

BANKRUPTCY ^{UP}DATE

December 22, 2014

If someone else would like to receive these ^{UP}dates, please send an e-mail to Mary_Frederickson@sdb.uscourts.gov.

Chambers Holiday Schedule

In celebration of the holidays, Chambers will be closed this Thursday and Friday, December 25 and 26, and next Thursday and Friday, January 1 and 2. If you need to contact Chambers on December 26 or January 2, please call the Clerk's office and the Clerk's office will get a message to Chambers.

CLN Decision

In re Opdahl (bench ruling, November 20, 2014)

Issue: What is the appropriate post-petition interest rate on unsecured claims in a chapter 13 case in which the debtor concedes, pursuant to 11 U.S.C. § 1325(a)(4), all allowed unsecured claims would be paid in full if the debtor's estate were liquidated under a chapter 7?

Ruling: The applicable post-petition, pre-confirmation interest rate is the federal judgment rate mandated by 11 U.S.C. § 726(a)(5) and defined by 28 U.S.C. § 1961(a), currently .11%. The applicable post-confirmation interest rate in this case is 5%, using the "formula approach" described in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004), which begins with the national prime rate of interest

(currently 3.25%) and is adjusted based on the risk of nonpayment (an upward adjustment of 1.75% in this case).

Link

[Previous Bankruptcy ^{UP}dates](#)

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.

HAPPY HOLIDAYS

from Chambers and the Clerk's office