

BANKRUPTCY ^{UP}DATE

May 4, 2015

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

New Member

Please welcome David Riley to the group.

CLN Decision

You can use the link in the "Links" section below to view the following decision:

In re Northern Beef Packers Limited Partnership

Issue: Whether the holder of a mechanic's lien is entitled to recover its pre-petition attorney fees under S.D.C.L. § 44-9-42 and its post-petition attorney fees and interest on its allowed fully secured claim under 11 U.S.C. § 506(b)?

Ruling: The mechanic's lien holder is entitled to post-petition interest at the state law rate of 10 percent on its allowed fully secured claim through the conclusion of the trial on its claim. However, since the South Dakota Supreme Court has narrowly interpreted S.D.C.L. § 44-9-40 and the lien holder did not bring either the state court foreclosure action or the adversary proceeding, and because the lien holder did not establish a sufficient factual foundation, it is not entitled to recover its attorney fees under S.D.C.L. chapter 44-9.

South Dakota Filings Down One Percent in 2015

In the first four months of this year 400 bankruptcy cases were filed in South Dakota, a decrease of one percent from the 404 cases filed in the first third of 2014. April filings decreased from 124 in 2014 to 117 last month.

Links

[In re Northern Beef Packers Limited Partnership](#)

[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.