professional services are rendered:

_____ Application to Employ Professional

Due within 15 days of filing:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H I J
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)

Due within 90 days of filing:

_____ Plan

LBR 1002-1 **LBR 1007-2**

Appendix 1 (cont'd)

CHAPTER 13:

Due at filing:

_____ Petition (signed by attorney AND debtor(s), and if debtor is an individual with primarily consumer debts, Exhibit "B" signed by attorney)
_____ Statement of Social Security Number (individual debtors only)
_____ Mailing List of Creditors
_____ $194 Fee

Due within 15 days of filing:

_____ Attorney's Rule 2016(b) Statement of Compensation
_____ Summary of Schedules
_____ Schedules A B C D E F G H I J
_____ Declaration Concerning Debtor's Schedules
_____ Statement of Financial Affairs (with unsworn declaration)
_____ Plan

LBR 1002-1 **LBR 1007-2**

The mailing list of creditors uploaded into the Court's Case Management/Electronic Case Filing ("CM/ECF") system is used whenever notice must be given to creditors. To ensure the accuracy of the Court's records, the following guidelines must be strictly adhered to:

- **!** Type the list in a single column placed against the left margin (do **NOT** leave spaces to the left of the column **or** center the column).
- **!** Do **NOT** use all CAPITAL letters or **bold** or *italicized* print.
- **!** List creditors alphabetically.
- **!** Do **NOT** include the debtor(s), the attorney for the debtor(s), the U.S. Trustee or the case trustee (the Clerk will automatically add them);
- **!** Provide a full (*i.e.*, three- or four-line) address, unless a creditor has its own zip code (*e.g.*, Reader's Digest, Pleasantville, NY 10570).
- **!** Limit each creditor's name and address to six lines, single-spaced.
- **!** Limit each line of a name or address to 40 characters and/or spaces.
- **!** Place any attention line on the second line of the name/address block.
- **!** Use the correct postal abbreviation for each state (*e.g.*, SD for South Dakota).
- **!** Place the zip code on the last line of the name/address block. Type nine-digit zip codes with a hyphen separating the two groups of numbers (*e.g.*, 00000-0000).
- **!** Leave at least one blank line between each name/address block.
- **!** Avoid stray or extra marks on the list (*e.g.*, letterhead, dates, debtor's name, and page numbers).
- **!** Avoid the other problems highlighted on the "trouble sheet" at Appendix 4.
- **!** Save the mailing list in an ASCII file format with an appropriate text extension (*e.g.*, **.txt**).

Albert's Awnings
1515 Sunny Drive
Suite 333
Sioux Falls, SD 57101-0000

Bagel Barn
412 West Blvd.
Rapid City, SD 57121-0000

Camera Corner
Attn: Bud Smith
567 Snapshot Lane
Belle Fourche, SD 57717-0000

Credit Check Service
342 Center Drive
Pierre, SD 57501-0000

Dr. David Doctor
Suite 1212
5888 Merriman Road
Merriman, NE 66787-0000

Doug Flannery
RR 2, Box 12
Hastings, NE 68666-0000

Kite Flying, Ltd.
4098 Windy Hill Drive
Blunt, SD 57202-0000

Mom's Cookie Company
909 Sweet Treat Street
Aberdeen, SD 57896-0000

Pricey Paintings
7855 S New Money Lane
Sioux Falls, SD 57101-0000

In re Debtor, Inc.

← **PAGE TITLE**
Do not caption or otherwise "label" the mailing list.

ALBERT'S AWNINGS
1515 SUNNY DRIVE
SUITE 333
SIOUX FALLS, SD 57101

← **NOT LEFT-JUSTIFIED**
Names and addresses must be left-justified.

← **ALL UPPER CASE**
Use upper and lower case as if you were typing a letter.

Bagel Barn
Rapid City, SD 57701

← **BOLD OR ITALICS**
Do not use **bold** or *italics*.

← **TWO-LINE ADDRESS**
Provide a complete mailing address for each creditor.

Camera Corner
P.O. Box "J"
567 Snapshot Lane
Suite 7111213
Belle Fourche, SD 57717

← **ADDRESS TOO LONG**
Limit name and address to no more than six lines of 40 or fewer characters each.

Attn: Bud Smith
President & CEO

← **ATTENTION LINE**
Any attention line should be placed on the second line of the address.

Credit Check Service
Acct. No. 12345
342 Center Drive
Pierre, SD 57501 0001

← **ACCOUNT NUMBERS**
Do not include account numbers.

← **NINE-DIGIT ZIP CODE**
Separate the two groups of digits with a dash, not a space.

U.S. Trustee
Shriver Square-Suite 502
230 S. Phillips Avenue
Sioux Falls, SD 57104

← **PARTIES IN INTEREST**
List only creditors. Do not list debtor, debtor's attorney, U.S. Trustee, etc.

PAGE NUMBER → -1-
Do not number pages or type anything but creditors' names and addresses on list.

↑ **STRAY MARKS**
No lines, symbols, etc. should appear on list.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO PETITION
	)	
Debtor.	)	

Debtor Jane A. Anonymous amends her petition as follows:[2]

1. Other Names used by Debtor: Anne's Pottes 'n Pannes

2. County of Residence: Merit

3. Nature of Debts: Business

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

LBR 1009-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the amendments are voluminous, they may be set forth in an attachment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF
	)	AMENDMENT TO PETITION
Debtor.	)	

TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:[2]

Debtor Jane A. Anonymous has filed papers with the Court to amend her petition to:

(1) add her trade name, Anne's Pottes 'n Pannes;

(2) add her county of residence, Merit; and

(3) describe the nature of her debts, business.[3]

Your rights may be affected. You should discuss this notice with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 1009-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Notice of an amendment to a petition must be served on all creditors and other parties in interest.

[3] Including a summary of the amendment in the Notice is recommended, but is not required by the Code or a federal rule.

Appendix 7 **Sample Combined Amendment to Petition and Notice of Amendment**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO PETITION
	)	AND NOTICE OF AMENDMENT
Debtor.	)	

TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:[2]

Debtor Jane A. Anonymous amends her petition as follows:[3]

1. Other Names used by Debtor: Anne's Pottes 'n Pannes

2. County of Residence: Merit

3. Nature of Debts: Business

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

Your rights may be affected by this amendment. You should discuss this with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5555

LBR 1009-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Notice of an amendment to a petition must be served on all creditors and other parties in interest.

[3] If the amendments are voluminous, they may be set forth in an attachment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO MAILING LIST
	)	
Debtor.	)	

Debtor hereby amends her mailing list to add the following creditors:[2]

Boomer's Fireworks
7476 Black Cat Blvd.
Justice, SD 57000

Bruce's Gun Emporium
357 Magnum Lane
Justice, SD 57000

and correct the address of the following creditor:

Bud's Bar
1202 Tipsy Drive
Justice, SD 57000

Attached is a supplement to the mailing list in the format prescribed by the Clerk that includes the added creditor.[3]

Dated: February 9, 2004.

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 1009-2

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the mailing list is being amended to **add** a creditor, Schedule D, E, or F (as appropriate) must also be amended to include that creditor.

[3] If no new creditors are being added to the mailing list, delete the last paragraph of the sample Amendment and do **not** attach a supplement to the mailing list.

Boomer's Fireworks[1]
7476 Black Cat Blvd.
Justice, SD 57000

Bruce's Gun Emporium
357 Magnum Lane
Justice, SD 57000

LBR 1009-2

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] Do **not** caption or otherwise label the supplement to the mailing list. Include **only** the names and addresses of **new** creditors being **added** to the mailing list. Creditors who were on the original mailing list should **not** be included, **even if their addresses are being corrected**. The supplement to the mailing list must be **left-justified** (not centered).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO SCHEDULE F[2]
	)	
Debtor.	)	

Debtor Jane A. Anonymous hereby amends her Schedule F as follows:[3]

Add the following claim:

Hazel's Dry Cleaning 1802 Hanger Lane Justice, SD 57000	incurred March, 2003	$1,200.00 (disputed)

Correct the amount of the following claim:

Bud's Bar	incurred February, 2003	$ 857.22

The total amount of claims of creditors holding unsecured, nonpriority claims following this amendment is $22,993.12.

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

LBR 1009-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If Schedule D, E, and/or F is being amended to **add** a creditor, the mailing list of creditors must also be amended to include that creditor.

[3] If the amendments are voluminous, they may be set forth in an attachment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF
	)	AMENDMENT TO SCHEDULE F
Debtor.	)	

TO THE COURT AND ALL PARTIES IN INTEREST:[2]

Debtor Jane A. Anonymous has filed papers with the Court to amend her Schedule F to:

(1) add Hazel's Dry Cleaning, which has a disputed claim for $1,200.00; and

(2) change the amount of Bud's Bar's claim from $912.82 to $857.22.[3]

Your rights may be affected. You should discuss this notice with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 1009-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If Schedule C is being amended, insert instead "TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:".

[3] Including a summary of the amendment in the Notice is recommended, but is not required by the Code or a federal rule.

Sample Combined Amendment to Schedule or Statement and Notice of Amendment

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	AMENDMENT TO SCHEDULE F
	)	AND NOTICE OF AMENDMENT[2]
Debtor.	)	

TO THE COURT AND PARTIES IN INTEREST:[3]

Debtor Jane A. Anonymous amends her Schedule F as follows:[4]

Add the following claim:

Hazel's Dry Cleaning 1802 Hanger Lane Justice, SD 57000	incurred March 2003	$1,200.00 (disputed)

Correct the amount of the following claim:

Bud's Bar	incurred February 2003	$ 857.22

The total amount of claims of creditors holding unsecured, nonpriority claims following this amendment is $22,993.12.

I declare under penalty of perjury that the information contained in this amendment is true and correct.

Dated: February 9, 2004

_____
Jane A. Anonymous

Your rights may be affected by this amendment. You should discuss this with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: February 9, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5555

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If Schedule D, E, and/or F is being amended to **add** a creditor, the mailing list of creditors must also be amended to include that creditor.

[3] If Schedule C is being amended, insert instead "TO THE COURT, ALL CREDITORS, AND PARTIES IN INTEREST:".

[4] If the amendments are voluminous, they may be set forth in an attachment.

Designation of Divisions by County

NORTHERN (Aberdeen)	CENTRAL (Pierre)	SOUTHERN (Sioux Falls)	WESTERN (Rapid City)
Brown	Buffalo	Aurora	Bennett
Campbell	Dewey	Beadle	Butte
Clark	Faulk	Bon Homme	Custer
Codington	Gregory	Brookings	Fall River
Corson	Haakon	Brule	Harding
Day	Hand	Charles Mix	Jackson
Deuel	Hughes	Clay	Lawrence
Edmunds	Hyde	Davison	Meade
Grant	Jerauld	Douglas	Pennington
Hamlin	Jones	Hanson	Perkins
McPherson	Lyman	Hutchinson	Shannon
Marshall	Mellette	Kingsbury	
Roberts	Potter	Lake	
Spink	Stanley	Lincoln	
Walworth	Sully	McCook	
	Todd	Miner	
	Tripp	Minnehaha	
	Ziebach	Moody	
		Sanborn	
		Turner	
		Union	
		Yankton	

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF MOTION
	)	FOR RELIEF FROM STAY
Debtor.	)	

TO ALL PARTIES IN INTEREST:

Easy Credit Finance Co. Inc. has filed papers with the Court asking the Court to grant it relief from the automatic stay.[2] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant Easy Credit Finance Co. Inc. relief from the automatic stay,[1] then by **June 4, 2004**,[3] you or your attorney must file with the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501,[3] a typewritten response explaining your position. You may mail your response to the Clerk, but if you do, you must mail it early enough to ensure the Clerk receives it by this date. You must also mail a copy of your response to the attorney for the moving party, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk at (605) 224-6013.[4]

If you file and serve a response by the date stated above, the Court will schedule a hearing, if needed, and give you written notice of the date, time, and location of that hearing. Otherwise, the Court may decide that you do not oppose the relief requested by Easy Credit Finance Co. Inc. and may enter an order granting that relief without holding a hearing.

Dated May 22, 2004.

_____

William W. Williams, Esq.
202 Barrister Blvd.
Justice, SD 57000
Tele: 605/555-3333
Fax: 605/555-3334

LBR 2002-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Describe the relief sought in general terms.

[3] For the date by which a response to a particular type of motion must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[4] For the Clerk's address and phone number, use the Clerk's Sioux Falls address and phone number for Southern Division cases and the Clerk's Pierre address and phone number for Northern, Central, and Western Division cases.

Appendix 14 **Sample Notice of Hearing on Objection to Claim (Telephonic)**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF HEARING ON
	)	OBJECTION TO CLAIM (TELEPHONIC)[2]
Debtor.	)	

TO EASY CREDIT FINANCE CO., INC. AND OTHER PARTIES IN INTEREST:

Chapter 7 Trustee Samuel S. Smith has filed an objection to Easy Credit Finance Co., Inc.'s claim in this bankruptcy case. **This claim may be reduced, modified, or disallowed**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to reduce, modify, or disallow Easy Credit Finance Co., Inc.'s claim, then on or before **July 1, 2004**,[3] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **July 1, 2004**. You must also mail a copy of your response to the objecting party, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 224-6013.

The Court will hold a telephonic hearing at **9:00 a.m. Central Time** on **July 20, 2004**[4] to decide whether to reduce, modify, or disallow Easy Credit Finance Co.'s claim. If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at that time. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before **July 1, 2004**, the Court may decide you do not oppose the relief requested by Trustee Smith and may enter an order granting that relief following the hearing.

Dated May 22, 2004.

_____
Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

LBR 2002-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Northern, Central, and Western Division cases. Use the form provided at Appendix 15 for Southern Division cases.

[3] For the date by which a response must be filed, use a date at least 30 days (33 days for service by mail) after service of the notice and objection.

[4] A hearing must be scheduled on all objections to proofs of claim. Contact the scheduling deputy (605-224-1142) to obtain a date and time.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-40000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF HEARING ON
	)	OBJECTION TO CLAIM[2]
Debtor.	)	

TO EASY CREDIT FINANCE CO., INC. AND OTHER PARTIES IN INTEREST:

Chapter 7 Trustee Samuel S. Smith has filed an objection to Easy Credit Finance Co., Inc.'s claim in this bankruptcy case. **This claim may be reduced, modified, or disallowed**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to reduce, modify, or disallow Easy Credit Finance Co., Inc.'s claim, then on or before **July 1, 2004**,[3] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 400 S. Phillips Ave., Room 104, Sioux Falls, SD 57104-6851. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **July 1, 2004**. You must also mail a copy of your response to the objecting party, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 330-4541.

The Court will hold a hearing at **9:00 a.m.** on **July 8, 2004**[4] in the Bankruptcy Courtroom, Room 117, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to reduce, modify, or disallow Easy Credit Finance Co.'s claim.

If you do not file and serve a response on or before **July 1, 2004**, the Court may decide you do not oppose the relief requested by Trustee Smith and may enter an order granting that relief following the hearing.

Dated May 22, 2004.

_____
Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

LBR 2002-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Southern Division cases. Use the form provided at Appendix 14 for Northern, Central, and Western Division cases.

[3] For the date by which a response must be filed, use a date at least 30 days (33 days for service by mail) after service of the notice and objection.

[4] A hearing must be scheduled on all objections to proofs of claim. Contact the scheduling deputy (605-224-1142) to obtain a date and time.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	TRUSTEE'S MOTION TO
	)	SHORTEN NOTICE OF TRUSTEE'S
	)	MOTION TO APPROVE SALE OF
Debtor.	)	PERISHABLE GOODS

In support of his Motion to Shorten Notice of his Motion to Approve Sale of Perishable Goods, Trustee S. Samuel Smith states that:

(1) Trustee has filed a Motion to Approve Sale of Perishable Goods ("Motion"), which if approved, will net $250.00 for the bankruptcy estate.

(2) Trustee asks that notice of his Motion be shortened and that a deadline of May 3, 2004 be set for objecting to his Motion, for the following reason(s):

(a) Debtor has listed certain perishable goods on her Schedule B.

(b) Trustee has located a buyer who is willing to purchase these goods, provided they can be delivered to her no later than May 4, 2004.

(c) If the goods are not sold by that date, they will spoil and have no value to the estate.

Wherefore, Trustee respectfully requests that the Court enter an order setting May 3, 2004 as the deadline for objecting to his Motion.

Dated: April 27, 2004

_____

Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

LBR 2002-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	TRUSTEE'S MOTION TO LIMIT
	)	NOTICE OF TRUSTEE'S MOTION
Debtor.	)	TO APPROVE SALE OF CAR

In support of his Motion to Limit Notice of his Motion to Approve Sale of Car, Trustee S. Samuel Smith states that:

(1) Trustee has filed a Motion to Approve Sale of Car ("Motion"), which if approved, will net $250.00 for the bankruptcy estate.

(2) Trustee asks that notice of his Motion be limited to parties in interest and those creditors who have timely filed proofs of claim, for the following reasons:

(a) Debtor has listed 250 creditors on her schedules. If notice is not limited in the manner requested, the costs of reproducing ($.10 X 250 creditors) and mailing ($.37 X 250 creditors) notice of Trustee's motion will reduce the amount available for distribution to creditors to $140.00.

(b) The interests of those creditors who have not filed notices of appearance or proofs of claim will be adequately represented by the parties to whom Trustee wishes to limit notice.

Wherefore, Trustee respectfully requests that the Court enter an order limiting notice of Trustee's Motion to parties in interest and those creditors who have timely filed proofs of claim.

Dated: February 27, 2004

_____

Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
Tele: 605/555-8888
Fax: 605/555-8889

LBR 2002-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	ORDER LIMITING NOTICE
	)	ON TRUSTEE'S MOTION
Debtor.	)	TO APPROVE SALE OF CAR

Upon consideration of Trustee S. Samuel Smith's Motion to Limit Notice on Motion to Approve Sale of Car, filed by Trustee Smith on March 1, 2004, and for cause shown,

IT IS HEREBY ORDERED that notice of Trustee Smith's Motion to Approve Sale of Car shall be limited to parties in interest and those creditors who have timely filed proofs of claim.

So ordered this 1st day of March, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

LBR 2002-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	DISCLOSURE OF COMPENSATION
	)	
Debtor.	)	

1. Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and LBR 2016-1(a), I declare that within one year of the filing of the petition herein I have been paid[2] the following compensation by Debtor[3] for services rendered or to be rendered in contemplation of or in connection with the case.

(a) Legal Fees:		$_____
(b) Sales Tax, Filing Fee, Other Costs:	+	$_____
(c) Total:	=	$_____[4]

2. In return for the compensation set forth in ¶ 1(c) above, I have rendered or have agreed to render the following legal services (check all that apply):

- ❏ analyzing the debtor's financial situation and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- ❏ preparing and filing the debtor's petition, schedules, and statement of financial affairs; and
- ❏ representing the debtor at the meeting of creditors.[5]

3. I have not shared or agreed to share my fees with anyone who is not a member or an associate of my law firm.[6]

Dated: February 6, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 2016-1

SEE COMMITTEE COMMENTS ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] In a chapter 7 case, fees for services rendered or to be rendered through the § 341 meeting of creditors must be paid in full before the petition is filed. In a chapter 11, 12, or 13 case, add "or have agreed to be paid," if necessary.

[3] If someone other than the debtor has paid (or in a chapter 11, 12, or 13 case, will pay) the fees, substitute that person's name for the debtor's.

[4] In a chapter 11, 12, or 13 case, add the following lines, if necessary.

(d) I have received:	–	$_____
(e) I am still owed:	=	$_____

[5] In a chapter 11, 12, or 13 case, modify the form to list the other services to be performed, *e.g.*, preparing and filing the plan and representing the debtor through confirmation of a plan.

[6] If there is a fee sharing agreement, revise ¶ 3 to read, "I have shared or have agreed to share my fees with [name], who is not a member or associate of my law firm." If the fee sharing agreement has been reduced to writing, add "I have attached a copy of our agreement."

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	SUPPLEMENTAL
	)	DISCLOSURE OF COMPENSATION
Debtor.	)	

Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and LBR 2016-1(a), I declare that since the filing of my Disclosure of Compensation or last Supplemental Disclosure of Compensation on _____, my fee arrangement with Debtor has changed as follows:[2]

Debtor has paid me $125.00 to prepare and file a motion to discharge judgments voided in bankruptcy.

Debtor has agreed to pay me $125.00 per hour plus actual expenses to represent her in a nondischargeability action filed by her former spouse.

Dated: March 6, 2004

_____
Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 2016-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] List **all** changes since original disclosure of compensation or most recent supplemental disclosure of compensation, including additional services rendered or to be rendered and payments received or to be received.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-10000
	)	Chapter 13
SHEEZA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	ORDER APPROVING
	)	APPLICATION FOR COMPENSATION
Debtor.	)	FOR DEBTOR'S ATTORNEY

Upon consideration of the Application for Compensation and Reimbursement of Expenses, filed by Joseph J. Jones on April 1, 2004, and the record before the Court, and it appearing that no timely objection thereto was timely filed, and for cause shown,

IT IS HEREBY ORDERED that Attorney Jones is awarded $2,000.00 for compensation, $380.00 for reimbursement of expenses, and $120.00 for applicable sales tax, for a total award of $2,500.00. Against this total, Attorney Jones's $1,000.00 retainer shall be applied. The remaining balance of $1,500.00 shall be paid by Trustee Dale A. Wein pursuant to the terms of Debtor's confirmed plan.

So ordered this _____ day of May, 2004.

BY THE COURT:

_____
Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

LBR 2016-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 13
WADE G. EARNER,	)	
Soc. Sec. No. XXX-XX-4321,[1]	)	Plan Dated April 1, 2004[2]
	)	
Debtor.	)	

1. **Payments by Debtor to Trustee**: Debtor will pay the Trustee $500.00 per month for 36 months (the "plan term"), for a total of $18,000. Debtor will make the first payment on May 1, 2004 and the last payment on April 1, 2007.

2. **Payments by Trustee to Creditors**: After deducting his 10% fee, the Trustee will make the following payments, beginning the first month following confirmation of this plan (month "1"):

a. **Priority Claims**:

Creditor	Claim	Int.	Pymnt.	Mos.	Total
Boyd R. Dee, Esq.	$1,060.00	0%	$106.00	1-10	$1,060.00
Internal Revenue Service	$5,000.00	8%	$156.69	1-36	$5,640.84

b. **Secured Claims in Default**:

Creditor	Default	Int.	Pymnt.	Mos.	Total
E-Z Finance Co.	$500.00	18%	$18.08	1-36	$650.88

In addition, Debtor will make the regular payments on secured claims in default that come due after the date the petition was filed. Each secured creditor whose claim is in default will retain its lien until its secured claim is paid in full.

c. **Other Secured Claims**:

Creditor	Claim	Int.	Pymnt.	Mos.	Total
E-Z-R Finance Co.	$5,000.00	12%	$71.74	1-36	$2,582.64
E-Z-Est Finance Co.	$1,000.00	8%	$31.34	1-36	$1,128.24

At the end of the plan term, Debtor will pay the balance remaining on any of these secured claims by continuing to make the payment listed above until the secured claim has been paid in full. Each secured creditor will retain its lien until its secured claim is paid in full.

d. **Unsecured Claims**: After making the payments to priority and secured creditors described above, the Trustee will distribute the balance of the payments made by the Debtor to the holders of timely-filed unsecured claims. If all unsecured creditors known to Debtor timely file proofs of claim, each unsecured creditor will be paid approximately 51.37% of its claim.

3. **Direct Payment of Unimpaired Claims:** Debtor will make all required payments on the following unimpaired claim(s) until paid in full according to the terms of the original agreement(s) between Debtor and the creditor(s).

Creditor	Claim	Pymnt.	Frequency
E-Z-Estier Finance Co.	$10,000.00	$500.00	Monthly

These payments will be made DIRECTLY to the creditor, not to the Trustee, and will not be subject to the Trustee's supervision or control. The creditor will receive no payment in any amount from the Trustee on account of this claim.[3]

4. **Disbursements by Trustee.** The Trustee shall disburse available funds first to all scheduled installments in the following order: administrative expenses, including attorney fees, unsecured priority claims, and secured claims. Thereafter, the Trustee shall disburse available funds to claims without installment payment schedules in the following order: administrative expenses, including attorney fees, unsecured priority claims, and unsecured non-priority claims.[4]

5. **Other provisions:** None.[5]

6. **Disposable Income:** If the Trustee or an unsecured creditor objects to confirmation of this plan,[6] all of the debtor's disposable income to be received in the three-year period beginning on May 1, 2004 will be applied to make payments under this plan.[7]

7. **Attachments:** Attached hereto and incorporated herein by reference is a liquidation analysis that demonstrates that creditors will receive as much or more than they would if Debtor's non-exempt assets were liquidated in a chapter 7 bankruptcy.[8]

Dated: April 1, 2004.

_____
Wade G. Earner

_____
Boyd R. Dee, Esq.
P.O. Box "X"
Justice, SD 57000-0000
Tele: (605) 555-6666
Fax: (605) 555-6667

LBR 3015-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Do **not** repeat the chapter number or use the word "Debtor" or "Debtor's" in the title. If the plan has been modified, the proper title is "Modified Plan dated [date]," **regardless of the number of times it has been modified**. Do **not** include "Second," "Third," etc.

[3] Clearly identify all creditors whose claims are to be paid directly by the debtor, whether the claim relates to a home mortgage, a contract for deed, an automobile loan or lease, or some other type of debt. If there are no creditors whose claims are to be paid directly by the debtor, delete this paragraph and renumber the remaining paragraphs accordingly.

[4] In chapter 13 only. In chapter 12, delete this paragraph and renumber remaining paragraphs accordingly.

[5] *See* 11 U.S.C. §§ 1222(b) or 1322(b) for a non-inclusive list of possible "other provisions", including assumption or rejection of executory contracts. Include in this paragraph (¶ 5) the maximum amount, terms, and lender for any planned borrowing in the ordinary course of business during the plan term.

[6] Because standing trustees routinely object to confirmation of any plan that neither proposes to pay all unsecured creditors in full nor offers disposable income, the debtor may wish to consider avoiding such an objection by deleting "If the Trustee or an unsecured creditor objects to confirmation of this plan" and offering disposable income from the start.

[7] *See* 11 U.S.C. §§ 1225(b) or 1322(b) for determination of disposable income period.

[8] If the debtor is engaged in business (including farming), add *"a statement of Debtor's income and expenses for the past 12 months, and a projection of Debtor's income and expenses during the plan term"*.

Appendix 23 **Sample Notice of Confirmation Hearing (Telephonic) (Chapter 12)**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-50000
	)	Chapter 12
PHIL N. DeBLANQUE,	)	
Soc. Sec. No. XXX-XX-1212,[1]	)	NOTICE OF
	)	CONFIRMATION HEARING
Debtor.	)	(TELEPHONIC)[2]

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 224-6013.

The Court will hold a telephonic hearing at **9:00 a.m. Central Time** on **May 11, 2004**[6] to decide whether to confirm Debtor's plan.[3] If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at that time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[2] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

LBR 3015-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Northern, Central, and Western Division chapter 12 cases. Use the form provided at Appendix 24 for Southern Division cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-40000
	)	Chapter 12
PHIL N. DeBLANQUE,[1]	)	
Soc. Sec. No. XXX-XX-1212,	)	NOTICE OF
	)	CONFIRMATION HEARING[2]
Debtor.	)	

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 400 S. Phillips Ave., Room 104, Sioux Falls, SD 57104-6851. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 330-4541.

The Court will hold a hearing at **9:00 a.m.** on **May 5, 2004**[6] in the Bankruptcy Courtroom, Room 117, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to confirm Debtor's plan.[3]

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[3] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

LBR 3015-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form Southern Division chapter 12 cases. Use the form provided at Appendix 23 for Northern, Central, and Western Division chapter 12 cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 12
IMA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1212,[1]	)	ORDER CONFIRMING PLAN[2]
	)	
Debtor.	)	

The matter before the Court is the confirmation of Debtor's [*modified*] plan dated March 1, 2004. A hearing was held on April 1, 2004. Appearances included Trustee John S. Lovald, H. Lewis Dewey for Debtor, and Thurston Howell III for First National Bank. Testimony in support of the plan was received from Debtor Ima Debtor. In recognition of and compliance with the findings and conclusions entered on the record,

IT IS HEREBY ORDERED THAT Debtor's plan dated March 1, 2004 is confirmed.[3]

IT IS HEREBY FURTHER ORDERED THAT Debtor shall make her first payment under the plan on May 1, 2004 and her last payment under the plan on April 1, 2001.

IT IS HEREBY FURTHER ORDERED THAT all of Debtor's disposable income to be received in the three-year period [*or such longer period as may be ordered by the Court under 11 U.S.C. § 1222(c)*] beginning on May 1, 2004 shall be applied to make payments under her plan, as provided by 11 U.S.C. § 1225(b).[4]

So ordered this 1st day of April, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

LBR 3015-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] The title remains the same, **regardless of whether the original or a modified plan is confirmed**, and **regardless of whether the Court orders the debtor to file a Plan as Confirmed**. Only the content of the order changes if a Plan as Confirmed is filed, as explained in Committee Note 2 below.

[3] Use the language in the second paragraph if the plan is confirmed without changes. If the plan is confirmed with minor changes and the Court determines that a "plan as confirmed" need not be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the following clarifications . . ." If the Court determines that a "plan as confirmed" must be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed filed simultaneously with this Order."

[4] The language in the fourth paragraph is required if the debtor has offered in the plan to pay disposable income pursuant to 11 U.S.C. § 1225 OR if unsecured creditors are not being paid in full under the plan and the trustee or an unsecured creditor objects to confirmation. *See* 11 U.S.C. § 1225(b).

Appendix 26 **Sample Notice of Confirmation Hearing (Telephonic) (Chapter 13)**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-50000
	)	Chapter 13
T.O. MORROW,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	NOTICE OF
	)	CONFIRMATION HEARING
Debtor.	)	(TELEPHONIC)[2]

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 224-6013.

The Court will hold a telephonic hearing at **9:00 a.m. Central Time** on **May 11, 2004**[6] to decide whether to confirm Debtor's plan.[3] If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at that time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[3] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

LBR 3015-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form for Northern, Central, and Western Division chapter 13 cases. Use the form provided at Appendix 27 for Southern Division chapter 13 cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-40000
	)	Chapter 13
T.O. MORROW,[1]	)	
Soc. Sec. No. XXX-XX-1313,	)	NOTICE OF
	)	CONFIRMATION HEARING[2]
Debtor.	)	

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed a plan[3] dated April 1, 2004.[4] **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan,[3] then on or before **April 29, 2004**,[5] you (or your attorney) must file a typewritten response explaining your reasons with the Clerk's office, whose address is 400 S. Phillips Ave., Room 104, Sioux Falls, SD 57104-6851. You may mail your response, but if you do, you must mail it early enough to ensure the Clerk's office receives it by **April 29, 2004**. You must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk's office at (605) 330-4541.

The Court will hold a hearing at **9:00 a.m.** on **May 5, 2004**[6] in the Bankruptcy Courtroom, Room 117, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to confirm Debtor's plan.[3]

If you do not file and serve a response on or before **April 29, 2004**, the Court may decide you are satisfied with Debtor's plan[3] and may enter an order confirming Debtor's plan[3] following the confirmation hearing.

Dated April 1, 2004.

_____

H. Lewis Dewey, Esq.
P.O. Box Z
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1313

LBR 3015-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use this form Southern Division chapter 13 cases. Use the form provided at Appendix 26 for Northern, Central, and Western Division chapter 13 cases.

[3] If the plan has been modified, refer to it as "modified plan," **regardless of the number of times it has been modified**. Do **not** include "second," "third," etc.

[4] Include the date the plan (or modified plan) was signed.

[5] To determine the date by which an objection must be filed, refer to the local bankruptcy rules and the Clerk's notice and service requirements checklist (available on the Court's web page, www.sdb.uscourts.gov).

[6] Contact the scheduling deputy to obtain a date and time for the confirmation hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 13
SHEEZA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	ORDER CONFIRMING PLAN[2]
	)	
Debtor.	)	

The matter before the Court is the confirmation of Debtor's [*modified*] plan dated March 1, 2004. A hearing was held on April 1, 2004. Appearances included Trustee Dale A. Wein, H. Lewis Dewey for Debtor, and Thurston Howell III for First National Bank. In recognition of and compliance with the findings and conclusions entered on the record,

IT IS HEREBY ORDERED THAT Debtor's plan dated March 1, 2004 is confirmed.[3]

IT IS HEREBY FURTHER ORDERED THAT Debtor shall make her first payment under the plan on May 1, 2004 and her last payment under the plan on April 1, 2007.

IT IS HEREBY FURTHER ORDERED THAT all of Debtor's disposable income to be received in the three-year period [*or such longer period as may be ordered by the Court pursuant to the agreement of the parties*] beginning on May 1, 2004 shall be applied to make payments under her plan, as provided by 11 U.S.C. § 1325(b).[4]

So ordered this 1st day of April, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

LBR 3015-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] The title remains the same, **regardless of whether the original or a modified plan is confirmed**, and **regardless of whether the Court orders the debtor to file a Plan as Confirmed**. Only the content of the order changes if a Plan as Confirmed is filed, as explained in Committee Note 2 below.

[3] Use the language in the second paragraph if the plan is confirmed without changes. If the plan is confirmed with minor changes and the Court determines that a "plan as confirmed" need not be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the following clarifications . . ." If the Court determines that a "plan as confirmed" must be filed, use the following language instead, "IT IS HEREBY ORDERED THAT Debtor's (or Debtors') Plan dated (date) is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed filed simultaneously with this Order."

[4] The language in the fourth paragraph is required if the debtor has offered in the plan to pay disposable income pursuant to 11 U.S.C. § 1325 OR if unsecured creditors are not being paid in full under the plan and the trustee or an unsecured creditor objects to confirmation. *See* 11 U.S.C. § 1325(b).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 12
IMA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1212,[1]	)	NOTICE OF FILING FINAL
	)	REPORT AND FINAL ACCOUNT
Debtor.	)	

TO ALL CREDITORS AND OTHER PARTIES IN INTEREST:

Debtor has filed with the Court and served on the chapter 12 trustee a final report and final account.

Debtor believes she has completed all payments under the plan, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(10).

Any party objecting to entry of discharge on the grounds that Debtor has failed to complete all plan payments, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(10), shall file a motion to dismiss on or before July 7, 2004.[2]

If no party timely files a motion to dismiss for failure to complete all plan payments, discharge shall be entered.

Dated: June 2, 2004

_____

C.K. Oddson, Esq.
P.O. Box 12
Justice, SD 57000
Tele: 605-555-1212
Fax: 605-555-1213

LBR 3072-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Use date that is 30 days after service of the notice (33 days if served by mail).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	DEBTOR'S MOTION TO AVOID LIEN
	)	PURSUANT TO 11 U.S.C. § 522(f)
Debtor.	)	

In support of her motion to avoid lien pursuant to 11 U.S.C. § 522(f), Debtor states that:

(1) Debtor owns a Westinghouse refrigerator and a Panasonic microwave, which are held primarily for the personal, family, or household use of Debtor and which have a fair market value of $1,000.00.

(2) Debtor has claimed the property described in ¶ (1) exempt pursuant to S.D.C.L. § 43-45-4.

(3) Easy Credit Finance Co., Inc. holds a nonpossessory, nonpurchase money security interest in the property described in ¶ 1 to secure Debtor's repayment of the sum of $250.00.[2]

(4) Sears holds a purchase money security interest in the property described in ¶ 1.[3]

(5) The lien described in ¶ 3 impairs Debtor's claimed exemption:

Value of Debtor's interest:	$1,000.00
Amount of lien to be avoided:[2]	$ 250.00
Amount of all other liens:[3]	$ 500.00
Debtor's allowed exemption:	$ 300.00
Impairment:	$ 50.00

WHEREFORE, Debtor respectfully requests that the Court enter an order avoiding Easy Credit Co., Inc.'s lien against Debtor's appliances to the extent it impairs Debtor's claimed exemption.

Dated: May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 4003-2

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If more than one lien is to be avoided, describe the additional lienholder(s) and lien(s) in ¶ 3 **and** include the **total** amount of the lien(s) to be avoided on the appropriate line in ¶ 5.

[3] If there are liens that will not (cannot) be avoided, describe the lienholder(s) and lien(s) in ¶ 4 **and** include the **total** amount of the lien(s) that will not (cannot) be avoided on the appropriate line in ¶ 5.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF MOTION TO AVOID LIEN
	)	PURSUANT TO 11 U.S.C. § 522(f)
Debtor.	)	

TO ALL PARTIES IN INTEREST:

Debtor Jane A. Anonymous has filed papers with the Court to avoid Easy Credit Finance Co. Inc.'s lien against her appliances. **Your rights may be affected**. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to avoid Easy Credit Finance Co. Inc.'s lien, then by June 4, 2004,[2] you or your attorney must file with the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501,[2] a typewritten response explaining your position. You may mail your response to the Clerk, but if you do, you must mail it early enough to ensure the Clerk receives it by this date. You or your attorney must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk at (605) 224-6013.[3]

If you file and serve a response by the date stated above, the Court will schedule a hearing, if needed, and give you written notice of the date, time, and location of that hearing. Otherwise, the Court may decide that you do not oppose the relief requested by Debtor and may enter an order granting that relief without holding a hearing.

Dated May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 4003-2

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] For the date by which a response must be filed, use a date at least 13 days after service of the motion and notice.

[3] For the Clerk's address and phone number, use the Clerk's Sioux Falls address and phone number for Southern Division cases and the Clerk's Pierre address and phone number for Northern, Central, and Western Division cases.

LBR 4003-2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,	)	ORDER AVOIDING LIEN
	)	
Debtor.	)	

Upon consideration of Debtor's Motion for Order Avoiding Lien Pursuant to 11 U.S.C. § 522(f), filed by Debtor on May 22, 2004, and the record before the Court, and it appearing that no timely objection to the Motion has been filed,

IT IS HEREBY ORDERED that Easy Finance Co., Inc.'s nonpossessory, nonpurchase money security interest in Debtor's appliances is avoided.

So ordered this 17th day of June, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

LBR 4003-2

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	REAFFIRMATION AGREEMENT
	)	AND DECLARATION OF ATTORNEY
Debtor.	)	(SECURED DEBT)[2]

1. Debtor Jane A. Anonymous and Creditor Eighth National Bank agree that Debtor reaffirms the debt she owes to Creditor.[3]

2. This debt is secured by a lien against Debtor's 1975 AMC Gremlin. Debtor and Creditor agree this property is worth $1,550.00.

3. Debtor agrees to pay Creditor principal of $1,550.00[4] and interest at the rate of 12% per year. Interest will begin to accrue on September 1, 2004. Debtor will make 36 monthly payments of $51.50, for a total of $1,854.00. Debtor's first payment will be due on October 1, 2004.[5] The principal amount does not include any attorney fees or other costs incurred by the Creditor.[6]

4. The parties' original note and security agreement dated April 1, 2003 are:

- ☐ unchanged.
- ☒ changed as follows: The amount owed has been reduced to the value of the collateral. The monthly payment has been reduced by $49.50. The term has been extended 12 months.

5. This agreement may be rescinded at any time prior to discharge or within 60 days after it is filed with the Court, whichever occurs later, by giving written notice of rescission to Creditor at the address set forth below.

6. Reaffirmation of this debt is not required under the Bankruptcy Code, under nonbankruptcy law, or under any agreement not in accordance with the provisions of 11 U.S.C. § 524(c).

Dated: September 4, 2004

_____
Jane A. Anonymous

Dated: September 1, 2004

_____
Guy N.A. Greysoot
Eighth National Bank

Appendix 33 (cont'd)

DECLARATION OF ATTORNEY[7]

I declare under penalty of perjury that I have represented Debtor Jane A. Anonymous in connection with this agreement, that this agreement represents a fully informed and voluntary agreement by Debtor, that this agreement does not impose an undue hardship on Debtor or a dependent of Debtor, and that I have fully advised Debtor of the legal effect and consequences of this agreement and any default under it.

Dated: September 4, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 4008-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the debt being reaffirmed is unsecured, *see* Appendix 34. **This form is intended to comply with 11 U.S.C. § 524(c). No representation is made that it complies with nonbankruptcy law regarding the extension of credit, including specifically the Truth in Lending Act, 15 U.S.C. § 1601 et seq.**

[3] If the debt being reaffirmed was not listed on the debtor's Statement of Intention, the debtor should file an amended Statement of Intention with the reaffirmation agreement. Refer to Local Bankruptcy Rule 1009-3 for guidance on amending a Statement of Intention.

[4] If the principal amount being reaffirmed is greater than the value of the property (per ¶ 2), include an explanation of why the debtor wishes to reaffirm the unsecured balance in a separately numbered paragraph 4 (and renumber ¶¶ 4, 5, and 6), e.g., "Debtor wishes to reaffirm this undersecured debt because her mother has personally guaranteed it (or the debt may be nondischargeable, the creditor will extend the debtor new credit, the debtor wishes to protect a co-debtor, etc.)."

[5] Include the principal amount being reaffirmed, the interest rate, the number, frequency, and amount of payments, the total sum to be paid, and the date of the first payment.

[6] If the principal amount being reaffirmed includes attorney fees or other costs, the last sentence of ¶ 3 should be changed to: "The principal amount includes attorney fees of $_____ and costs of $_____ incurred by Creditor."

[7] Omit the Declaration of Attorney if the debtor is not represented by an attorney.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	REAFFIRMATION AGREEMENT
	)	AND DECLARATION OF ATTORNEY
Debtor.	)	(UNSECURED DEBT)[2]

1. Debtor Jane A. Anonymous and Creditor Eighth National Bank agree that Debtor reaffirms the debt she owes to Creditor.[3]

2. This debt is unsecured.

3. Debtor agrees to pay Creditor principal of $1,550.00, plus interest at the rate of 12% per year. Interest will begin to accrue on September 1, 2004. Debtor will make 36 monthly payments of $51.50, for a total of $1,854.00. Debtor's first payment will be due on October 1, 2004.[4] This amount does not include any attorney fees or other costs incurred by the Creditor.[5]

4. Debtor wishes to reaffirm this unsecured debt because her mother has personally guaranteed it.[6]

5. This agreement may be rescinded at any time prior to discharge or within 60 days after it is filed with the Court, whichever occurs later, by giving written notice of rescission to Creditor at the address set forth below.

6. Reaffirmation of this debt is not required under the Bankruptcy Code, under nonbankruptcy law, or under any agreement not in accordance with the provisions of 11 U.S.C. § 524(c).

Dated: September 4, 2004

_____
Jane A. Anonymous

Dated: September 1, 2004

_____
Guy N.A. Greysoot
Eighth National Bank

Appendix 34 (cont'd)

DECLARATION OF ATTORNEY[7]

I declare under penalty of perjury that I have represented Debtor Jane A. Anonymous in connection with this agreement, that this agreement represents a fully informed and voluntary agreement by Debtor, that this agreement does not impose an undue hardship on Debtor or a dependent of Debtor, and that I have fully advised Debtor of the legal effect and consequences of this agreement and any default under it.

Dated: September 4, 2004

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 4008-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] If the debt being reaffirmed is secured, *see* Appendix 33. **This form is intended to comply with 11 U.S.C. § 524(c). No representation is made that it complies with nonbankruptcy law regarding the extension of credit, including specifically the Truth in Lending Act, 15 U.S.C. § 1601 et seq.**

[3] If the debt being reaffirmed was not listed on the debtor's Statement of Intention, the debtor should file an amended Statement of Intention with the reaffirmation agreement. Refer to Local Bankruptcy Rule 1009-3 for guidance on amending a Statement of Intention.

[4] Include the principal amount being reaffirmed, the interest rate, the number, frequency, and amount of payments, the total sum to be paid, and the date of the first payment.

[5] If the principal amount being reaffirmed includes attorney fees and/or other costs, the last sentence of ¶ 2 should be changed to: "The principal amount includes attorney fees of $_____ and costs of $_____ incurred by Creditor."

[6] Include an explanation of why the debtor wishes to reaffirm an unsecured debt (e.g., the debt may be nondischargeable, the creditor will extend the debtor new credit, the debtor wishes to protect a co-debtor, etc.).

[7] Omit the Declaration of Attorney if the debtor is not represented by an attorney.

CHECKLIST FOR MOTIONS FOR ORDER DIRECTING CLERK OF COURT TO DISCHARGE JUDGMENTS VOIDED IN BANKRUPTCY

❑ **Only judgments against the bankruptcy debtor(s) may be listed in the motion and proposed order.** Although a judgment may have been entered against a bankruptcy debtor and a formal business entity, spouse or former spouse, or other associate or family member, only the judgment against the bankruptcy debtor(s) may be included in the motion and proposed order. An order under S.D.C.L. § 15-16-20 has no effect on the judgment against any other person or entity against whom the judgment was entered.

❑ **All judgment creditors listed in the motion were scheduled and received notice of the bankruptcy case before the discharge was entered.** If the judgment creditor was not scheduled and did not receive the Notice of Commencement of Case from the Bankruptcy Clerk before the discharge was entered and if the case was a no-asset Chapter 7 case, the debtor must obtain a voluntary waiver of notice from the judgment creditor and attach it to the motion or the debtor must commence an adversary proceeding under § 523(a)(3) seeking a declaration that the unscheduled debt was nonetheless discharged.

❑ **All judgment listed in the motion represent a debt that was actually discharged.** Some debts/judgments are not automatically voided and may not be included in the motion. For a Chapter 7 case, these include, from § 523(a):

523(a)(1) - certain taxes;
523(a)(3) - certain debts not listed in the debtor's schedules;
523(a)(5) - family support debts;
523(a)(7) - fines and penalties to governmental units;
523(a)(8) - student loans (unless hardship declared by court through an adversary proceeding)
523(a)(9) - debts arising from death or injuries associated with a DWI;
523(a)(10) - debts declared non dischargeable in a previous bankruptcy;
523(a)(11) - certain insurance and bank related judgments or orders;
523(a)(12) - certain FDIC related obligations;
523(a)(13) - criminal restitution obligations from federal crimes;
523(a)(14) - debts incurred to pay non dischargeable taxes;
523(a)(16) - certain co-op or condo fees;
523(a)(17) - certain federal court or prisoner costs and expenses; and
523(a)(18) - family support payments owed to a state.

CHECKLIST CONTINUED ON FOLLOWING PAGE

For certain other judgments/debts to be declared non dischargeable, the creditor must timely seek and obtain a judgment of non dischargeability from the Bankruptcy Court. If a non dischargeability adversary proceeding has not been timely filed under the following four subsections of § 523(a), the debtor's motion to discharge judgments may include judgment of this nature:

523(a)(2) - fraud based debts;
523(a)(4) - debts arising from fraud or defalcation by a fiduciary or from larceny or embezzlement;
523(a)(6) - debts arising from willful and malicious injuries; and
523(a)(15) - certain property settlement debts arising from a divorce or formal separation.

In a Chapter 11 case for *an individual*, the debts listed under § 523 are excepted from discharge in the same manner as in a Chapter 7 case.

In a Chapter 12 case, the debts listed under § 523(a) are excepted from discharge in the same manner as in a Chapter 7 case. The other debts excluded from discharge in a Chapter 12 case are those long-term debts that are being paid beyond the plan term, as provided by § 1228(a), which incorporates §§ 1222(b)(5) and (9), and those debts not "provided for by the plan", as stated in § 1228(a). (Different statutes may apply if a hardship discharge is granted.)

In a Chapter 13 case, the only debts excepted from discharge are those listed under §§ 523(a)(5), (8), and (9); those for restitution, for a criminal fine, included in the sentence on the debtor's conviction of a crime, as provided by § 1328(a)(3); long term debts being paid beyond the plan term, as provided by § 1322(b)(5); and those debts not "provided for by the plan", as stated in § 1328(a). (Different statutes may apply if a hardship discharge is granted.)

❑ **All judgments were for pre-petition debts.** If a particular judgment was entered post-petition for a pre-petition debt, a motion under § 15-16-20 is still applicable. *See* 11 U.S.C. § 524(a)(1) (a discharge "voids any judgment at any time obtained"). However, the debtor will bear the burden, if necessary, of proving that the post-petition judgment included in the motion is actually for a pre-petition debt.

❑ **The form for the motion, notice, and proposed order set forth in the Local Bankruptcy Rules, Appendices 36, 37, and 38, have been followed.**

CHECKLIST CONTINUED ON FOLLOWING PAGE

- ❑ **The motion and proposed order list the name of each judgment holder, the civil number of the state court proceeding, the date (month, day, and year) the judgment was entered, and the amount of the judgment.** A motion under S.D.C.L. § 15-16-20 applies only to judgments entered by the circuit courts of the State of South Dakota. The Federal District Court for the District of South Dakota requires only a copy of the general discharge order to discharge a judgment on its books. Some other states also require only a copy of the general discharge order. Check with court officials or a bankruptcy attorney in a particular state to learn their local procedure, if any.

- ❑ **The motion and notice have been served on each judgment creditor and the creditor's attorney, if known.** Look to the schedules or mailing list in the Bankruptcy Court file and/or the county's judgment entry for the name of any attorney that represented the creditor.

  If the judgment creditor is now at an unknown address, state in the motion what efforts have been made to locate a current address.

  If judgment creditor is a business that no longer exists, state in the motion how that information is known.

  The debtor is no longer required to serve a motion to discharge judgments on the case trustee, the United States Trustee, the United States Attorney (unless the federal government is the judgment holder), or the county clerk of court. (The clerk of court will, of course, receive the order.)

Sample Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	DEBTOR'S MOTION FOR ORDER
	)	DIRECTING CLERK OF COURT
	)	TO DISCHARGE JUDGMENT
Debtor.	)	VOIDED IN BANKRUPTCY

In support of her motion for an order directing the Clerk of Court to discharge a judgment voided in bankruptcy, Debtor states that:

(1) When Debtor's petition was filed on February 3, 2004, the following [*or attached*] judgment had been rendered or transcripts thereof had been filed against Debtor:[2]

> Hazel's Dry Cleaning, judgment for $118.52, dated May 2, 2003, Civ. No. 03-03, Fifth Judicial Circuit , Brown County, South Dakota

(2) An Order discharging debts under 11 U.S.C. § 727(a) was entered on May 21, 2004.

(3) The judgment listed above has been voided pursuant to 11 U.S.C. § 524(a).

(4) Debtor did not own any non exempt real property on the petition date to which this judgment could attach, and the judgment listed does not represent and did not arise from the enforcement of a valid mechanic's lien, other statutory lien, or a consensual lien that attached to specific real property or personal property pre-petition.

WHEREFORE, Debtor hereby moves the Court for an Order specifying that the above-listed judgment has been voided in bankruptcy and directing the Clerk of Court in whose office such judgment has been rendered, or such transcript thereof has been filed, to enter said order in the judgment docket as provided by S.D.C.L. § 15-16-20.

Dated: May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 4072-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTE

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] List **all** pre-petition judgments that have been voided. If an attachment is used, that attachment must include all required information regarding the judgment(s).

LBR 4072-1

Sample Notice of Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	NOTICE OF MOTION FOR ORDER
	)	DIRECTING CLERK OF COURT
	)	TO DISCHARGE JUDGMENT
Debtor.	)	VOIDED IN BANKRUPTCY

TO ALL PARTIES IN INTEREST:

Debtor Jane A. Anonymous has filed papers with the Court to discharge Hazel's Dry Cleaning's judgment against her. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to discharge Hazel's Dry Cleaning's judgment, then by June 4, 2004,[2] you or your attorney must file with the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501,[3] a typewritten response explaining your position. You may mail your response to the Clerk, but if you do, you must mail it early enough to ensure the Clerk receives it by this date. You or your attorney must also mail a copy of your response to Debtor's attorney, whose address is shown below, and to the other parties in interest, whose names and addresses may be obtained by contacting the Clerk at (605) 224-6013.[3]

If you file and serve a response by the date stated above, the Court will schedule a hearing, if needed, and give you written notice of the date, time, and location of that hearing. Otherwise, the Court may decide that you do not oppose the relief requested by Debtor and may enter an order granting that relief without holding a hearing.

Dated: May 22, 2004.

_____

Joseph J. Jones, Esq.
101 Legal Lane
Justice, SD 57000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 4072-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] For the date by which a response must be filed, use a date at least 13 days after service of the motion and notice.

[3] For the Clerk's address and phone number, use the Clerk's Sioux Falls address and phone number for Southern Division cases and the Clerk's Pierre address and phone number for Northern, Central, and Western Division cases.

Sample Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,	)	ORDER DIRECTING CLERK
	)	OF COURT TO DISCHARGE
Debtor.	)	JUDGMENT VOIDED IN BANKRUPTCY

Upon consideration of Debtor's Motion for Order Directing Clerk of Court to Discharge Judgment Voided in Bankruptcy, filed by Debtor on May 22, 1987, and the record before the Court, and it appearing that no timely objection to the Motion has been filed,

IT IS HEREBY ORDERED that Debtor's personal liability under the following judgment has been voided in bankruptcy:

Hazel's Dry Cleaning, judgment for $118.52, dated May 2, 2003, Civ. No. 03-03, Fifth Judicial Circuit , Brown County, South Dakota

IT IS FURTHER ORDERED that pursuant to S.D.C.L. § 15-16-20 the Clerk of the Court in which the above judgment was rendered, or a transcript thereof has been filed, shall enter a certified copy of this Order in the Clerk's judgment docket.

IT IS FURTHER ORDERED that pursuant to S.D.C.L. § 15-16-20 said entries shall discharge Debtor from her personal liability under the judgment specified from and after the date of entry. Nothing in this Order shall affect any valid lien that attached to Debtor's property pre-petition.

So ordered this 17th day of June, 2004.

BY THE COURT:

Irvin N. Hoyt
Bankruptcy Judge

ATTEST:
Charles L. Nail, Jr., Clerk

By: _____
Deputy Clerk
(SEAL)

LBR 4072-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

Appendix 39 **Order Form (Recording)**

✎AO 436 (Rev. 1/87)	Administrative Office of the United States Courts *Read Instructions on Next Page*	**RECORDING ORDER**

1. NAME	2. PHONE NUMBER	3. DATE	
4. MAILING ADDRESS	5. CITY	6. STATE	7. ZIP CODE

8. CASE NUMBER	9. CASE NAME	DATES OF PROCEEDINGS	
		10. FROM	11. TO
12. PRESIDING JUDICIAL OFFICER		LOCATION OF PROCEEDINGS	
		13. CITY	14. STATE

15. ORDER FOR ☐ APPEAL ☐ NON-APPEAL ☐ CRIMINAL ☐ CIVIL ☐ CRIMINAL JUSTICE ACT ☐ IN FORMA PAUPERIS ☐ BANKRUPTCY ☐ OTHER (Specify)

16. Recording REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which duplicate recording(s) are requested.)

PORTIONS	DATE(S)	PORTIONS(S)	DATE(S)
☐ VOIR DIRE		☐ TESTIMONY (specify witness)	
☐ OPENING STATEMENT (Pl.)			
☐ OPENING STATEMENT (Def.)			
☐ CLOSING ARGUMENT (Pl.)		☐ PRE-TRIAL PROCEEDING (specify)	
☐ CLOSING ARGUMENT (Def.)			
☐ OPINION OF COURT			
☐ JURY INSTRUCTIONS		☐ OTHER (Specify)	
☐ SENTENCING			
☐ BAIL HEARING			

17. ORDER	# CDs	# COPIES	COSTS
☐ DIGITALLY RECORDED COMPACT DISC			
CERTIFICATION (Nos. 18 & 19) By signing below, I certify that I will pay all charges (deposit plus additional) upon completion of the order.	ESTIMATE TOTAL		
18. SIGNATURE	19. DATE		

PROCESSED BY			PHONE NUMBER	
	DATE	BY		
ORDER RECEIVED			DEPOSIT PAID	
DEPOSIT PAID			TOTAL CHARGES	
RECORDING DUPLICATED			LESS DEPOSIT	
PARTY NOTIFIED TO PICK UP RECORDING			TOTAL REFUNDED	
PARTY RECEIVED RECORDING			TOTAL DUE	

(All previous editions of this form are cancelled and should be destroyed.)
DISTRIBUTION: COURT COPY ORDER RECEIPT ORDER COPY

LBR 5077-1

SEE INSTRUCTIONS ON FOLLOWING PAGE

INSTRUCTIONS

Use. Use this form to order duplicate recordings of proceedings. Complete a separate order form for each case number for which recordings are ordered.

Completion. Complete Items 1-19.

Item 8 List only one case number per order.

Item 15 Place an "X" in each box that applies.

Item 16 Check specific portion(s) and list specific date(s) of proceedings for which copy is requested.

Item 17 Indicate number of copies ordered.

Item 18 Sign in this space to certify that you will pay all charges upon completion of the order. (This includes the deposit plus any additional charges.)

Item 19 Enter the date signed.

Do *not* complete shaded areas, which are reserved for the Court's use.

Order Copy. Keep a copy for your records.

Mailing or Delivering to the Court. Mail or deliver two copies to the Office of the Clerk of Court.

Deposit Fee. For orders of 20 or more recordings, the court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Deliver Time. Delivery time is computed from the date of receipt of the deposit fee (if requested, otherwise computed from the court's receipt date).

Completion of Order. The court will notify you when the recordings are completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

Appendix 40 **Order Form (Transcript)**

✎AO 435 (Rev. 1/90)	Administrative Office of the United States Courts *Read Instructions on Next Page*	**TRANSCRIPT ORDER**	**DUE DATE:**
1. NAME		2. PHONE NUMBER	3. DATE
4. MAILING ADDRESS		5. CITY	6. STATE / 7. ZIP CODE
8. CASE NUMBER	9. JUDICIAL OFFICIAL	DATES OF PROCEEDINGS	
		10. FROM	11. TO
12. CASE NAME		LOCATION OF PROCEEDINGS	
		13. CITY	14. STATE

15. ORDER FOR ☐ APPEAL ☐ CRIMINAL ☐ CRIMINAL JUSTICE ACT ☐ BANKRUPTCY ☐ NON-APPEAL ☐ CIVIL ☐ IN FORMA PAUPERIS ☐ OTHER (Specify)

16. TAPE REQUESTED (Specify portion(s) and date(s) of proceeding(s) for which transcript is requested.)

PORTIONS	DATE(S)	PORTIONS(S)	DATE(S)
☐ VOIR DIRE		☐ TESTIMONY (specify witness)	
☐ OPENING STATEMENT (Pl.)			
☐ OPENING STATEMENT (Def.)			
☐ CLOSING ARGUMENT (Pl.)		☐ PRE-TRIAL PROCEEDING (specify)	
☐ CLOSING ARGUMENT (Def.)			
☐ OPINION OF COURT			
☐ JURY INSTRUCTIONS		☐ OTHER (Specify)	
☐ SENTENCING			
☐ BAIL HEARING			

17. ORDER

CATEGORY	ORIGINAL*	FIRST COPY	ADD'L COPIES	NO. OF PAGES ESTIMATE	COSTS
ORDINARY	☐	☐	No. ____		
EXPEDITED	☐	☐	No. ____		
DAILY	☐	☐	No. ____		
HOURLY	☐	☐	No. ____		
CERTIFICATION (Nos. 18 & 19) By signing below, I certify that I will pay all charges (deposit plus additional).				ESTIMATE TOTAL	
18. SIGNATURE				PROCESSED BY	
19. DATE				PHONE NUMBER	
TRANSCRIPT TO BE PREPARED BY				COURT ADDRESS	
	DATE	BY			
ORDER RECEIVED				DEPOSIT PAID	
DEPOSIT PAID				TOTAL CHARGES	
TRANSCRIPT ORDERED				LESS DEPOSIT	
PARTY NOT'D TO PICK UP TRANSCRIPT				TOTAL REFUNDED	
PARTY RECEIVED TRANSCRIPT				TOTAL DUE	

* Includes free copy for the Court. (Previous editions of this form may still be used.)

DISTRIBUTION: COURT COPY TRANSCRIPTION COPY ORDER RECEIPT ORDER COPY

SEE INSTRUCTIONS ON FOLLOWING PAGE

INSTRUCTIONS

Use. Use this form to order transcript of proceedings. Complete a separate order form for each case number for which transcript is ordered.

Completion. Complete Items 1-19.

Item 8 Enter only one case number per order.

Item 15 Place an "X" in each box that applies.

Item 16 Place an "X" in the box for each portion requested. List specific date(s) of the proceedings for which transcript is requested. Be sure that the description is clearly written to facilitate processing. Orders may be placed for as few pages of transcript as are needed.

Item 17 **Categories.** Only four (4) categories of transcripts may be ordered:

Ordinary. A transcript to be delivered within thirty (30) calendar days after receipt of an order. (Order is considered received upon receipt of the deposit.)

Expedited. A transcript to be delivered within seven (7) calendar days after receipt of an order.

Daily. A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.

Hourly. A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.

NOTE: Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary *delivery* rate.

INSTRUCTIONS CONTINUED ON FOLLOWING PAGE

Ordering. Place an "X" in each box that applies. Indicate the number of additional copies ordered.

Original. Original typing of the transcript. An original must be ordered and prepared prior to the availability of copies. The original fee is charged only once. The fee for the original includes the free copy for the court.

First Copy. First copy of the transcript after the original has been prepared. All parties ordering copies must pay this rate for the first copy ordered.

Additional Copies. All other copies of the transcript ordered by the same party.

Item 18 Sign in this space to certify that you will pay all charges. (This includes the deposit plus any additional charges.)

Item 19 Enter the date signed

Do *not* complete shaded areas which are reserved for the court's use.

Order Copy. Keep a copy for your records.

Mailing or Delivering to the Court. Mail or deliver the original, and two copies to the Clerk of Court.

Deposit Fee. The court will notify you of the amount of the required deposit fee which may be mailed or delivered to the court. Upon receipt of the deposit, the court will process the order.

Deliver Time. Delivery time is computed from the date of receipt of the deposit fee.

Completion of Order. The court will notify you when the transcript is completed.

Balance Due. If the deposit fee was insufficient to cover all charges, the court will notify you of the balance due which must be paid prior to receiving the completed order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. Case No. 04-50000
	)	Chapter 13
JOHN ANDREW DOE,	)	
Soc. Sec. No. XXX-XX-4321,[1]	)	TOWN BANK'S
	)	OBJECTION TO PLAN
Debtor.	)	

Town Bank, a secured creditor, objects to confirmation of Debtor's proposed Chapter 13 plan dated February 3, 2004 on the following grounds . . .

Wherefore, Town Bank respectfully requests that confirmation of Debtor's proposed plan dated February 3, 2004 be denied.

Dated: February 5, 2004.

_____
Joseph J. Jones, Jr., Esq.
201 Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5550
Fax: 605/555-5551

Certificate of Service

I, Joseph J. Jones, Jr., do hereby certify that on the 5th day of February, 2004, I caused copies of the foregoing OBJECTION TO PLAN to be served upon:

[list names and addresses of parties served here]

by depositing copies of the same in an envelope securely sealed and with first class postage fully prepaid thereon in the United States Mail at Justice, South Dakota, and addressed to the above-named persons at the foregoing addresses, the same being the last known addresses of those persons.

_____
Joseph J. Jones, Jr., Esq.

LBR 9004-1 LBR 9014-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA
Northern Division

In re:	)	Bankr. Case No. 04-10000
	)	Chapter 7
JANE A. ANONYMOUS,	)	
Soc. Sec. No. XXX-XX-6789,[1]	)	CERTIFICATE OF SERVICE
	)	
Debtor.	)	

I hereby certify that on February 9, 2004, I served true copies of Debtor's Amendment to Schedule F and Notice of Amendment on the following parties by first-class mail, postage prepaid:

United States Trustee
230 S. Phillips Ave., Suite 502
Sioux Falls, SD 57104-6321

Hazel's Dry Cleaning
1802 Hanger Lane
Justice, SD 57000

Samuel S. Smith
Chapter 7 Trustee
P.O. Box "S"
Justice, SD 57000

Bud's Bar
1202 Tipsy Drive
Justice, SD 57000

_____
Leigh Gull-Assistant

LBR 9014-1

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-10000
	)	Chapter 13
SHEEZA DEBTOR,	)	
Soc. Sec. No. XXX-XX-1313,[1]	)	DEBTOR'S WITHDRAWAL
	)	OF OBJECTION TO E-Z CREDIT'S
Debtor.	)	MOTION FOR RELIEF FROM STAY[2]

Debtor hereby withdraws her Objection to E-Z Credit's Motion for Relief from Stay.[2]

Dated: April 2, 2004.

_____

Joseph J. Jones, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
Tele: 605/555-5555
Fax: 605/555-5556

LBR 9014-3

SEE COMMITTEE NOTES ON FOLLOWING PAGE

COMMITTEE NOTES

[1] In compliance with several amendments to the Federal Rules of Bankruptcy Procedure and Official Forms effective December 1, 2003, the caption shall include only the last four digits of a debtor's Social Security number.

[2] Always include the complete description of the objection being withdrawn.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

Adversary: Easy Credit Finance Co., Inc. v. Anonymous
Adv. No.: 04-1000

Main Case: In re Jane A. Anonymous
Bankr. No.: 04-10000
Chapter: 7

Date of Trial: April 1, 2005

EXHIBIT LIST

Submitted by: Plaintiff Easy Credit Finance Co., Inc.
Attorney: William W. Williams

ID.	BRIEF DESCRIPTION	MARKED	OFFERED	OBJECTIO	ADMITTED	NOTES
1	Loan application					
2	Financial statement (Easy Credit)					
3	Financial statement (First National)					
4	Financial statement (Second National)					
5	Homeowner's policy					
6	Bankruptcy schedules/statements					
7	Statement of account					
8	Appraisal					
9	Police report (vandalism)					

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

Case Name: In re Jane A. Anonymous
Bankr. No.: 04-10000
Chapter: 7

Date of Hearing: April 1, 2005

EXHIBIT LIST

Submitted by Movant Easy Credit Finance Co., Inc.
Attorney: William W. Williams

ID.	BRIEF DESCRIPTION	MARKED	OFFERED	OBJECTIO	ADMITTED	NOTES
1	Purchase agreement					
2	Security agreement					
3	Financing statement					
4	Statement of account					
5	Notice of cancellation of insurance					
6	Appraisal					
7	Police report (vandalism)					

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

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COURT POINTS

Central Division (605) 224-0560 (phone) (605) 224-9020 (fax)

Bankruptcy Courtroom
Federal Building and U.S. Courthouse, Room 210
225 South Pierre Street
Pierre, South Dakota

When Court is in session in Aberdeen, Rapid City, or Sioux Falls, Judge Hoyt, his Law Clerk, or the Courtroom Deputy may be reached at the following locations and telephone numbers.

DO NOT MAIL PLEADINGS OR CORRESPONDENCE TO THESE ADDRESSES.

Northern Division (605) 226-7281 (phone) (605) 226-7478 (fax)

Fourth Floor Federal District Courtroom
U.S. Post Office and Courthouse
102 4th Avenue, S.E.
Aberdeen, South Dakota

Southern Division (605) 330-4544 (phone) (605) 330-4560 (fax)

Bankruptcy Courtroom
U.S. Courthouse, Room 117
400 South Phillips Avenue
Sioux Falls, South Dakota

Western Division (605) 343-6335 (phone) (605) 343-4367 (fax)

Third Floor Magistrate's Courtroom
Federal Building and U.S. Courthouse
515 9th Street
Rapid City, South Dakota

CLERK'S OFFICE

Southern Division (605) 330-4541 (phone) (605) 330-4548 (fax)

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Federal Building and U.S. Courthouse
Room 203
225 South Pierre Street
Pierre, South Dakota 57501

WEBSITE www.sdb.uscourts.gov

The Court's website includes a variety of items, such as bankruptcy basics; the local rules; sample forms; decisions; case information; court calendars; practice pointers; mailing and e-mail addresses and telephone and fax numbers for the Court, trustees, and members of the Bankruptcy Bar; and links to other sites of interest. Questions concerning its use – or suggestions for improvement – may be directed to Harland Danielsen, Systems Manager, or Charles Jones, Systems Administrator (e-mail addresses, telephone numbers, and mailing addresses shown above).

CM/ECF (Case Management/Electronic Case Filing) www.sdb.uscourts.gov

The CM/ECF system allows anyone with access to the internet to obtain information regarding bankruptcy cases, including dockets, claims registers, mailing lists, and lists of cases filed by date. CM/ECF may also be used by attorneys admitted to the Federal Bar for the District of South Dakota and individuals employed by such attorneys – once they have been trained and certified – to file documents with the Court electronically. Additional information is available on our website. Questions regarding CM/ECF may be directed to Harland Danielsen, Systems Manager, or Charles Jones, Systems Administrator (e-mail addresses, telephone numbers, and mailing addresses shown above).

VCIS (Voice Case Information System) (800) 768-6218

The Voice Case Information System ("VCIS") allows anyone with a touch-tone telephone to obtain information concerning a bankruptcy case, including the case number, the debtor's name, the filing date, the chapter, the debtor's attorney's name, the trustee's name, the judge, and the current status. This service is available 24 hours a day, except for brief periods during weekly backup on Friday mornings and monthly backups on the first of each month. Additional information is available on our website. Questions concerning its use may be directed to Harland Danielsen, Systems Manager, or Charles Jones, Systems Administrator (e-mail address, telephone number, and mailing address shown above).

UNITED STATES TRUSTEE
CASE AND STANDING TRUSTEES
DISTRICT OF SOUTH DAKOTA

ASSISTANT U.S. TRUSTEE (605) 330-4450 (phone) (605) 330-4456 (fax)

Bruce J. Gering (bruce.j.gering@usdoj.gov)
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Northern Division (605) 229-1144 (phone) (605) 229-7984 (fax)

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Aberdeen, South Dakota 57402

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CHAPTER 12 TRUSTEES

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and Southern Divisions (605) 224-8851 (phone) (605) 224-8269 (fax)

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CHAPTER 13 TRUSTEE

All Divisions (605) 225-0100 (phone) (605) 229-3114 (fax)

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Aberdeen, South Dakota 57402

SCHEDULE OF FEES

The Clerk of the Bankruptcy Court will collect the following fees. The Clerk will not charge fees for services rendered on behalf of the United States, with the exception of those specifically prescribed in items (12), (13), (16), (17), (18), and (21), or on behalf of federal agencies or programs that are funded from judiciary appropriations, including but not limited to, agencies, organizations and individuals providing services authorized by the Criminal Justice Act. **Except as otherwise noted below, these fees are fully earned upon receipt by the Clerk and may not be waived or refunded.**

(1) For commencing a case under:

Chapter 7	$ 209.00
Chapter 9	$ 839.00
Chapter 11 (non-railroad)	$ 839.00
Chapter 11 (railroad)	$1,039.00
Chapter 12	$ 239.00
Chapter 13	$ 194.00

The chapter 7 fee includes the filing fee, an administrative fee ($39), and a trustee surcharge ($15). All other chapter fees include the filing fee and an administrative fee ($39).

(2) For converting a case from:

Chapter 7 to Chapter 11 (debtor's motion)	$ 645.00[1]
Chapter 13 to Chapter 11 (debtor's motion)	$ 645.00[1]
Chapter 11 to Chapter 7 (debtor's or other party's motion)	$ 15.00[2]
Chapter 12 to Chapter 7 (debtor's or other party's motion)	$ 15.00[2]
Chapter 13 to Chapter 7 (debtor's or other party's motion)	$ 15.00[2]
Chapter 12 to Chapter 7 (debtor's notice of conversion)	$ 15.00[3]
Chapter 13 to Chapter 7 (debtor's notice of conversion)	$ 15.00[3]

Except as provided above, there is no fee for converting a case from one chapter to another, whether at the request of the debtor or another party, even if the filing fee for the new chapter is greater than the filing fee for the old chapter.

[1] Due upon entry of an order converting the case.
[2] Due upon filing of the motion. If the trustee serving in the case before the conversion is the movant, this fee is payable only to the extent the estate that exists prior to conversion has funds with which to pay it.
[3] Due upon filing of the notice of conversion.

(3) For deconsolidating a joint petition under:

Chapter 7	$ 155.00
Chapter 11	$ 800.00
Chapter 12	$ 200.00
Chapter 13	$ 155.00

(4) For filing a motion to reopen a Bankruptcy Code case under:

Chapter 7	$ 155.00
Chapter 9	$ 800.00
Chapter 11 (non-railroad)	$ 800.00
Chapter 11 (railroad)	$1,000.00
Chapter 12	$ 200.00
Chapter 13	$ 155.00

This fee is due upon the filing of a motion to reopen a case, unless the reopening is to correct an administrative error or for an action related to the debtor's discharge, as provided in LBR 5010-1. The Court may, under appropriate circumstances, waive this fee or defer payment from trustees pending discovery of additional assets.

(5) For filing certain amendments: $ 26.00 per amendment

This fee applies only to amended schedules of creditors, lists of creditors, matrices, or mailing lists, other than amendments that only correct a previously listed creditor's address. The Court may, for good cause, waive the charge in any case.

(6) For filing certain motions: $ 150.00

This fee applies only to motions to terminate, annul, modify, or condition the automatic stay, motions to compel abandonment, and motions to withdraw the reference of a case or proceeding. It does not apply to such motions filed by a child support creditor or a child support creditor's representative, if s/he files the form required by § 304(g) of the Bankruptcy Reform Act of 1994. It does not apply to motions to approve stipulations regarding such motions. Only one fee is due if such a motion requests more than one form of relief (*e.g.*, relief from the automatic stay and abandonment).

(7) For filing an adversary complaint: $ 150.00

There is no fee for filing an adversary complaint if: (1) the United States, other than the United States Trustee acting as a case trustee, is the plaintiff; (2) a debtor is the plaintiff; (3) a trustee or a debtor in possession is the plaintiff and

no funds are available from the estate with which to pay such fee; or (4) a child support creditor or a child support creditor's representative is the plaintiff and the child support creditor or the child support creditor's representative files the form required by § 304(g) of the Bankruptcy Reform Act of 1994.

(8) For filing a notice of appeal: $ 255.00

Each party filing a separate notice of appeal must pay a separate fee. Parties filing a joint notice of appeal need pay only one fee. If a trustee or a debtor in possession is the appellant, $100 of the fee is payable only from the estate and only to the extent there are funds within the estate to pay it.

(9) For filing a cross appeal: $ 255.00

If a trustee or a debtor in possession is the cross-appellant, $100 of the fee is payable only from the estate and only to the extent there are funds within the estate to pay it.

(10) For filing petitions ancillary to foreign proceedings: $ 830.00

The total fee includes a $800.00 filing fee and a $30.00 administrative fee.

(11) For filing a document in a case/proceeding for which no filing fee has been paid: $ 39.00

(12) For copying documents: $ .50 per page

This fee applies to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

(13) For printing copies from Clerk's public access terminals $.10 per page

This fee applies to services rendered on behalf of the United States if the record or paper requested is remotely available through electronic access.

(14) For certifying documents: $ 9.00 per document

This fee applies regardless of whether the certification is made directly on the document or by separate instrument.

(15) For exemplifying documents: $ 18.00 per document

This fee applies regardless of whether the certification is made directly on the document or by separate instrument.

(16) For records searches: $ 26.00 per name or item searched

This fee applies to any search of the Bankruptcy Court's records conducted by the Clerk or a Deputy Clerk. It applies to services rendered on behalf of the United States if the information requested is available through electronic access.

(17) For internet access to imaged case files: $.07 per page

The total charge for any particular document may not exceed $2.10. The Court may, for cause, exempt persons or classes of persons from this fee, in order to avoid unreasonable burdens and to promote public access to such information. This fee applies to the United States.

(18) For handling NSF checks: $ 45.00 per check

(19) For retrieving records: $ 45.00

This fee applies with respect to any records retrieved by the Clerk from a Federal Records Center, National Archives, or other storage location removed from the place of business of the Court.

(20) For reproduction of recordings of proceedings: $ 26.00

This fee applies to services rendered on behalf of the United States if the reproduction of the recording is available electronically.

(21) For handling registry funds: varies

The Clerk assesses a fee in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts. The fee is assessed, regardless of the nature of the case underlying the investment.

(22) For distributing copies of local rules: varies

The Court may charge and collect fees commensurate with the cost of providing copies of the local rules of court.

NOTE

Effective January 1, 1998, the Judicial Conference eliminated the $.50 fee previously charged for each notice generated in cases pending on December 1, 1992 under any chapter and in cases filed after December 1, 1992 under chapters 9, 11, and 12. This fee will therefore not be charged for notices generated after January 1, 1998 in pending or future cases. However, it will be charged for notices generated prior to January 1, 1998 in chapter 9, 11, and 12 cases.

Also effective January 1, 1998, the Judicial Conference eliminated the $.25 fee previously charged for each claim in excess of ten filed in asset cases. This fee will therefore not be charged for claims filed after January 1, 1998 in pending or future cases. Again, however, it will be charged for excess claims filed prior to January 1, 1998 in asset cases.

U.S. BANKRUPTCY COURT

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District of South Dakota

Hon. Irvin N. Hoyt, Chief Bankruptcy Judge
Charles L. Nail, Jr., Clerk

Welcome to the web site of the United States Bankruptcy Court, District of South Dakota.

The Clerk's Office accepts both electronically-filed and traditionally-filed (i.e., paper) documents and makes the full content of those documents available on the Court's internet website. Only those attorneys who have been trained and certified may file documents electronically (click here for a list of those attorneys). However, anyone who registers with the PACER Service Center will be able to read, download, store, and print any document filed with the Court, unless it has been sealed or is otherwise restricted by Court order.

On December 1, 2003, the Federal Rules of Bankruptcy Procedure were amended to implement the new privacy policy of the Judicial Conference of the United States. Click here for important additional information.

Our Mission

The United States Bankruptcy Court of the District of South Dakota exists to fulfill Article I, Section 8, Clause 4 of the United States Constitution and Title 11 of the United States Code. The Court's essential functions are to adjudicate disputes in a professional manner under the applicable statutes and federal and local rules; to maintain accurate files and records, to provide case information to the Bar, *pro se* litigants, and the public; and to provide statistical information to the public and the Administrative Office of the United States Courts.

Local Rules

Practice Pointers

Questions or comments about this website? Contact Harland_Danielsen@sdb.uscourts.gov.
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