

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH DAKOTA

ROOM 211

FEDERAL BUILDING AND U.S. POST OFFICE

225 SOUTH PIERRE STREET

PIERRE, SOUTH DAKOTA 57501-2463

IRVIN N. HOYT  
BANKRUPTCY JUDGE

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August 13, 2001

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Counsel for Defendant-Debtor  
Post Office Box 966  
Sioux Falls, South Dakota 57101

Subject: *Paige Hofer-Ward v. Abdul T. Ward*  
(*In re Abdul T. Ward*), Adversary No. 00-4011,  
Chapter 7; Bankr. No. 00-40098

Dear Counsel:

A copy of the divorce court's Findings and Conclusions of Law and Judgment and Decree of Divorce has now been received and docketed. The divorce court concluded that all marital debts have been discharged in the parties' respective Chapter 7 cases. Accordingly, there are no debts left to address under § 523(a)(15), as had initially been contemplated in the Court's Interim Decision entered July 20, 2000. I will, therefore, enter an order dismissing this adversary proceeding.

While working on another case while this adversary proceeding was pending, the Court became enlightened on a particular point of law. As discussed in *Arleaux v. Arleaux (In re Arleaux)*, 229 B.R. 182, 184-86 (B.A.P. 8th Cir. 1999) (cites therein), a divorce-related claim does not come into existence until the divorce court enters a dispositive order. For bankruptcy cases, that means that even if a divorce is pending on the petition date, the bankruptcy discharge will not affect any division of debts or property between the spouses that may later be made when the divorce is finalized. Had the Court known then what it knows now, this adversary proceeding could have been dismissed much earlier. In practical application, however, the *Arleaux* case reinforces what we probably already knew before: divorces should be finalized before one or both parties seek bankruptcy relief. Regardless of the chapter,

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Re: Abdul T. Ward  
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administration of a bankruptcy case is difficult when a divorce is pending and may result in an incomplete resolution of debt obligations.

Sincerely,



Irvin N. Hoyt  
Bankruptcy Judge

INH:sh

CC: adversary file (docket original; copies to parties in interest)

**NOTICE OF ENTRY**  
Under F.R. Bankr. P. 9022(a)  
Entered

**AUG 14 2001**

Charles L. Nail, Jr., Clerk  
U.S. Bankruptcy Court  
District of South Dakota

I hereby certify that a copy of this document was mailed, hand delivered, or faxed this date to the parties on the attached service list.

**AUG 14 2001**

Charles L. Nail, Jr., Clerk  
U.S. Bankruptcy Court, District of South Dakota

By CK

Case: 00-04011 Form id: 122 Ntc Date: 08/14/2001 Off: 4 Page : 1  
Total notices mailed: 6

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