

Appendix 4A. Order Granting Relief from the Automatic Stay (uncontested).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	ORDER GRANTING BOB'S BANK
SSN/ITIN xxx-xx-0000	)	RELIEF FROM AUTOMATIC STAY
)	
Debtor.)	

Upon consideration of Bob's Bank's Motion for Relief from the Automatic Stay (doc. 8) and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Bob's Bank's motion is granted, and it is given relief from the automatic stay to pursue its nonbankruptcy law remedies regarding its interest in the following property:

1976 Jeep CJ7, VIN: WNAX93EH076006.

IT IS FURTHER ORDERED the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3) is waived, and this order is effective upon entry.

So ordered:

Appendix 4B. Motion for Authority to Use Cash Collateral.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. No. 10-90000
) Chapter 11
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop) DEBTOR'S MOTION FOR
SSN/ITIN xxx-xx-0000) AUTHORITY TO USE
) CASH COLLATERAL OF
Debtor.) JUSTICE STATE BANK

Debtor Jane A. Anonymous hereby moves the Court for an order authorizing her to use cash collateral, and in support thereof respectfully states:

- (1) Debtor is a retailer of flowers and gifts in Hill City, South Dakota. On September 22, 2010, Debtor filed a petition seeking relief under chapter 11 of the Bankruptcy Code.
- (2) Debtor proposes to use \$11,200.00 in "cash collateral," as that term is defined under 11 U.S.C. § 363(a), to maintain the operation of her business until a plan is confirmed in January 2011. The cash collateral proposed to be used includes \$3,457.00 in Debtor's debtor-in-possession checking account at Justice State Bank, and the balance will be received by Debtor post-petition in the form of gross retail receipts. Justice State Bank claims a secured interest in this cash collateral.
- (3) Debtor contacted the creditor or its counsel, who have to date neither refused nor agreed to the use of cash collateral as proposed herein.
- (4) Attached to this motion as Exhibit A is Debtor's projected income and projected expenses from the petition date to January 14, 2011, when Debtor expects to have her proposed plan confirmed. This is the term of months during which Debtor wants authorization to use the cash collateral specified herein.
- (5) Should the Court determine the creditor identified above has a lien that encumbers property of this bankruptcy estate which may be described as the cash collateral Debtor wants to use, Debtor proposes to provide such creditor with adequate protection as described in Exhibit B, attached to this motion.

Wherefore, Debtor requests authority to use cash collateral of \$11,200.00 in the operation of her business, upon the terms and conditions set forth in this motion and the exhibits attached thereto.

Dated: September 30, 2010.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If the debtor needs to use some cash collateral before the regular 17-day notice period expires, follow the sample motion at Appendix 4C.

If the debtor concedes a certain creditor holds a secured interest in the cash collateral to be used, reword parts (2) and (5).

Attach two exhibits to the motion:

Exhibit A - the debtor's projected income and projected expenses for the time period in which the debtor wants to use the cash collateral. The more specific, the better; and

Exhibit B - the debtor's offer of adequate protection for each creditor that has a lien on the cash collateral to be used. The offer should not include plan treatment; if it does, the motion and notice must be served on all creditors and other parties in interest to be binding on the bankruptcy estate.

Appendix 4C. Motion for Authority to Use Cash Collateral and Request for Preliminary Hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. No. 10-90000
) Chapter 11
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop) DEBTOR'S MOTION FOR AUTHORITY
SSN/ITIN xxx-xx-0000) TO USE CASH COLLATERAL OF
) JUSTICE STATE BANK AND
Debtor.) REQUEST FOR PRELIMINARY HEARING

Debtor Jane A. Anonymous hereby moves the Court for an order authorizing her to use cash collateral, and for a preliminary hearing and a final hearing on this motion, as needed, and in support thereof respectfully states:

- (1) Debtor is a retailer of flowers and gifts in Hill City, South Dakota. On September 22, 2010, Debtor filed a petition seeking relief under chapter 11 of the Bankruptcy Code.
- (2) Debtor proposes to use \$11,200.00 in "cash collateral," as that term is defined under 11 U.S.C. § 363(a), to maintain the operation of her business until a plan is confirmed in January 2011. Of the \$11,200.00 total authorization sought, Debtor requests preliminary authorization to use \$3,980.00 within six business days, as discussed in paragraph (6) below. The cash collateral proposed to be used includes \$3,457.00 in Debtor's debtor-in-possession checking account at Justice State Bank, and the balance will be received by Debtor post-petition in the form of gross retail receipts. Justice State Bank claims a secured interest in this cash collateral.
- (3) Debtor contacted the creditor or its counsel, who have to date neither refused nor agreed to the use of cash collateral as proposed herein.
- (4) Attached to this motion as Exhibit A is Debtor's projected income and projected expenses from the petition date to January 14, 2011, when Debtor expects to have her proposed plan confirmed. This is the term of months during which Debtor wants the authorization to use the cash collateral specified herein.
- (5) Should the Court determine that the creditor identified above has a lien that encumbers property of this bankruptcy estate which may be described as the cash collateral Debtor wants to use, Debtor proposes to provide such creditor with adequate protection as described in Exhibit B, attached to this motion.
- (6) Pursuant to Fed.R.Bankr.P. 4001(b)(2) and Bankr. D.S.D. R. 4001-2, Debtor requests preliminary authorization to use \$3,980.00 in cash collateral on or before October 10, 2010, when Debtor must pay her employees' wages and benefits, certain utilities and insurance, her wholesale supplier for flowers that Debtor presently needs for her customers, including three pending weddings and a scheduled funeral. Debtor has no other immediately available source of monies from which these critical expenses may be funded. Debtor has attached as Exhibit C details of the expenses that she must meet on or before October 8, 2010, which is within the 17-day period following the filing of this motion.

Wherefore, Debtor requests preliminary authorization to use cash collateral of \$3,980.00 on or before October 8, 2010, and final authorization to use cash collateral of \$11,200.00 in the operation of her business upon the terms and conditions set forth in this motion and the exhibits attached thereto.

Dated: September 30, 2010.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If the debtor does not need to use any cash collateral before the regular 17-day notice period expires, follow the sample at Appendix 4B.

If the debtor concedes a certain creditor holds a secured interest in the cash collateral it wants to use, reword paragraphs (2) and (5).

Attach three exhibits to the motion:

Exhibit A - the debtor's projected income and projected expenses for the time period in which the debtor wants to use the cash collateral. The more specific, the better;

Exhibit B - the debtor's offer of adequate protection for each creditor that has a lien on the cash collateral to be used. The offer should not include plan treatment; if it does, the motion and notice must be served on all creditors and other parties in interest to be binding on the bankruptcy estate; and

Exhibit C - a detailed list of the exact expenses and their amounts that the debtor needs to pay with cash collateral that it wants preliminarily authorized under Fed.R.Bankr.P. 4001(b)(2) and Bankr. D.S.D. R. 4001-2.

When a preliminary hearing is requested, file only the motion. Do not serve the motion. Do not prepare or file a notice or certificate of service. The Court will prepare and enter an order setting the response deadlines regarding the preliminary and final requests. After the order is entered, serve the motion and the order as directed in the order and prepare and file a certificate of service. The order will constitute the notice of the motion, so a separate notice is not required.

Appendix 4D. Order Granting Preliminary Authority to Use Cash Collateral.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.)	
dba Bob's Feed Store	)	ORDER GRANTING DEBTOR
TAX ID/EIN 10-0111111	)	PRELIMINARY AUTHORITY TO
	)	USE CERTAIN CASH COLLATERAL
Debtor.)	

Upon consideration of Debtor's Motion for Authority to Use Cash Collateral of Justice State Bank and Request for Preliminary Hearing (doc. 13) and the record before the Court; and it appearing no objection to Debtor's preliminary request was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's request for preliminary authority is granted, and Debtor may use \$3,980.00 of Justice State Bank's cash collateral, on the terms and conditions set forth in the motion.

So ordered:

Committee Notes

If preliminary authority to use cash collateral was not requested, delete "PRELIMINARY" from the title and change the body to provide:

Upon consideration of Debtor's Motion for Authority to Use Cash Collateral of Justice State Bank (doc. 13) and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted, and Debtor may use \$11,200.00 of Justice State Bank's cash collateral, on the terms and conditions set forth in the motion.

So ordered:

Appendix 4E. Order Granting Final Authority to Use Cash Collateral.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.)	
dba Bob's Feed Store	)	ORDER GRANTING DEBTOR
TAX ID/EIN 10-0111111	)	FINAL AUTHORITY TO USE
	)	CERTAIN CASH COLLATERAL
Debtor.)	

Upon consideration of Debtor's Motion for Authority to Use Cash Collateral of Justice State Bank and Request for Preliminary Hearing (doc. 13) and the record before the Court; and it appearing no objection to Debtor's final request was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's request for final authority is granted, and Debtor may use \$11,200.00 of Justice State Bank's cash collateral, on the terms and conditions set forth in the motion.

So ordered:

Appendix 4F. Motion for Authority to Obtain Credit.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 10-00001
) Chapter 11
BOB'S FEED & SEED, INC.)
)
dba Bob's Feed Store) DEBTOR'S MOTION FOR AUTHORITY
) TO OBTAIN SECURED CREDIT
TAX ID/EIN 10-0111111) FROM JUSTICE STATE BANK
)
Debtor.)

Debtor Bob's Feed & Seed, Inc., hereby moves the Court for an order permitting it to obtain secured credit, and in support thereof respectfully states:

- (1) Debtor is a retailer of goods for farmers and ranchers in Hill City, South Dakota. On May 11, 2010, Debtor filed a petition seeking relief under chapter 11 of the Bankruptcy Code.
- (2) Debtor proposes to obtain credit of \$47,000.00 and to provide security for this debt. The funds borrowed will be used by Debtor to maintain the operation of its business until a plan is confirmed in approximately 180 days.
- (3) Attached to this motion as Exhibit A is Debtor's projected income and projected expenses from the petition date through November 30, 2010, when Debtor expects to have its proposed plan confirmed. This is the term of months during which Debtor wants authority to obtain and use secured credit as set forth in this motion.
- (4) Debtor proposes to obtain the secured credit from Justice State Bank. The terms of the note and the security for the note are set forth in detail on Exhibit B attached to this motion. In summary, Debtor proposes to borrow \$47,000.00 at 6.689% interest with the funds to be repaid over 12 months in equal payments beginning July 1, 2010. Security for the note will be Debtor's post-petition receipts and replacement inventory. Debtor will provide monthly cash flow statements and a monthly inventory to the bank, and Debtor also will maintain its debtor-in-possession account at the bank.

Wherefore, Debtor requests authority to obtain secured credit of \$47,000.00 for the operation of its business, upon the terms and conditions set forth in this motion and the exhibits attached thereto.

Dated: May 12, 2010.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If the debtor needs secured credit before the regular 17-day notice period expires, use the sample at Appendix 4G.

Attach two exhibits to the motion:

Exhibit A - the debtor's projected income and projected expenses for the term during which the debtor wants to use the secured credit. The more specific, the better; and

Exhibit B - a detailed summary of the terms of the note and security agreement the debtor proposes to enter into or copies of the note and security agreement themselves. Redact any personal identifiers, such as a Social Security number.

Appendix 4G. Motion for Authority to Obtain Credit and Request for Preliminary Hearing.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. No. 10-00001
) Chapter 11
BOB'S FEED & SEED, INC.)
dba Bob's Feed Store)
TAX ID/EIN 10-0111111)
Debtor.) DEBTOR'S MOTION FOR AUTHORITY
TO OBTAIN SECURED CREDIT
FROM JUSTICE STATE BANK AND
REQUEST FOR PRELIMINARY HEARING

Debtor Bob's Feed and Seed, Inc., hereby moves the Court for an order permitting it to obtain secured credit, and for a preliminary hearing and a final hearing on this motion, as needed, and in support thereof respectfully states:

- (1) Debtor is a retailer of goods for farmers and ranchers in Hill City, South Dakota. On May 11, 2010, Debtor filed a petition seeking relief under Chapter 11 of the Bankruptcy Code.
- (2) Debtor proposes to obtain credit of \$47,000.00 and to provide security for this debt. The funds borrowed will be used by Debtor to maintain the operation of its business until a plan is confirmed in approximately 180 days. Of the \$47,000.00 total authority sought, Debtor requests preliminary authority to obtain secured credit of \$12,000.00 on or before May 19, 2010, as discussed in paragraph (5) below.
- (3) Attached to this motion as Exhibit A is Debtor's projected income and projected expenses from the petition date through November 30, 2010, when Debtor expects to have its proposed plan confirmed. This is the term of months during which Debtor wants authority to obtain and use secured credit as set forth in this motion.
- (4) Debtor proposes to obtain the secured credit from Justice State Bank. The terms of the note and the security for the note are set forth in detail on Exhibit B attached to this motion. In summary, Debtor proposes to borrow \$47,000.00 at 6.689% interest with the funds to be repaid over 12 months in equal payments beginning July 1, 2010. Security for the note will be Debtor's post-petition receipts and replacement inventory. Debtor will provide monthly cash flow statements and a monthly inventory to the bank, and Debtor also will maintain its debtor-in-possession account at the bank.
- (5) Pursuant to Fed.R.Bankr.P. 4001(c)(2) and Bankr. D.S.D. R. 4001-3, Debtor requests preliminary authority to obtain \$12,000.00 in secured credit on or before May 19, 2010, when Debtor must pay its employees' wages and benefits and when Debtor must pay its wholesale supplier for the alfalfa and sweet clover seed that Debtor presently needs to have on hand for its customers' spring planting. Debtor has no other immediately available source of monies from which these critical expenses may be funded. Debtor has attached as Exhibit C details of the expenses that it must meet on or before May 19, 2010, which is within the 17-day period following the filing of this

motion.

Wherefore, Debtor requests preliminary authority to obtain secured credit of \$12,000.00 on or before May 19, 2010, and requests final authority to obtain secured credit of \$47,000.00 for the operation of its business upon the terms and conditions set forth in this motion and the exhibits attached thereto.

Dated: May 12, 2010.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

Committee Notes

If the debtor does not need secured credit before the regular 17-day notice period expires, use the sample motion at Appendix 4F.

Attach three exhibits to the motion:

Exhibit A - the debtor's projected income and projected expenses for the term during which the debtor wants to use the secured credit. The more specific, the better;

Exhibit B - a detailed summary of the terms of the note and security agreement that the debtor proposes to enter into or copies of the note and security agreement themselves (redact any personal identifiers, such as a Social Security number); and

Exhibit C - a detailed list of the exact expenses and their amounts that the debtor needs to pay with the secured credit that it wants preliminarily authorized under Fed.R.Bankr.P. 4001(c)(2) and Bankr. D.S.D. R. 4001-3.

When a preliminary hearing is requested, file only the motion. Do not serve the motion. Do not prepare or file a notice or certificate of service. The Court will prepare and enter an order setting the response deadlines regarding the preliminary and final requests. After the order is entered, serve the motion and the order as directed in the order and prepare and file a certificate of service. The order will constitute the notice of the motion, so a separate notice is not required.

Appendix 4H. Order Granting Preliminary Authority to Obtain Credit.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.)	
dba Bob's Feed Store	)	ORDER GRANTING DEBTOR
TAX ID/EIN 10-0111111	)	PRELIMINARY AUTHORITY
	)	TO OBTAIN SECURED CREDIT
Debtor.	)	FROM JUSTICE STATE BANK

Upon consideration of Debtor's Motion for Authority to Obtain Secured Credit from Justice State Bank and Request for Preliminary Hearing (doc. 13) and the record before the Court; and it appearing no objection to Debtor's preliminary request was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's request for preliminary authority is granted, and Debtor may obtain secured credit of \$12,000.00 from Justice State Bank, on the terms and conditions set forth in the motion.

So ordered:

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If preliminary authority to use cash collateral was not requested, delete "PRELIMINARY" from the title and change the body of the proposed order to provide:

Upon consideration of Debtor's Motion for Authority to Obtain Secured Credit from Justice State Bank (doc. 13) and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's request for authority to obtain credit is granted, and Debtor may obtain secured credit of \$47,000.00 from Justice State Bank, on the terms and conditions set forth in the motion.

So ordered:

Appendix 4I. Order Granting Final Authority to Obtain Credit.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.)	
dba Bob's Feed Store	)	ORDER GRANTING DEBTOR
TAX ID/EIN 10-0111111	)	FINAL AUTHORITY TO
	)	OBTAIN SECURED CREDIT
Debtor.	)	FROM JUSTICE STATE BANK

Upon consideration of Debtor's Motion for Authority to Obtain Secured Credit from Justice State Bank and Request for Preliminary Hearing (doc. 13) and the record before the Court; and it appearing no objection to Debtor's final request was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's request for final authority is granted, and Debtor may obtain secured credit of \$47,000.00 from Justice State Bank, on the terms and conditions set forth in the motion.

So ordered:

Committee Notes

In paragraph (1), describe the exempt property. If the exempt property is the debtor's homestead, include the legal description. For the value of the debtor's interest in the exempt property, use the full market value as of the petition date.

If more than one lien is to be avoided, describe the additional lienholder and lien in paragraph (3) and include the total amount of all liens to be avoided on the appropriate line in paragraph (4).

If there are encumbrances, such as a mortgage, that will not (or cannot) be avoided, describe them in paragraph (3) and include the total amount of the encumbrances that will not (or cannot) be avoided on the appropriate line in paragraph (4).

If the value of the exempt property, less the amount of encumbrances that are not being avoided, will not support the full value of the allowed exemption, the liens to be avoided fully impair the exemption and may be avoided to their full amount. If there is equity remaining, after the deduction of the encumbrances that are not being avoided and the allowed exemption, the liens to be avoided are avoided only to the extent they exceed the equity. Clear as mud?

Here are sample paragraphs (3) and (4) for avoiding judgment liens on a homestead:

(3) Home Mortgage America holds a first mortgage on the homestead for \$101,212.34. Equity, Inc., holds a second mortgage for \$23,452.00. Hazel's Dry Cleaning and Bud's Bar also hold judgment liens that encumber the property:

Hazel's Dry Cleaning, judgment for \$114.00, plus any interest and costs, dated May 2, 2007, Civ. No. 03-03, Fifth Judicial Circuit, Brown County, South Dakota.

Bud's Bar, judgment for \$8,100.00, plus any interest and costs, dated May 2, 2008, Civ. No. 03-04, Fifth Judicial Circuit, Brown County, South Dakota.

(4) The judgment liens described in paragraph (3) impair Debtor's claimed exemption:

Value of Debtor's interest:	\$137,250.00
Amount of all other encumbrances:	\$124,664.34
Debtor's allowed exemption:	\$ 60,000.00
Amount of liens to be avoided:	\$ 8,214.00
Impairment:	\$ 8,214.00

Appendix 4K. Order Avoiding Certain Liens.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop)	
SSN/ITIN xxx-xx-0000	)	ORDER AVOIDING CERTAIN LIEN
)	
Debtor.)	

Upon consideration of Debtor's Motion to Avoid Certain Lien (doc. 27) and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted, and Easy Credit Finance Co., Inc.'s nonpossessory, nonpurchase money security interest in Debtor's appliances, as more fully described in the motion, is avoided to the extent of \$50.00.

So ordered:

Appendix 4L. Notice of Rescission of a Reaffirmation Agreement.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. No. 10-90000
) Chapter 7
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop)
SSN/ITIN xxx-xx-0000)
) DEBTOR'S NOTICE OF RESCISSION
) OF REAFFIRMATION AGREEMENT
Debtor.) WITH EIGHTH NATIONAL BANK

TO EIGHTH NATIONAL BANK:

I, Debtor Jane Anne Anonymous, hereby rescind the reaffirmation agreement I entered into with Eighth National Bank (doc. 15), dated September 5, 2011, regarding the following debt:

<u>Description</u>	<u>Amount</u>
1975 AMC Gremlin	\$1,550.00

Dated: October 12, 2011.

/s/
Jane A. Anonymous

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

By the applicable deadline, serve the original notice of rescission on the creditor whose debt was reaffirmed. *See* 11 U.S.C. § 524(c)(4). File with the Court a certificate of service, with a copy of the notice of rescission attached.

Appendix 4M.

CHECKLIST FOR A MOTION TO DISCHARGE JUDGMENTS

- 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, business 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 did not receive the notice of commencement of case from the 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 11 U.S.C. § 523(a)(3), seeking a declaration the unscheduled debt was nonetheless discharged. Most often, a creditor will not have received the notice of commencement of case because only the creditor's attorney was served with the notice (not the creditor himself) or the creditor was never scheduled and never on the mailing list before the discharge order was entered. *See In re Darci Fleury*, Bankr. No. 04-50203, slip op. at 3 (Bankr. D.S.D. Oct. 14, 2004). Those problems can be avoided only if the debtor or his attorney obtains an up-to-date list of judgments from the state *before* filing the petition and completing the schedules and mailing list of creditors.

- All judgments 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) - certain fines and penalties to governmental units;
 - 523(a)(8) - student loans (unless a hardship is declared by the Court through an adversary proceeding)
 - 523(a)(9) - debts arising from death or injuries associated with a DWI;
 - 523(a)(10) - debts declared nondischargeable 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) and (14A) - debts incurred to pay nondischargeable taxes;
- 523(a)(14B) - debts arising from federal election law violations;
- 523(a)(15) - debts incurred or assigned through a divorce, child support, or other family support related proceeding;
- 523(a)(16) - certain co-op or condo fees;
- 523(a)(17) - certain court or prisoner costs and expenses;
- 523(a)(18) - certain retirement fund loan obligations; and
- 523(a)(19) - debts arising from certain securities law violations.

For certain other judgments/debts to be declared nondischargeable, the creditor must timely obtain a judgment of nondischargeability from the Bankruptcy Court. If a nondischargeability adversary proceeding has not been timely filed under the following three subsections of § 523(a), the debtor's motion to discharge judgments may include judgments 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; and
- 523(a)(6) - debts arising from willful and malicious injuries.

In a chapter 11 case for an *individual* debtor, 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 debts excepted from discharge include: certain withholding taxes under § 507(a)(8)(C); those falling under § 523(a)(1)(B), (1)(C), (2), (3), (4), (5), (8), and (9); 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); restitution or damages awarded in a civil action arising from a willful or malicious injury or death to another under § 1328(a)(4); 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 the post-petition judgment included in the motion is actually for a pre-petition debt.

- The **form** for the motion and proposed order set forth in Appendices 4N and 4O have been *strictly* followed. The notice of the motion conforms to the sample in Appendix 2A. The last date for objections stated in the notice is 17 days after the service of the motion and notice.

- **The motion and proposed order list the name of each judgment holder, the civil number of the state court proceeding, the name of the county where the judgment was entered or transcribed, 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. Do not include judgments from another state or from a federal court in the motion. 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, for removal of judgments .

- **The motion and notice have been served on each judgment creditor and the creditor's attorney, if known.** Serve the creditor at the address listed on the judgment report, and if different, the address on the case mailing list. Also serve the motion and notice on any attorney who represented the judgment creditor at the time of the judgment and any attorney who has filed a notice of appearance for that creditor in the bankruptcy case. If a state agency or official is a judgment holder, serve the state agency or official and the Attorney General. If a federal agency or official is a judgment holder, serve the federal agency or official and the U.S. Attorney.

If the judgment creditor is now at an unknown address or if no address for the creditor is stated in the judgment report, state in the motion what efforts have been made to locate a current address for this creditor or the name and address of any successor in interest.

If the judgment creditor is a business that no longer exists, state in the motion how that information is known.

The motion and notice **should not be served** 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 when the order is served by the debtor or debtor's attorney.)

- **Submit the proposed order** granting the motion at the same time the motion is filed. Send the proposed order, in Word or WordPerfect format (not a .pdf document), to *proposed_orders@sdb.uscourts.gov*. If the motion is only granted in part or denied, the Court will prepare the order.

Appendix 4N. Motion to Discharge Certain Judgments Voided in Bankruptcy.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 09-90000
) Chapter 7
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop) DEBTOR'S MOTION TO
SSN/ITIN xxx-xx-0000) DISCHARGE JUDGMENTS
)
Debtor.)

In support of this request for an order under S.D.C.L. § 15-16-20 directing clerks of court to discharge certain judgments that have been voided in bankruptcy under 11 U.S.C. § 524(a), Debtor states:

(1) When the petition was filed on February 3, 2012, the following judgments had been rendered or transcripts thereof had been filed against Debtor in the state of South Dakota:

Hazel's Dry Cleaning, judgment for \$118.52, plus any interest and costs, dated May 2, 2009, Civ. No. 03-03, Fifth Judicial Circuit, Brown County, South Dakota.

Bud's Bar, judgment for \$1,615.12, plus any interest and costs, dated January 2, 2011, Civ. No. 03-04, Fifth Judicial Circuit, Brown County, South Dakota.

(2) An order discharging debts under 11 U.S.C. § 727(a) was entered October 11, 2012, and Debtor's personal liability under the judgments listed above was voided pursuant to 11 U.S.C. § 524(a).

(3) Debtor did not own any nonexempt real property on the petition date to which any judgment could attach as a lien, and the judgments listed do 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 the above-listed judgments have been voided in bankruptcy and directing the clerk of court in whose office such judgments have been rendered, or transcripts thereof have been filed, to enter said order in the judgment docket as provided by S.D.C.L. § 15-16-20.

Dated: October 12, 2012.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

Appendix 40. Order Discharging Certain Judgments.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	ORDER DISCHARGING
SSN/ITIN xxx-xx- 0000	)	CERTAIN JUDGMENTS
)	
Debtor.)	

Upon consideration of Debtor's Motion to Discharge Judgments (doc. 27) and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted, and her personal liability under the following judgments has been voided in bankruptcy:

Hazel's Dry Cleaning, judgment for \$118.52, plus any interest and costs, dated May 2, 2009, Civ. No. 03-03, Fifth Judicial Circuit , Brown County, South Dakota.

Bud's Bar, judgment for \$1,615.12, plus any interest and costs, dated May 2, 2011, Civ. No. 03-04, Fifth Judicial Circuit, Brown County, South Dakota.

IT IS FURTHER ORDERED, pursuant to S.D.C.L. § 15-16-20, the clerk of the court in which the above-listed judgments were rendered, or a transcript thereof has been filed, shall enter a certified copy of this order in the clerk's judgment docket. Said entry shall discharge only Debtor's personal liability under the judgments specified from and after the date of entry.

IT IS FURTHER ORDERED the liability on the above-listed judgments of any other co-debtor, who is not a debtor in this bankruptcy case, is not affected by this order, and nothing in this order shall affect any valid lien that attached to Debtor's property pre-petition.

So ordered:

Appendix 6A. Notice of Proposed Sale of Property under \$2,500.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	NOTICE OF TRUSTEE'S SALE
SSN/ITIN xxx-xx-0000	)	OF PROPERTY UNDER \$2,500
)	
Debtor.)	

Trustee Samuel S. Smith hereby gives notice under Federal Rule of Bankruptcy Procedure 6004(d) that he intends to sell the following property at public auction or via newspaper advertisement:

one tan sofa, 6 feet, very good condition;
two swivel rockers (older);
one Magnavox L74 27-inch television (not a flat screen); and
one Hi-Vac push mower (runs)

The total value of this property, according to Debtor's schedules, the auctioneer's estimate, and the trustee's estimate, is less than \$2,500, and it constitutes all the nonexempt property of the estate. There are no known encumbrances on the property. For those items sold at auction, the auction sale will be held at the next regularly scheduled auction held by Wimp's Auction House, Justice, South Dakota, after the objection period to this notice has run.

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 property to be sold as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before March 26, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at www.sdb.uscourts.gov. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be

mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney file a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the proposed sale may be set by separate order if an objection or other response is filed on or before the deadline. If no party in interest files and serves a response on or before the deadline, the proposed sale may be deemed uncontested, and the trustee may proceed to sell this property in the manner proposed.

Dated: March 9, 2012.

/s/
Trustee Samuel S. Smith
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
fax: (605)555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Use this notice only if the aggregate gross value of the nonexempt property in the estate is less than \$2,500.00. If the aggregate gross value of the nonexempt property in the estate equals or exceeds \$2,500.00, the sale will need to be proposed by a motion to sell and a notice. See Fed.Rs.Bankr.P. 2002(c)(1) and 6004 and Bankr. D.S.D. R. 2002-1(d) and Appendix 2F.

For the date by which a response must be filed, use a business date that is 17 days after service of the notice.

In the fourth and fifth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Rm. 104
Sioux Falls, SD 57104-6851
phone (605) 357-2400

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Rm. 203
Pierre, SD 57501-2463
phone (605) 945-4460

Serve the notice on all creditors and other parties in interest, including any auctioneer conducting the sale.

Appendix 6B. Report of Sale.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 10-90000
) Chapter 7
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop) TRUSTEE'S REPORT OF SALE
SSN/ITIN xxx-xx-0000)
)
Debtor.)

Pursuant to Fed.R.Bankr.P. 6004 (f)(1), Trustee Samuel S. Smith hereby reports a public auction of the following described real property was held October 13, 2012, as previously ordered (doc. 77):

Northeast Quarter (NE1/4) of Section Twelve (12), Township One Hundred Twenty-five (125) North, Range Sixty-seven (67), West of the 5th P.M., Except the North 938 feet of the West 850 feet; and except the portion deeded to the township of Future for roadway purposes, Justice County, South Dakota.

Trustee Smith further reports the highest and best bid was \$87,200.00 by Bob's Bank, the mortgage holder on the property. The sale has closed on the terms and conditions set forth in the sale order (doc. 77) and related Motion to Sell Real Property (doc. 69).

Dated: October 17, 2012.

/s/
Trustee Samuel S. Smith
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
fax: (605)555-5556
e-mail: jjjlaw@legalline.net

Committee Notes

When property is sold by auction, in lieu of listing each item in the report itself, the trustee (or the debtor-in-possession) should reference the auctioneer's sale report in the opening paragraph of his report and attach a copy of the auctioneer's report to his (the trustee's) report. The auctioneer's report should be signed and dated by the auctioneer. See Fed.R.Bankr.P. 5004(f)(1).

If the property is **not sold** as previously ordered, a "Report of No Sale" should be filed by changing the title in the caption and changing the body of the report to, for example:

Pursuant to Fed.R.Bankr.P. 6004 (f)(1), Trustee Samuel S. Smith hereby reports a public auction of the following described real property was held October 15, 2011, as previously ordered (doc. 77):

Northeast Quarter (NE1/4) of Section Twelve (12), Township One Hundred Twenty-five (125) North, Range Sixty-seven (67), West of the 5th P.M., Except the North 938 feet of the West 850 feet; and except the portion deeded to the township of Future for roadway purposes, Justice County, South Dakota.

Trustee Smith further reports the highest and best bid was insufficient to cover the encumbrance of first priority (mortgage held by Bob's Bank), and the auctioneer declared a "no sale." Further disposition of this estate property has not yet been determined.

Appendix 6C. Notice of Proposed Abandonment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 10-90000
) Chapter 7
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop)
SSN/ITIN xxx-xx-0000) TRUSTEE'S NOTICE OF
) PROPOSED ABANDONMENT
) OF CERTAIN REAL PROPERTY
Debtor.)

Trustee Samuel S. Smith hereby gives notice of his intention to abandon from the bankruptcy estate the following described real property:

Northeast Quarter (NE1/4) of Section Twelve (12), Township One Hundred Twenty-five (125) North, Range Sixty-seven (67), West of the 5th P.M., Except the North 938 feet of the West 850 feet; and except the portion deeded to the township of Future for roadway purposes, Justice County, South Dakota.

The property was offered at public auction on October 13, 2012, as previously ordered (doc. 77), but a bid sufficient to cover even the first mortgage was not received. Accordingly, the property is of no or inconsequential value to the bankruptcy estate, and Trustee Smith proposes to abandon it pursuant to 11 U.S.C. §§ 554(a) and 725 and Federal Rule of Bankruptcy Procedure 6007(a).

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 abandonment to take place as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before November 5, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at www.sdb.uscourts.gov. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney file a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your

attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the proposed abandonment may be set by separate order if an objection or other response is filed on or before the deadline. If no party in interest files and serves a response on or before the deadline, the proposed abandonment may be deemed uncontested, and the trustee may proceed to abandon this property in the manner proposed.

Dated: October 19, 2012.

/s/
Trustee Samuel S. Smith
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
fax: (605)555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

For the date by which a response must be filed, use a business date that is 17 days after service of the notice.

In the fourth and fifth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Rm. 104
Sioux Falls, SD 57104-6851
phone (605) 357-2400

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Rm. 203
Pierre, SD 57501-2463
phone (605) 945-4460

Serve the notice on all creditors and other parties in interest.

Appendix 6D. Order Compelling Abandonment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 10-90000
) Chapter 7
JANE ANNE ANONYMOUS)
)
fdba Jane's Flower Shop) ORDER COMPELLING ABANDONMENT
SSN/ITIN xxx-xx-0000) OF CERTAIN PERSONAL PROPERTY
)
)
Debtor.)

Upon consideration of Bob's Bank's Motion to Compel Abandonment (doc. 8) and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Bob's Bank's motion is granted, and the case trustee shall abandon the following property from the bankruptcy estate:

1982 Jeep Cherokee, VIN: WNAX3EH076006.

This order shall constitute the notice the case trustee has abandoned the subject property in compliance with this order.

So ordered:

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

For a sample order that combines relief from the automatic stay and compelling abandonment, *see* the Court's website, www.sdb.uscourts.gov under Forms/Local.

Appendix 7A. Adversary Proceeding Caption.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 11
BOB'S FEED & SEED, INC.)	
Tax ID/EIN 41-0149270)	
)	
Debtor.)	
)	
BOB'S FEED & SEED, INC.	)	Adv. No. 10-9001
)	
Plaintiff)	
)	
-vs-)	
)	
PEOPLES STATE BANK)	
and BLUNT FEDERAL CREDIT UNION)	
)	
Defendants.)	

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

For Word or WordPerfect users, a "merge form" or template for creating this caption is available on the Court's website at www.sdb.uscourts.gov under Forms/Local. Directions on how to use the merge form/template are available there.

Appendix 7B. Order for Entry of Default Judgment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop)	
SSN/ITIN xxx-xx-0000)	
)	
Debtor.)	
)	
JANE ANNE ANONYMOUS	)	Adv. No. 10-9001
fdba Jane's Flower Shop)	
)	
Plaintiff	)	ORDER DIRECTING ENTRY
	)	OF DEFAULT JUDGMENT
-vs-)	
)	
PEOPLES STATE BANK)	
and BLUNT FEDERAL CREDIT UNION)	
)	
Defendants.)	

Upon consideration of Debtor-Plaintiff's Application for Entry of Default Judgment (doc. 11), the affidavit of Attorney Thomas B. Bruce (doc 11-2) filed in support of the application, and the record before the Court; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor-Plaintiff's application is granted, and a default judgment shall be entered against Defendants Peoples State Bank and Blunt Federal Credit Union declaring their respective pre-petition *in personam* claims against Debtor-Plaintiff are discharged under 11 U.S.C. § 727(a).

So ordered:

Appendix 7C. Default Judgment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop)	
SSN/ITIN xxx-xx-0000)	
)	
Debtor.)	
)	
JANE ANNE ANONYMOUS	)	Adv. No. 10-9001
fdba Jane's Flower Shop)	
)	
Plaintiff	)	DEFAULT JUDGMENT
)	
-vs-)	
)	
PEOPLES STATE BANK)	
and BLUNT FEDERAL CREDIT UNION)	
)	
Defendants.)	

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED the pre-petition *in personam* claims held by Defendant Peoples State Bank and Defendant Blunt Federal Credit Union against Debtor-Plaintiff Jane Anne Anonymous, dba Jane's Flower Shop, are discharged under 11 U.S.C. § 727(a).

So ordered:

Appendix 9A. Bankruptcy Case Caption (individual debtor).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-60400
	)	Chapter 7
JOHN JAMES DOE)	
aka John Doe)	
fdba John's Casino)	
SSN/ITIN xxx-xx-0000)	
Tax ID/EIN 84-0000000)	
)	
Debtor.)	

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

For Word or WordPerfect users, a "merge form" or template for creating this caption is available on the Court's website at www.sdb.uscourts.gov under Forms/Local. Directions on how to use the merge form/template are available there.

Appendix 9B. Bankruptcy Case Caption (joint debtors).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90400
	)	Chapter 7
JOHN JAMES DOE)	
aka John Doe)	
fdba John's Casino)	
SSN/ITIN xxx-xx-0000)	
Tax ID/EIN 84-0000000)	
)	
and)	
)	
JANE MARIE DOE)	
fdba Jane's Daycare)	
SSN/ITIN xxx-xx-0001)	
Tax ID/EIN 84-0000001)	
)	
)	
Debtors.)	

Committee Note

For Word or WordPerfect users, a "merge form" or template for creating this caption is available on the Court's website at www.sdb.uscourts.gov under Forms/Local. Directions on how to use the merge form/template are available there.

Appendix 9C. Bankruptcy Case Caption (business debtor).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-80301
	)	Chapter 11
SMITH PROPERTIES, L.L.C.)	
dba Smith Rentals)	
Tax ID/EIN 77-0000000)	
)	
Debtor.)	

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

For Word or WordPerfect users, a "merge form" or template for creating this caption is available on the Court's website at www.sdb.uscourts.gov under Forms/Local. Directions on how to use the merge form/template are available there.

Appendix 9D. Certificate of Service.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)
) Bankr. No. 10-90000
) Chapter 7
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop)
SSN/ITIN xxx-xx-0000) CERTIFICATE OF SERVICE
)
Debtor.)

I hereby certify that on February 9, 2011 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:

Hazel's Dry Cleaning
1802 Hanger Lane
Justice, SD 57000

Jane A. Anonymous
1515 Fortune Lane
Justice, SD 57000

Bud's Bar
1202 Topsy Drive
Justice, SD 57000

Dated: February 9, 2011.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

Appendix 9E. Withdrawal of Document.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	DEBTOR'S WITHDRAWAL
SSN/ITIN xxx-xx-0000	)	OF OBJECTION TO BOB'S BANK'S
	)	MOTION FOR RELIEF FROM STAY
Debtor.)	

Debtor hereby withdraws her Objection to Bob's Bank's Motion for Relief from Automatic Stay (doc. 14).

Dated: October 12, 2011.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

Committee Notes

Always include the complete title and document number of the document being withdrawn.

Serve the withdrawal on parties in interest as defined by Bankr. D.S.D. R. 9001-1(7) who are not electronically served by the Clerk.

Electronic filers may alternatively file a "text entry" withdrawal through CM/ECF and serve a copy of the text entry on any party in interest who does not receive electronic notice. Call the Clerk's office for further guidance.

Appendix 9F. Agreed Order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90002
	)	Chapter 7
WADE GUY EARNER)	
aka W.G. Earner)	
SSN/ITIN xxx-xx-0000)	
	)	ORDER RE: TRUSTEE'S
and	)	MOTION FOR TURNOVER
)	
WANDA GAL EARNER)	
SSN/ITIN xxx-xx-0001)	
)	
Debtors.)	

Upon consideration of Trustee I. M. Work's Motion for Turnover (doc. 23), Debtors' response (doc. 24), and Bob's Bank's response (doc. 26), and the record before the Court; and it appearing Debtors have now withdrawn their response (doc. 30); and it further appearing no other objection to the motion was timely filed after appropriate notice; and it further appearing Trustee Work and Bob's Bank have advised the Court, through the submission of a proposed order, of their consent to the relief set forth herein; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Trustee Work's motion is granted to the extent provided herein, and Debtors shall, on or before December 14, 2012, turn over their 1976 AMC Gremlin, VIN 1K3CH56R32N228133, to Trustee Work. Debtors may retain possession of their 2002 Jeep Wrangler.

So ordered:

Committee Notes

Do not include "Agreed" or "Consent" in the title of the order.

Include a specific date for when an action is to be done. For example, rather than stating "14 days after entry of this order," provide a specific date (month, day, year).

Include the legal description of any real property that is the subject of the order.

Submit the agreed order, in Word or WordPerfect format (not a .pdf document), to *proposed_orders@sdb.uscourts.gov*. Identify it as an agreed order in the e-mail and copy the e-mail on the other attorneys involved. The Court will presume all parties to the matter have consented to the order *before* it was submitted to the Court.

Appendix 9G. Witness and Exhibit List.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-80000
	)	Chapter 12
WADE GUY EARNER)	
aka W.G. Earner)	
SSN/ITIN xxx-xx-0000)	
)	
and	)	DEBTORS' WITNESS AND EXHIBIT
	)	LIST FOR THE MARCH 15, 2012
	)	EVIDENTIARY HEARING ON BOB'S
WANDA GAL EARNER	)	BANK'S MOTION TO DISMISS CASE
SSN/ITIN xxx-xx-0001)	
)	
)	
Debtors.)	

Witnesses:

Wade G. Earner, Debtor
Robert Banker, President of Bob's Bank
Rodney Q. Turner, Extension Agent, Justice County
Ab Acus, C.P.A.

Exhibits:

D1 - Federal Income Tax Returns for 2007 through 2010.
D2 - Balance Sheet for Farm (actual) for 2009 and 2010
D3 - Farm and Family Budgets (planned) for 2010 through 2013

Dated: March 9, 2012.

/s/
Joseph J. Jones, Esq.
Attorney for Debtors
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Caption the document for an adversary proceeding when preparing the list for a trial or evidentiary hearing on a motion in the adversary proceeding. Caption the document for the main bankruptcy case for an evidentiary hearing on a contested matter in the bankruptcy case. Be sure to clearly identify in the title of the caption whose list it is. Sign and date the list. File it by the deadline stated in the Court's scheduling order.

If a party to the matter is not represented by an attorney and will not be electronically served by the Clerk, serve a copy of the list on that party and file a certificate of service.

Appendix 9H. Exhibit Index for Evidentiary Hearing or Trial.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-70001
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop)	
SSN/ITIN xxx-xx-0002)	
)	
Debtor.)	
)	
BOB'S FIRST NATIONAL BANK	)	Adv. No. 10-7001
)	
Plaintiff)	
)	
-vs-	)	PLAINTIFF'S EXHIBIT INDEX
	)	FOR DECEMBER 11, 2012 TRIAL
)	
JANE ANNE ANONYMOUS)	
)	
Defendant.)	

ID.	BRIEF DESCRIPTION	MARKED	OFFERED	OBJECTION	ADMITTED	NOTES
B1	Loan application					
B2	Financial statement (Easy Credit)					
B3	Financial statement (First National)					
B4	Financial statement (Second National)					

Dated: December 5, 2012.

/s/
Joseph J. Jones, Esq.
Attorney for Plaintiff
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Caption the document for an adversary proceeding when preparing the list for a trial or evidentiary hearing on a motion in the adversary proceeding. Caption the document for the main bankruptcy case for an evidentiary hearing on a contested matter in the bankruptcy case. Be sure to clearly identify in the title of the caption whose list it is.

For the identification mark for each exhibit, refer to the Court's instructions in the scheduling order.

At least one day before the trial or evidentiary hearing, submit a copy of the list, in Word or WordPerfect format, to the Courtroom Deputy using *proposed_orders@sdb.uscourts.gov*. Do not file the list.

When a party has several exhibits, compile the original exhibits, when possible, and the required copies into notebooks and include a copy of the index at the front of each notebook. The notebooks allow everyone to better track and use the exhibits during the trial or evidentiary hearing. Exhibits to be offered jointly should be put in notebooks separate from a party's exhibits.

Appendix 9I.

**Orders Prepared by the Court
as of
December 1, 2009**

Parties to the actions listed below do not need to submit a proposed order unless specifically directed to do so by the Court.

Order Allowing Administrative Expenses following a Chapter 7 Trustee's Final Account and Proposed Distribution.*

Order Authorizing a Debtor to Pay Filing Fee in Installments.

Order Authorizing Employment of an Estate Professional.*

Order Limiting Notice.

Order Reducing (shortening) Notice.

Order Rescheduling a Hearing or Trial.*

Order Reopening a Case or an Adversary Proceeding.*

Order Scheduling an Evidentiary Hearing or Trial.

Order Waiving Filing Fee or Other Fees for an Indigent Debtor.

Those orders marked above with an asterisk may often be entered only as a docket text order; *i.e.*, the entire order is set forth in a docket entry.

**Appendix 9J. Certificate of Service of a Proposed Order
under Bankr. D.S.D. R. 9072-1(b).**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	CERTIFICATE OF SERVICE OF
SSN/ITIN xxx-xx-0000	)	PROPOSED CONFIRMATION ORDER
	)	AND PLAN AS CONFIRMED
Debtor.	)	UNDER BANKR. D.S.D. R. 9072-1(b)
)	

I hereby certify that on February 9, 2011 I served true copies of Debtor's proposed Order Confirming Plan and proposed Plan as Confirmed on the following parties by first-class mail, postage prepaid:

Hazel's Dry Cleaning
1802 Hanger Lane
Justice, SD 57000

Jane A. Anonymous
1515 Fortune Lane
Justice, SD 57000

This service was made in accordance with Bankr. D.S.D. R. 9072-1(b), as directed by the Court at a hearing held October 7, 2011. A copy of the proposed Order Confirming Plan and proposed Plan as Confirmed are attached hereto.

Dated: February 9, 2011.

/s/
Joseph J. Jones, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: 605/555-5555
fax: 605/555-5556
e-mail: jjjlaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

At the hearing or trial where service under Bankr. D.S.D. R. 9072-1(b) is invoked by a party or ordered by the Court, the Court will identify which parties need to be served with the proposed order or other document. If a party to be served will be electronically served when the certificate of service is filed, that party does not need to be included on the service list.

Attach the proposed document(s) to the certificate of service. If the proposed document is an order, also send a copy of the proposed order, in Word or WordPerfect format (not in .pdf) to *proposed_orders@sdb.uscourts.gov*.