LOCAL BANKRUPTCY RULES
FOR THE DISTRICT OF SOUTH DAKOTA

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

These local rules and appendices govern procedures for bankruptcy cases and related adversary proceedings filed in the District of South Dakota under Title 11 of the United States Code. They are effective December 1, 2015. They shall be cited using "Bankr. D.S.D. R.," *e.g.*, Bankr. D.S.D. R. 4001-1(b).

PART I
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1015-1	Consolidation of Estates in Joint Case; Consolidation or Deconsolidation of Estates; Joint Administration.
1016-1	Death or Incompetency of a Debtor.
1019-1	Required Documents upon Conversion of Case from Chapter 13 to Chapter 7.

Rule 1002-1. Petition.

(a) **Form.** A petition shall conform to the appropriate Official Form and shall be typewritten. Only the original petition shall be filed (no copies).

(b) **Other names used.** In the answer to question 4 of the petition, an individual debtor shall include the business name and any Employer Identification Number for a business the debtor presently operates as a sole proprietorship or previously operated as a sole proprietorship within eight years before filing the petition. In the answer to question 12 of the petition, an individual debtor shall include the business name and location only of a sole proprietorship the debtor presently operates. Any sole proprietorship listed in a debtor's answer to question 12 should also be listed in the debtor's answer to question 4.

REFERENCES: 11 U.S.C. §§ 301 and 303; Fed.Rs.Bankr.P. 1002, 1005, 1006, 9004, 9009, and 9011; Official Forms 101, 101A, 101B, 105, 201, 201A, 202, and 205.

Practice Pointers: A checklist of filing requirements for each chapter may be found at Appendix 1A.

Always set forth an individual debtor's full legal name, including the debtor's full middle name, on a petition. If the debtor does not have a middle name, indicate that

on the petition with "nmn." Do not include a corporation, a partnership, a limited liability company, or any other formal legal entity or organization in any answer to a question on the petition for an individual debtor.

If a married couple files a joint petition, only one joint debtor should be reflected on the petition as previously or presently operating a particular business as a sole proprietorship. If both joint debtors are associated with the same business, it indicates the couple operated the business as a partnership, not a sole proprietorship. However, a partnership is a legal entity that must file a separate petition to obtain bankruptcy relief.

When a partnership, corporation, or other formal legal entity is the debtor, set forth its full legal name on the petition, including any punctuation. For example, do not list the debtor as just "Bob's Café" if the business entity's full legal name is "Bob's Café and Catering, L.L.P." If appropriate, "Bob's Café" may be listed on the petition as an assumed name, a trade name, or a "doing business as" name for "Bob's Café and Catering, L.L.P."

Rule 1007-1. Lists (other than mailing list), Schedules, Statements, and Payment Advices; Extension of Time to File.

(a) Form.

(1) Lists (other than mailing list), schedules, and statements. All lists (other than the mailing list), schedules, and statements shall conform to the Official Forms and be typewritten. A creditor shall be listed at the creditor's own address and shall not be listed only in care of its attorney at the attorney's address.

(2) Payment advices. Payment advices (also known as wage or earnings statements) shall be attached to a signed and dated statement that conforms to Appendix 1B.

(b) Non-disclosure of personal data identifiers. The debtor is solely responsible for redacting any personal data identifiers that may appear in the documents governed by this rule. The Clerk shall have no responsibility for doing so and no liability for not doing so.

(1) Minor children or other dependents. Unless otherwise ordered, a debtor shall disclose only the relationship (*e.g.*, "child" or "parent"), not the full name or initials, of any dependent and only the age of the dependent, not the full date of birth of the dependent.

(2) Social Security number. A debtor represented by an attorney shall disclose his full Social Security number only through the electronic petition filing process. A debtor not represented by an attorney shall file an Official Form 121, Statement About Your Social Security Numbers, with his petition. If a debtor needs to disclose a Social Security number in any other document governed by this rule, the debtor shall list only the last four digits. Unless otherwise ordered, a debtor shall not disclose the Social Security number of

a dependent.

(3) Account numbers. Unless otherwise ordered, a debtor shall include only the last four digits of any account number on schedule D, schedule E/F, or any other document governed by this rule.

(c) Documents filed only by an individual debtor. Notwithstanding any suggestion to the contrary in the Federal Rules of Bankruptcy Procedure, only an individual debtor shall file Official Forms 106C, 106I, 106J, 106J-2, 122A-1, 122A-1Supp, 122A-2, 122B, 122C-1, or 122C-2, the payment advices described in Fed.R.Bankr.P. 1007(b)(1)(E) and paragraph (a)(2) above, and the record of any interest the debtor has in an account or program of the type specified in 11 U.S.C. § 521(c).

(d) Submission. Only the original of each list, schedule, and statement shall be filed with the Court (no copies).

(e) Extension of time to file.

(1) Motion and service. A motion to extend the time to file a list, schedule, statement, or payment advices shall be filed before the existing deadline set by 11 U.S.C. § 521 or § 1106(a)(2), Fed.R.Bankr.P. 1007 or 7007.1(b), or an order has expired and shall state the cause for the extension requested and the specific extension requested (*e.g.*, "until April 1, 2018"). Absent exigent circumstances, the motion should not request an extension to a date that is fewer than three days before the meeting of creditors under 11 U.S.C. § 341(a). The motion shall constitute notice of the extension sought and shall be served on parties in interest not electronically served.

(2) Objection. Any objection or other response to a motion to extend the time to file a list, schedule, statement, or payment advices shall be filed with the Court within seven days after the motion is filed with the Court and served on the movant and any other party in interest not electronically served.

(f) Statement of corporate ownership. A corporate debtor under any chapter shall file the statement of corporate ownership required by Fed.R.Bankr.P. 1007(a)(1) using the form at Appendix 1C.

(g) Chapter 11 small business debtor statement. A small business chapter 11 debtor shall file the statement regarding certain business records, using the form at Appendix 1D, and attach thereto, when applicable, the business records required by 11 U.S.C. §1116(1).

(h) Record of interest in certain education related accounts and programs. An individual debtor shall file a record of any interest the debtor has in an education individual retirement account, a qualified ABLE program, or a qualified state tuition program, as defined in 11 U.S.C. § 521(c), by attaching the record(s) to the form at Appendix 1E.

REFERENCES: 11 U.S.C. §§ 341, 521, and 1116; 26 U.S.C. §§ 529(b)(1) and 530(b)(1); Fed.Rs.Bankr.P. 1007, 9004, and 9037; Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, 106J-2, 107, 108, 121, 122A-1, 122A-

1Supp, 122A-2, 122B, 122C-1, 122C-2, 206A/B, 206D, 206E/F, 206G, 206H, and 207.

Practice Pointer: A checklist of filing requirements for each chapter may be found at Appendix 1A.

Rule 1007-2. Mailing List. A debtor not represented by an attorney shall file, with his petition, a mailing list that includes the full name and the full mailing address for each creditor and any other party in interest, excluding the debtor, any case trustee, and the United States Trustee. The mailing list shall strictly conform to the guidelines, sample mailing list, and "Trouble Sheet" at Appendix 1F. If a debtor not represented by an attorney has more than ten creditors, the debtor shall also submit the mailing list electronically, as may be directed by the Bankruptcy Clerk.

REFERENCES: 11 U.S.C. § 521(a)(1)(A); Fed.R.Bankr.P. 1007(a).

Rule 1009-1. Amended Petition; Amendment to Petition.

(a) Amended petition. If a petition is filed without all required signatures or without all appropriate boxes checked in sections that require the debtor to make a declaration, the debtor shall immediately file an amended petition by using the appropriate Official Form and checking the "amended filing" box at the top right of the first page of the petition. The amended petition shall be fully completed and contain new signatures and a new date reflecting when the new signatures were affixed. Unless otherwise directed by the Court or the Bankruptcy Clerk, no notice or service of the amended petition shall be made except as will be made electronically.

(b) Amendment to petition.

(1) Required content. Except as provided in paragraph (a) above, if a petition contains information that is incorrect or incomplete as of the petition date, excluding a Social Security number, the debtor shall file a combined amendment *to* the petition (not an amended petition) and notice of amendment that conforms to Appendix 1G. The amendment to the petition shall specifically state each change from the original petition that is being made. The amendment shall *not* include an amended petition as an attachment.

(2) Service. If the amendment to the petition is filed before the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the combined amendment and notice of amendment on any party in interest not electronically served. If the amendment to the petition is filed after the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the combined amendment and notice of amendment on all creditors and other parties in interest not electronically served.

REFERENCE: Fed.R.Bankr.P. 1009.

Practice Pointer: An amendment of a Social Security number is governed by Bankr. D.S.D. R. 1009-3.

Rule 1009-2. Amendment to List, Schedule, or Statement (other than Statement About Your Social Security Numbers).

(a) Required content. If a list, schedule, or statement (other than the Statement About Your Social Security Numbers, Official Form 121) contains information that is incorrect or incomplete as of the petition date, the debtor shall file a combined amendment and notice of amendment that conforms to Appendix 1H, Appendix 1I, or Appendix 1J. The amendment shall state each change from the original document that is being made, including any change in the description, value, amount, or total, and shall include, as an attachment, the amended list, schedule, or statement that incorporates all the changes using the appropriate Official Form and checking the "amended filing" box at the top right of the first page of the list, schedule, or statement, if such a box is provided. If the list, schedule, or statement to be amended does not have a box by which its amended nature may be designated, the document should be labeled "AMENDED" at the top of the first page.

(b) Service. The debtor shall serve a copy of the combined amendment and notice of amendment and the attachment(s) on parties in interest not electronically served, including any affected party. Whenever a schedule C is amended, all creditors and other parties in interest are affected parties who shall be served. Whenever a schedule D or a schedule E/F is amended, any creditor being added or deleted by the amendment or whose claim is being modified by the amendment is an affected party who shall be served.

REFERENCES: Fed.Rs.Bankr.P. 1007, 1008, and 1009.

Practice Pointers: An amendment of a Social Security number is governed by Bankr. D.S.D. R. 1009-3.

A debtor does not need to amend both his mailing list and a schedule. If a creditor was omitted from a schedule or if the claim information on a schedule for a particular creditor is incorrect, the debtor should file an amendment to the schedule and the Clerk will update the case mailing list, if necessary. If the creditor and the creditor's claim were correctly included on the appropriate schedule but the creditor's name or address was missing from the mailing list or if the address was listed incorrectly on the mailing list, the debtor should amend only the mailing list.

While amendments to different schedules and lists may be combined, a debtor may wish to file separate amendments when the service requirements for particular amendments are different. For example, since an amendment to schedule C has to be served on all creditors and other parties in interest, it should not be combined with an amendment to schedule A/B, which is served only on parties in interest. If the amendments to schedules A/B and C are combined, the debtor will have to serve the entire document, including both attached amended schedules, on all creditors and other parties in interest not electronically served.

Rule 1009-3. Amendment of Social Security Number.

(**a) Required content**. If a debtor needs to correct a Social Security number that was either electronically uploaded with a petition or set forth in a Statement About Your

Social Security Numbers, the debtor shall file a combined amendment and notice of amendment that conforms to Appendix 1K. The amendment shall specifically state the change being made, and in the case of joint debtors, shall identify the debtor associated with the number being corrected.

(b) Service. If the amendment is filed before the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the combined amendment and notice of amendment on any party in interest not electronically served. If the amendment is filed after the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the combined amendment and notice of amendment on all creditors and other parties in interest not electronically served.

REFERENCE: Fed.R.Bankr.P. 1009.

Practice Pointer: To foster privacy of a debtor's full Social Security number, this amendment and notice of amendment will not be available for viewing on the public docket.

Rule 1014-1. Transfer of Case or Adversary Proceeding to Another District. A motion to transfer a case or adversary proceeding to another district shall state the cause for such relief and shall be served with a notice of motion on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and notice of motion.

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

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 1014-2. Change of Venue (Division) within District. A motion to change the venue of a case or an adversary proceeding to another division within this district shall state the cause for such relief and shall be served with a notice of motion on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and notice of motion.

Practice Pointers: A list of the counties within each division of the District of South Dakota, the Bankruptcy Court sites, and the Bankruptcy Clerk's offices may be found at Appendix 1L.

If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 1015-1. Consolidation of Estates in Joint Case; Consolidation or Deconsolidation of Estates; Joint Administration.

(a) Joint case. Unless otherwise ordered, the estates in a joint case filed under 11 U.S.C. § 302(a) are substantively consolidated for all purposes pursuant to 11 U.S.C. § 302(b).

(b) Motion to substantively consolidate or to deconsolidate. A motion to substantively consolidate two or more estates under Fed.R.Bankr.P. 1015(b) or a motion to deconsolidate the estates of joint debtors or other estates previously consolidated shall state the cause for such relief and shall be served with a notice of motion on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and notice of motion.

(c) Motion regarding joint administration. A motion to jointly administer two or more cases or a motion to discontinue the joint administration of two or more cases previously joined shall state the cause for such relief and shall be served with a notice of motion on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and notice of motion.

REFERENCES: 11 U.S.C. § 302; Fed.Rs.Bankr.P. 1015 and 2009.

Practice Pointers: Substantive consolidation and joint administration are distinct legal procedures. Under joint administration, the estates are not combined, but the separate cases are handled under one docket for convenience and efficiency. Separate accounts are kept, and a separate distribution of nonexempt assets is made to creditors. Fed.R.Bankr.P. 2009(e). When cases involving different debtors are substantively consolidated, the bankruptcy estates are combined into one, and only a single distribution to all the creditors from all the consolidated cases is made from all the consolidated assets. Although no Bankruptcy Code section or federal rule specifically governs substantive consolidation, some courts rely on 11 U.S.C. § 105(a) for authority. *See In re Glen J. Brinkman*, Bankr. No. 94-30004, slip op. (Bankr. D.S.D. June 20, 1994).

When either substantive consolidation or joint administration is sought, a motion needs to be filed in each affected case and all creditors and other parties in interest in each case shall be served.

If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 1016-1. Death or Incompetency of a Debtor.

(a) Death of a debtor–administration of case continues. If a debtor dies during the administration of a case but the administration of the case can continue as provided

by Fed.R.Bankr.P. 1016, the debtor's attorney or a legally appointed representative of the debtor's testate or intestate estate shall file a statement advising the Court of the debtor's death and setting forth the date of death, the date any legal representative was appointed, and the contact information for any legally appointed representative. The statement shall be served on parties in interest not electronically served.

(b) Death of a debtor–administration of case cannot continue. If a debtor dies during the administration of the case and the administration of the case cannot continue, the debtor's attorney, the case trustee, or a legally appointed representative of the debtor's testate or intestate estate shall move to dismiss the case.

(c) Incompetency of a debtor. If a debtor becomes incompetent during the administration of the case, the guardian or conservator appointed for the debtor shall file a statement advising the Court of the debtor's incompetency and setting forth the date the guardian or conservator was appointed and the contact information for the guardian or conservator. A copy of the guardianship or conservatorship order shall be attached to the statement. The statement shall be served on parties in interest not electronically served.

REFERENCES: 11 U.S.C. §§ 707, 1112, 1208, and 1307; Fed.R.Bankr.P. 1016.

Practice Pointer: Most often, a legal representative appointed for a deceased debtor or a guardian or conservator appointed for an incompetent debtor will need to retain an attorney admitted to the federal bar for this district to assist in complying with this rule and filing the necessary documents. The representative, guardian, or conservator may file the documents required by this rule only if they are an attorney admitted to the federal bar for this district.

Rule 1019-1. Required Documents upon Conversion of Case from Chapter 13 to Chapter 7.

(a) Financial status documents. A debtor whose case is converted from chapter 13 to chapter 7 shall, on or before the 21st day after the entry of the notice of conversion or the order of conversion, file and serve on parties in interest not electronically served the documents set forth below. The debtor may combine the information required by paragraphs (4) and (5) in one document titled Schedule of Required Disclosures after Conversion that conforms to Appendix 1M:

(1) a Chapter 7 Statement of Your Current Monthly Income (Official Form 122A-1) that:

(A) sets forth the debtor's financial circumstances as of the petition date; and

(B) has attached to it a Schedule I (Official Form 106I) and a Schedule J (Official Form 106J) that set forth the debtor's financial circumstances as of the conversion date and that are each identified as supplemental by checking the box in the upper left corner and inserting the date the case was converted;

(2) if a debtor believes he or she is exempt from a presumption of abuse, a Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (Official Form 122A-1Supp);

(3) if a debtor a indicates on the Chapter 7 Statement of Current Monthly Income (Official Form 122A-1), line 14b, there is a presumption of abuse, a Chapter 7 Means Test Calculation (Official Form 122A-2);

(4) a schedule of either unpaid debts incurred after the filing of the petition and before conversion of the case, as set forth in Fed.R.Bankr.P. 1019(5)(B)(i), or if a plan was confirmed, unpaid debts incurred after confirmation but before conversion, as set forth in Fed.R.Bankr.P. 1019(5)(C)(ii). If more than five creditors are listed in this schedule, the debtor, regardless of whether the debtor is represented by counsel, shall attach to the schedule a mailing list of the creditors that conforms to Appendix 1F of these local rules; and

(5) if the case was converted after confirmation of a plan,

(A) and the Court has determined 11 U.S.C. § 348(f)(2) applies, a schedule of property acquired after the filing of the petition but before conversion, as set forth in Fed.R.Bankr.P. 1019(5)(C)(i); and

(B) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the petition but before conversion, as set forth in Fed.R.Bankr.P. 1019(5)(C)(iii).

(b) **Statement of intention.** A debtor whose case is converted from chapter 13 to chapter 7 shall, on or before the 30th day after the entry of the notice of conversion or the order of conversion or before the first date set for the chapter 7 meeting of creditors, whichever is earlier, file and serve on parties in interest not electronically served a Statement of Intention for Individuals Filing Under Chapter 7 (Official Form 108).

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

Rule

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Rule 2002-1. Notices: General and Particular.

(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, a notice of a confirmation hearing in a chapter 12 or chapter 13 case, a notice of an application for fees, and a notice of a motion to approve a sale of estate property) shall conform to Appendix 2A; shall include the last date (month, day, year), as determined by paragraph (f) below, by which an objection or other response must be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b); and shall state a hearing will be set by separate order if an objection is timely filed with the Court.

(b) 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 Appendix 2B (telephonic hearing) or 2C (in-court hearing) and shall include:

(1) a last date (month, day, year) by which a response must be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) that is 30 days after service of the motion; and

(2) the date, time, and place of the hearing on the objection as provided by the Scheduling Deputy Clerk.

(c) Notice of a chapter 12 or chapter 13 confirmation hearing. A notice of a confirmation hearing in any chapter 12 case or in a chapter 13 case when required by Bankr. D.S.D. R. 3015-3B or 3015-4B shall conform to Appendix 2D (telephonic hearing) or 2E (in-court hearing) and shall include:

(1) a last date (month, day, year) by which an objection or other response must be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) that is 21 days after service of the plan in a chapter 12 case and 28 days after service of the plan in a chapter 13 case;

(2) the date, time, and place of the confirmation hearing as provided by the Scheduling Deputy Clerk; and

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

(d) Notice of a motion to sell property of the estate. A notice of a motion to sell property of the estate shall conform to Fed.R.Bankr.P. 2002(c)(1) and Appendix 2F, and shall include:

(1) a last date (month, day, year) by which an objection or other response must

be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) that is 21 days after service of the motion;

(2) a description of the property to be sold, including a legal description for any real property to be sold and the make, model, year of manufacturing, and an identification number for any vehicle, motorcycle, or boat to be sold; and

(3) a summary of the terms of the proposed sale.

(e) Notice of an application for fees in excess of $1,000.00. A notice of an application for fees in excess of $1,000.00 shall conform to Fed.R.Bankr.P. 2002(c)(2) and Appendix 2G, and shall include:

(1) a last date (month, day, year) by which an objection or other response must be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) that is 21 days after service of the motion; and

(2) the identity of the applicant and the amounts sought for compensation for services, applicable sales tax, and reimbursement of expenses.

(f) Determining the last date to file an objection or other response included in a notice.

(1) The last date for filing and serving an objection or other response set forth in a notice shall be the date on which the required notice period prescribed by the Code, applicable Federal Rule of Bankruptcy Procedure, local rule, or order expires, plus an additional three days as provided by Fed.R.Bankr.P. 9006(f) if any party is served by mail or electronically. The last date shall also not be fewer than three days prior to any scheduled hearing, unless the Court for cause directs otherwise. If the last date falls on a Saturday, Sunday, or federal holiday, then the next day that is not a Saturday, Sunday, or federal holiday shall be used in the notice as the last date for filing and serving an objection or other response.

(2) If notice of a particular 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 or Federal Rules of Bankruptcy Procedure, a local rule, or an order, the notice given shall be reasonable under the circumstances. Absent exigent circumstances, seven days notice is presumed reasonable.

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

Practice Pointers: A list of common motions and applications and the required notice period for each is maintained on the Court's website at *www.sdb.uscourts.gov* under Practice Pointers and then Notice and Service Requirements.

Provided below is a sample calculation for determining a last date for objections under paragraph (f)(1):

A creditor's attorney prepares a motion to dismiss a chapter 12 case and

a notice, which he or she intends to file and serve by mail on September 14, 2016. A hearing on the motion does not yet need to be set. Under Fed.R.Bankr.P. 2002(a)(4), the creditor's attorney must give 21 days notice of that motion. Under Fed.R.Bankr.P. 9006(f), the creditor's attorney must also give an additional three days notice because the notice is being served both by mail and electronically. The minimum notice period, therefore, is a total of 24 days. The attorney counts the notice period beginning the day after the motion is to be served, September 15, 2016. The twenty-fourth day falls on Saturday, October 8, 2016. The next day that is not a Saturday, Sunday, or federal holiday is Tuesday, October 11, 2016. Under this local rule, the last date for filing and serving an objection set forth in this notice would therefore be October 11, 2016.

Rule 2002-1A. Reduced (shortened) Notice.

(a) Motion. A motion to reduce any notice period required by the Code, the Federal Rules of Bankruptcy Procedure, these local rules, or an order shall be filed with the motion, application, plan, or other request for relief for which reduced notice is sought. The motion shall conform to Appendix 2H, shall specify the desired date (month, day, year) by which an objection or other response to the underlying motion, application, plan, or other request for relief must be filed with the Court and served, and shall state the cause for such relief.

(b) Order constitutes the notice. If a motion for reduced notice is granted, the order reducing notice shall constitute the notice of the underlying motion, application, plan, or other request for relief. The movant or applicant shall *not* prepare, file, or serve a separate notice.

(c) Service. Upon entry of an order reducing notice, the movant or applicant shall serve the order reducing notice and the underlying motion, application, plan, or other request for relief on the parties and within the time directed by the Court in the order.

REFERENCES: 11 U.S.C. § 342; Fed.Rs.Bankr.P. 2002, 9006(c), and 9007.

Practice Pointers: Certain notice periods cannot be reduced. *See* Fed.R.Bankr.P. 9006(c)(2).

This procedure does not apply to 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 Bankr. D.S.D. Rs. 4001-2 and 4001-3. Rather than requesting reduced notice, the movant must request a preliminary hearing on those motions.

A party requesting reduced notice should *not* merely state it will "suffer irreparable harm" if the notice period is not reduced. Instead, the movant should set forth specific facts supporting reduced notice and the reasonably anticipated consequences to the movant or others if the notice period is not reduced.

The movant should *not* prepare and file a notice or a certificate of service and should

not file or serve any documents other than those specified in the rule until the Court rules on the motion for reduced notice. If the motion for reduced notice is granted, the movant will serve the order reducing notice in lieu of a notice. If the motion for reduced notice is denied, the Court's order denying the motion for reduced notice will direct the movant to prepare, file, and serve a regular notice regarding the movant's underlying motion, application, plan, or other request for relief.

The movant should anticipate serving any order reducing notice on the *same day* the motion for reduced notice is filed with the Court. Accordingly, the earlier in the day the motion for reduced notice is filed, the better.

Rule 2002-1B. Limited Notice.

(a) Automatic limitation of notice in chapter 7 asset cases. In any chapter 7 case, if more than 90 days have passed since the Clerk has notified creditors of the need to file proofs of claim, any notice required by the Code, the Federal Rules of Bankruptcy Procedure, these local rules, or an order to be served on "all creditors and other parties in interest," need only be served on creditors that have timely filed a proof of claim, creditors that may still timely file a proof of claim, and the other parties in interest not electronically served.

(b) Motion to limit notice. A motion to limit the parties to be served with a notice required by the Code, the Federal Rules of Bankruptcy Procedure, these local rules, or an order shall be filed with the underlying motion, application, plan, or other request for relief for which limited notice is sought. The motion shall conform to Appendix 2I, shall specify the parties to whom notice is to be limited, and shall state the cause for such relief.

REFERENCES: 11 U.S.C. § 342; Fed.Rs.Bankr.P. 2002 and 9007.

Practice Pointer: The movant should *not* prepare and file a notice or a certificate of service and should *not* file or serve any documents other than those specified in the rule until the Court rules on the motion to limit notice. Once the Court rules on the motion to limit notice, the movant may prepare, file, and serve a notice and a certificate of service in the manner directed by the Court in its order.

Rule 2002-4. Returned Mail or Undeliverable Mail.

(a) Recipient's duty to re-serve. Upon receipt of returned mail or a notice of returned or undeliverable mail from a noticing agent, the recipient shall make a reasonable effort to determine a valid address for the person or entity not served, re-serve the undelivered document at the valid address, and file a certificate of service conforming to Appendix 2J. If the Clerk or its noticing agent is the recipient of returned mail or a notice of returned or undeliverable mail from its noticing agent, the debtor, unless the Clerk has designated some other party, shall be deemed the recipient for purposes of this rule.

(b) Amendment of mailing list. If any party, including the debtor, files a certificate of service under paragraph (a) above, the Clerk shall amend the case mailing list to reflect

the correct address.

(c) Valid address not found. If a valid address cannot be determined under paragraph (a) above, the recipient of returned mail or a notice of returned or undeliverable mail shall file a statement conforming to Appendix 2K that lists the name of the person or entity not served, references each address at which service was attempted but not made, identifies each document for which good service has not been made to date, and summarizes the resources used to obtain a good address. The statement shall not excuse service but instead creates a record of the addresses that were determined to be invalid and the efforts made to obtain a valid address.

Practice Pointer: If the returned mail includes a notice with a last date for objections, the party re-serving the documents under paragraph (a) should contact the Court to ascertain whether a new notice with a new last date for objections is needed before the documents are re-served. This prevents a stale notice from being re-served.

Rule 2002-5. Notice of Appearance and Request for Notice.

(a) Consent to electronic service. Unless otherwise ordered, any person, as defined by 11 U.S.C. § 101(41), a governmental entity, or an attorney or other agent for a person or governmental entity, who files a notice of appearance and request to receive notice under Fed.R.Bankr.P. 2002(g)(1) is deemed to have consented to electronic service of all documents in that case.

(b) Provision of electronic mailing address. Unless otherwise ordered, any notice of appearance and request to receive notice under Fed.R.Bankr.P. 2002(g)(1) shall include, within the notice, the filer's electronic mailing address. An attorney who files a notice of appearance and request to receive notice under Fed.R.Bankr.P. 2002(g)(1) may provide only the attorney's own name and electronic mailing address for service. If the notice of appearance and request to receive notice under Fed.R.Bankr.P. 2002(g)(1) does not contain the filer's electronic mailing address, the filer shall supply it to the Clerk immediately upon request.

REFERENCES: Fed.R.Bankr.P. 2002(g). *See also* Fed.R.Bankr.P. 9010(b) and Bankr. D.S.D. R. 9010-1.

Rule 2003-1. Meeting of Creditors under 11 U.S.C. § 341(a).

(a) Appearance by or for the debtor. An individual debtor shall appear in person at the meeting of creditors under 11 U.S.C. § 341(a). A nonindividual debtor, such as a partnership or corporation, shall appear through a designated lawful representative at the meeting of creditors under 11 U.S.C. § 341(a).

(b) Rescheduled meeting. A meeting of creditors under 11 U.S.C. § 341(a) may be rescheduled only at the discretion of and with the approval of the presiding officer. If a meeting of creditors is rescheduled, the presiding officer or the presiding officer's designee shall file a notice of the rescheduled meeting and serve, not fewer than seven days prior to the originally scheduled meeting, a copy of the notice on all creditors and other parties in interest not electronically served. The notice shall state who requested

the rescheduling and the reason for the request. If service is made fewer than seven days before the originally scheduled meeting, the presiding officer or the presiding officer's designee shall give personal notice to the debtor's attorney or the debtor, if unrepresented, and appear at the originally scheduled date, time, and place of the meeting to advise any party who appears of the change. The presiding officer or the presiding officer's designee shall file an appropriate certificate of service.

(c) Continued meeting. If a meeting of creditors under 11 U.S.C. § 341(a) is continued, the presiding officer or the presiding officer's designee shall file a notice of the continued meeting and serve a copy of the notice on the debtor, the debtor's attorney, any other party who appeared at the first meeting or a previously continued meeting, and any party who has filed a notice of appearance unless that particular party is electronically served. The notice shall state who requested the continuance and the reason for the request. The presiding officer or the presiding officer's designee shall file an appropriate certificate of service.

(d) Statement of conclusion. Within seven days after a meeting of creditors under 11 U.S.C. § 341(a) is concluded, the presiding officer shall file a statement of conclusion.

(e) Filing a transcript of a meeting of creditors. If a certified transcript of a meeting of creditors is prepared in compliance with Fed.R.Bankr.P. 2003(c) and if that transcript is to be used at an evidentiary hearing or a trial, the certified transcript shall be electronically filed with the Court pursuant to Bankr. D.S.D. R. 5077-1(c).

REFERENCES: 11 U.S.C. §§ 341, 342, and 343; Fed.Rs.Bankr.P. 2002 and 2003.

Practice Pointer: A meeting of creditors is "rescheduled" if the meeting on the original date was not held. A meeting of creditors is "continued" if the meeting was begun but not concluded.

Rule 2004-1. Filing Transcript of a Rule 2004 Examination. If a certified transcript of an examination under Fed.R.Bankr.P. 2004 is prepared, the certified transcript shall be electronically filed with the Court in compliance with Bankr. D.S.D. R. 5077-1(c), regardless of whether any party intends to use the transcript during a hearing or trial.

REFERENCES: Fed.Rs.Bankr.P. 2004 and 9037.

Practice Pointer: A transcript of a Rule 2004 examination should be captioned for the main bankruptcy case and should be filed in the main bankruptcy case. A deposition transcript should be captioned for the adversary proceeding to which it relates and should be filed in that adversary proceeding. On the rare occasion a deposition is taken in connection with a pending contested matter, the deposition should be captioned for the main bankruptcy case and filed in the main bankruptcy case.

Rule 2014-1. Employment of Estate Professionals.

(a) Application: content and service. An application to employ an estate professional under Fed.R.Bankr.P. 2014(a) shall be signed by the trustee, debtor in possession, or

committee chairperson and any attorney for the trustee, debtor in possession, or committee and, in addition to the particular information and the supporting affidavit of the professional to be employed required by Fed.R.Bankr.P. 2014(a), shall set forth the particular subsection or subsections of 11 U.S.C. § 327 under which authority for the employment is sought. If the proposed fee agreement with the professional to be employed includes the reimbursement of expenses, the application should identify any unusual expenses anticipated and estimate the cost. The application shall be served on parties in interest not electronically served.

(b) Nondisclosure of possible litigants. If a trustee, debtor in possession, or committee wishes 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 under Fed.R.Bankr.P. 2014(a) 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.

(c) Comments by the United States Trustee. Within seven days after an application to employ an estate professional is filed with the Court, the United States Trustee shall file any comments regarding the application, retain in its file any separate statement submitted by the applicant under paragraph (b) above, and serve upon the applicant a copy of any comments filed with the Court.

(d) Hearing. If the United States Trustee does not file any comments before the expiration of the seven days provided in paragraph (c) above, the Court may, in its discretion and subject to any limitations imposed by Fed.R.Bankr.P. 6003(a), enter an appropriate order on the application, without further notice or hearing. If the United States Trustee files comments before the expiration of the seven days provided in paragraph (c) above, the Court may, in its discretion and subject to any limitations imposed by Fed.R.Bankr.P. 6003(a), enter an appropriate order on the application or set the application for hearing.

(e) 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 to employ was filed with the Court.

REFERENCES: 11 U.S.C. § 327; Fed.Rs.Bankr.P. 2014 and 6005.

Practice Pointers: The party filing an application to employ an estate professional does not need to submit a proposed order. If the application is granted, a docket text order will be entered. If the application is denied, the Court will prepare the order.

In most situations, a chapter 13 debtor does not need court authority before hiring an attorney or other professional, though such professional's fees are subject to court approval.

Rule 2015-3. Reports Filed with the United States Trustee. Unless otherwise ordered,

financial, inventory, or other reports required by Fed.Rs.Bankr.P. 2015(a)(1), (a)(3), (a)(5), (a)(6), (b), (c)(1), or (e); 2015.1; or 2015.3 shall be submitted *only* to the United States Trustee, and shall be deemed filed with the Court when received by the United States Trustee.

REFERENCES: Fed.Rs.Bankr.P. 2002(k), 2015, 2015.1, and 2015.3.

Rule 2016-1. Disclosure of Compensation.

(a) Required content. A disclosure of compensation by an attorney for a debtor shall include the information required by Fed.R.Bankr.P. 2016(b) and any Director's Form and shall conform to Appendix 2L (chapter 7 case) or 2M (chapter 11, chapter 12, or chapter 13 case).

(b) Supplemental disclosure. An attorney for a debtor shall file a supplemental disclosure of compensation whenever the attorney's fee arrangement with the debtor changes or the attorney receives fees from a debtor that were not previously disclosed. The supplemental disclosure shall include the information required by Fed.R.Bankr.P. 2016(b) and any Director's Form and shall conform to Appendix 2N.

REFERENCES: 11 U.S.C. § 329(b); Fed.R.Bankr.P. 2016(b).

Practice Pointer: The disclosure of compensation form provided to a debtor's attorney in many software packages and the Director's Form are useful only in a chapter 7 case. Please use the local forms instead, which are better tailored to each chapter and provide better information should the case convert from one chapter to another.

Rule 2016-2. Fees for Estate Professionals.

(a) Fee application: required content and service. An application by a professional employed by the estate for payment of fees (compensation for services, applicable sales tax, and reimbursement of expenses, including any Clerk's fees) from the estate shall contain the information required by Fed.R.Bankr.P. 2016(a), shall identify the applicable sales tax rate, and shall conform to Appendix 2O. If a trustee or a debtor in possession files a fee application on behalf of another estate professional, the itemization of services rendered and expenses to be reimbursed shall be signed and dated by the estate professional and attached to the application. The application shall be served on parties in interest not electronically served. If the application seeks compensation for services and reimbursement of expenses, excluding sales tax, of more than $1,000.00, a notice of the application shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(e).

(b) Fee application: time for filing in a chapter 12 or a chapter 13 case. An attorney for the debtor or any accountant, appraiser, agent, or other professional employed by the estate shall, within 30 days after the plan is confirmed, file an application for fees incurred through the date of confirmation.

(c) Proposed order. When the application to employ is filed, the applicant shall submit

pursuant to Bankr. D.S.D. R. 9072-1(b) a proposed order awarding fees that conforms to Appendix 2P.

REFERENCES: 11 U.S.C. §§ 328, 329, and 330; Fed.R.Bankr.P. 2016(a).

Rule 2016-3. Administrative Expense other than for Estate Professional.

(a) Application and notice. An application for allowance of an administrative expense under 11 U.S.C. § 503 (other than one on behalf of a professional employed by the estate or a fully secured creditor seeking fees, costs, or charges under 11 U.S.C. § 506(b)) shall be filed with the Court within a reasonable time after the expense is incurred and in no event later than any deadline set by the Code, the Federal Rules of Bankruptcy Procedure, these local rules, or an order, and shall identify the entity to be paid, state the statutory basis for the claim, and itemize the expense. The itemization shall be signed and dated by the entity to be paid. The application shall be served on parties in interest not electronically served, and a notice of the application shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(e) and Appendix 2G and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and notice of motion.

(b) Treatment of administrative expense filed as a claim. If an entity files a proof of claim or similar document in the claims registry that indicates the claimant is requesting an administrative expense other than an expense allowable under 11 U.S.C. § 506(b), the Clerk shall docket a copy of the proof of claim or similar document as an application for administrative expense and direct the claimant to give notice pursuant to paragraph (a) above.

(c) Claims under 11 U.S.C. § 506(b). A fully secured creditor making a claim under 11 U.S.C. § 506(b) for an allowable fee, cost, or charge may make such claim by specifically itemizing the fee, cost, or charge in its proof of claim or by filing an application under paragraph (a) above.

REFERENCES: 11 U.S.C. §§ 503 and 506(b).

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 2072-1. Debtor's Service of Notice of Bankruptcy Case Filing. If at the time a petition is filed, there is pending in any federal or state court located within South Dakota a proceeding that may be stayed by 11 U.S.C. §§ 362, 1201, or 1301, the debtor shall serve a copy of the Clerk's notice of bankruptcy case filing on each federal or state court within South Dakota whose proceeding may be stayed. Service may be made in any manner permitted by the nonbankruptcy court and shall be made prior to any scheduled hearing before the nonbankruptcy court and in no event later than seven days after the filing of the petition. The debtor shall contemporaneously

file with the Bankruptcy Court a certificate of service identifying each clerk of court who was served a copy of the notice of bankruptcy case filing.

REFERENCES: 11 U.S.C. §§ 362, 1201, and 1301.

Rule 2090-1. Admission and Practice of Attorneys. The admission and practice of attorneys before this Court shall be governed by D.S.D. Civ. LR 83.2 and the rules of professional conduct as adopted by the State of South Dakota.

REFERENCES: D.S.D. Civ. LR 83.2; S.D.C.L. Appendix to Chapter 16-18, South Dakota Rules of Professional Conduct.

Rule 2091-1. Withdrawal or Substitution of Attorney.

(a) Withdrawal as attorney for a debtor or a trustee with substitution of new attorney. If a debtor or a trustee has retained a new attorney:

(1) the debtor or trustee shall sign a motion to substitute attorney and the debtor's or the trustee's new attorney shall file the motion and shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order granting the motion that conforms to Appendix 2Q. The motion to substitute attorney shall be served on parties in interest not electronically served. A notice of the motion is not required. If the proposed substitution of an attorney for a debtor or a trustee is in a chapter 11 or chapter 12 case, the debtor or trustee shall simultaneously file and give notice of an application to employ the new attorney pursuant to 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1, and the new attorney shall file an affidavit as the professional to be employed pursuant to Fed.R.Bankr.P. 2014(a) and a disclosure of compensation pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1(a), and shall serve a copy of the disclosure of compensation on the debtor, if not electronically served;

(2) the debtor's or the trustee's former attorney shall:

(A) in compliance with Bankr. D.S.D. R. 2016-1(b), file a supplemental disclosure of compensation if the former attorney, since the filing of the attorney's original disclosure of compensation, has rendered or has agreed to render additional services, or has received or has been promised additional payments; and

(B) in a chapter 11, 12, or 13 case, file an application and notice under Fed.R.Bankr.P. 2016(a) and Bankr. D.S.D. Rs. 2002-1(e) and 2016-2 for fees incurred in connection with the case that have not yet been allowed and serve the application and notice in compliance with Fed.R.Bankr.P. 2016(a) and Bankr. D.S.D. R. 2016-2.

(b) Withdrawal as attorney for a debtor or a trustee *without* substitution of new attorney. If an attorney wishes to withdraw as the attorney for a debtor or a trustee and the debtor or the trustee has not retained a substitute attorney, the withdrawing

attorney shall:

(1) schedule a hearing by contacting the Scheduling Deputy Clerk pursuant to Bankr. D.S.D. R. 5070-1(a)(6);

(2) file a motion to withdraw and a notice of hearing. The motion shall include a statement regarding whether any fees are owed but not yet paid. The notice shall conform to Appendix 2R;

(3) serve the motion and notice on parties in interest not electronically served; and

(4) (A) file a supplemental disclosure of compensation in compliance with Bankr. D.S.D. R. 2016-1(b) if the withdrawing attorney, since the filing of his or her original disclosure of compensation, has rendered or has agreed to render additional services, or has received or has been promised additional payments; and

(B) in a chapter 11, 12, or 13 case, file an application and notice under Fed.R.Bankr.P. 2016(a) and Bankr. D.S.D. Rs. 2002-1(e) and 2016-2 for fees incurred in connection with the case that have not yet been awarded and serve the application and notice in compliance with Fed.R.Bankr.P. 2016(a) and Bankr. D.S.D. R. 2016-2.

(c) Withdrawal as attorney for a party other than a debtor or a trustee.

(1) Withdrawal while a contested matter or adversary proceeding is pending. If an attorney wishes to withdraw from further representation of a party other than a debtor or a trustee while a contested matter or adversary proceeding involving that party is pending, the withdrawing attorney shall file a motion seeking permission to withdraw and shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order granting the motion that conforms to Appendix 2S. The motion shall state whether the party has consented to the attorney's withdrawal. The withdrawing attorney shall serve a copy of the motion on parties in interest not electronically served. The Court may, in its discretion, grant the motion, set a deadline for responses to the motion, or set a hearing on the motion.

(2) Withdrawal while no contested matter or adversary proceeding is pending. If an attorney wishes to withdraw from further representation of a party other than a debtor or a trustee and no contested matter or adversary proceeding involving that party is pending, the withdrawing attorney shall file an electronic "Notice of Withdrawal as Attorney" and serve a copy of the docket text entry on any parties in interest not electronically served.

(d) Substitution of attorney for a party other than a debtor or a trustee.

(1) Substitution of attorney for a party other than a debtor or a trustee while a contested matter or adversary proceeding is pending. If a party other than a debtor or a trustee wishes to substitute an attorney while a contested matter or adversary proceeding involving that party is pending, the party shall file a

motion seeking court approval of the substitution and shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order granting the motion that conforms to Appendix 2Q. The party shall serve a copy of the motion and the proposed order on parties in interest not electronically served. The Court may, in its discretion, grant the motion, set a deadline for responses to the motion, or set a hearing on the motion.

(2) Substitution of attorney for a party other than a debtor or a trustee while no contested matter or adversary proceeding is pending. If a party other than a debtor or a trustee wishes to substitute an attorney and no contested matter or adversary proceeding involving that party is pending, the party's new attorney shall file a notice of appearance pursuant to Fed.R.Bankr.P. 2002(g)(1).

REFERENCES: 11 U.S.C. §§ 327 and 329(a); Fed.Rs.Bankr.P. 2002(g)(1), 2014(a), and 2016.

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

Rule	
3003-1	Chapter 11 Deadline to File Proof of Claim or Interest.
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3019-1	Chapter 11 Modification of Plan After Confirmation (Individual Debtors Only).
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3072-1A	Chapter 12 Discharge and Closing Case.
3072-1B	Chapter 13 Discharge and Closing Case.

Rule 3003-1. Chapter 11 Deadline to File Proof of Claim or Interest. Unless otherwise ordered, in a chapter 11 case the last day to timely file a proof of claim or interest shall be 60 days after the date first set for the meeting of creditors under 11 U.S.C. § 341(a). The Clerk shall give notice of this deadline in the Clerk's Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors & Deadlines.

REFERENCE: Fed.R.Bankr.P. 3003(c).

Rule 3015-1A. Chapter 12 Extension of Time to File Plan or Hold Confirmation Hearing.

(a) Extension of time to file a plan. A motion to extend the time to file a chapter 12 plan shall be filed with the Court before the original time for filing a plan has expired, shall state the specific extension requested, and shall state the cause for the extension sought. The motion shall constitute notice of the extension sought and shall be served on parties in interest not electronically served.

(b) Extension of time for confirmation hearing.

(1) Automatic extension of time. If the notice requirements of the Federal Rules of Bankruptcy Procedure do not allow a confirmation hearing to be held on the first available hearing date for the division in which the case was filed within the time allowed by 11 U.S.C. § 1224, the 45-day deadline in § 1224 is automatically extended to permit the hearing to be held on the next available hearing date for the division in which the case was filed.

(2) Motion for extension of time. A motion to extend the time for a confirmation hearing beyond any automatic extension provided by paragraph (1) above shall be filed with the Court before the expiration of the deadline for filing a plan, shall state the specific extension requested, and shall state the cause for the extension sought. The motion shall constitute notice of the extension sought and shall be served on parties in interest not electronically served.

(c) Objection to a request for an extension. An objection or other response to a motion to extend the time to file a chapter 12 plan or a motion to extend the time for a confirmation hearing shall be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) within seven days after the motion is filed with the Court.

REFERENCES: 11 U.S.C. §§ 1221 and 1224; Fed.Rs.Bankr.P. 2002(a)(8) and 3015.

Rule 3015-1B. Chapter 13 Extension of Time to File Plan; Automatic Extension of Time to Hold Confirmation Hearing.

(a) Extension of time to file a plan. A motion to extend the time to file a chapter 13 plan shall be filed with the Court before the original time for filing a plan has expired, shall state the specific extension requested, and shall state the cause for the extension sought. The motion shall constitute notice of the extension sought and shall be served on parties in interest not electronically served.

(b) Objection to a request for an extension. An objection or other response to a motion to extend the time to file a chapter 13 plan shall be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) within seven days after the motion is filed with the Court.

(c) Automatic extension of time for confirmation hearing. If the notice requirements of the Federal Rules of Bankruptcy Procedure do not allow a confirmation hearing to be held on the first available hearing date for the division in which the case was filed within the time allowed by 11 U.S.C. § 1324, the 45-day deadline in § 1324 is

automatically extended to permit the hearing to be held on the next available hearing date for the division in which the case was filed.

REFERENCES: 11 U.S.C. §§ 1321 and 1324; Fed.Rs.Bankr.P. 2002(b)(2) and 3015(b).

Rule 3015-2. Chapter 12 or Chapter 13 Required Plan Content. A proposed chapter 12 or chapter 13 plan shall:

(1) conform to Appendix 3A by including all provisions applicable in that particular case *and* deleting all provisions not applicable in that particular case;

(2) be entitled "PLAN DATED [insert the date the debtor signs the plan];

(3) be signed by the debtor and any attorney for the debtor; and

(4) include:

(A) a *detailed* liquidation analysis, excluding any fees for the debtor's attorney, that demonstrates the plan's compliance with 11 U.S.C. § 1225(a)(4) or § 1325(a)(4);

(B) if appropriate, as attachments referenced within the plan, a Supplemental Schedule I and/or a Supplemental Schedule J that reflect each actual or reasonably anticipated material change in the debtor's financial circumstances since the petition date; and

(C) the dates (month, day, year) of the first payment under the plan and the last payment under the plan, whether for an administrative expense or a pre-petition claim.

REFERENCES: 11 U.S.C. §§ 1222, 1225, 1322, and 1325.

Rule 3015-3A. Chapter 12 Confirmation of Plan.

(a) Service of plan and notice of confirmation hearing. A proposed chapter 12 plan and a notice of confirmation hearing shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(c) and Appendix 2D (telephonic hearing) or Appendix 2E (in-court hearing) and contain a last date (month, day, year) for filing an objection to the plan that is 21 days after service of the plan but not fewer than three business days before the date of the confirmation hearing. The notice for a telephonic hearing should be used unless otherwise directed by the Scheduling Deputy Clerk.

(b) Confirmation hearing not held.

(1) Notice of confirmation hearing on modified plan. If a debtor in good faith files and serves a notice of a confirmation hearing on a modified plan pursuant to Bankr. D.S.D. R. 3015-4A, the previously scheduled confirmation hearing shall be deemed cancelled without further notice, unless otherwise ordered.

(2) No objection. If, following appropriate notice and service, no objection to a plan or modified plan is timely filed with the Court or all objections to a plan or modified plan are withdrawn and the plan is confirmable as filed, the Court may, in its discretion, cancel the confirmation hearing and enter a confirmation order.

(c) Content of a confirmation order. The debtor shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order confirming the chapter 12 plan that conforms to either Appendix 3B or Appendix 3C, as is appropriate.

REFERENCES: 11 U.S.C. §§ 1222, 1224, and 1225; Fed.Rs.Bankr.P. 2002(a)(8) and 3015.

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

See also Bankr. D.S.D. R. 3015-4A (modification of a plan before confirmation) and Bankr. D.S.D. R. 3015-5 (modification of a plan after confirmation).

Rule 3015-3B. Chapter 13 Confirmation of Plan.

(a) Service of plan and notice of confirmation hearing. A proposed chapter 13 plan, including all attachments, and, if required by paragraph (b) below, a notice of rescheduled confirmation hearing shall be served on all creditors and other parties in interest not electronically served.

(b) Notice of rescheduled confirmation hearing. If a chapter 13 debtor does not file and serve a proposed plan at least 31 days before the last date for objections set forth in the Clerk's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines, the debtor shall, after consultation with the chapter 13 trustee and the Scheduling Deputy Clerk, file and serve with the plan a notice of rescheduled confirmation hearing. The notice shall conform to Bankr. D.S.D. R. 2002-1(c) and Appendix 2D (telephonic hearing) or Appendix 2E (in-court hearing) and include:

(1) a new last date (month, day, year) for filing an objection to the plan that is 28 days after service of the plan but not fewer than three business days before the date of the confirmation hearing;

(2) if the confirmation hearing date originally set forth in the Clerk's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines is fewer than three business days after the new last date for objections, a new date, time, and place of the confirmation hearing obtained from the Scheduling Deputy Clerk;

(3) if requested by the trustee, the date, time, and place of any rescheduled or continued meeting of creditors under 11 U.S.C. § 341(a); and

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

(c) Confirmation hearing not held.

(1) Notice of rescheduled confirmation hearing or notice of modified plan. If a debtor in good faith files and serves a notice of rescheduled confirmation hearing pursuant to paragraph (b) above or a notice of confirmation hearing on a modified plan pursuant to Bankr. D.S.D. R. 3015-4B, the previously scheduled confirmation hearing shall be deemed cancelled without further notice, unless otherwise ordered.

(2) No objection. If, following appropriate notice and service, no objection to a plan or modified plan is timely filed with the Court or all objections to a plan or modified plan are withdrawn and the plan is confirmable as filed, the Court may, in its discretion, cancel the confirmation hearing and enter a confirmation order.

(3) No plan timely filed. If a debtor fails to timely file a plan, the confirmation hearing set forth in the Clerk's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines will be cancelled.

(d) Content of a confirmation order. The debtor shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order confirming the chapter 13 plan that conforms to either Appendix 3B or Appendix 3C, as is appropriate.

REFERENCES: 11 U.S.C. §§ 1322, 1324, and 1325; Fed.Rs.Bankr.P. 2002(b) and 3015.

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

See also Bankr. D.S.D. R. 3015-4B (modification of a plan before confirmation) and Bankr. D.S.D. R. 3015-5 (modification of a plan after confirmation).

Rule 3015-4A. Chapter 12 Modification of Plan Before Confirmation.

(a) Content and notice. A proposed chapter 12 plan that is modified before confirmation shall:

(1) comply with Bankr. D.S.D. R. 3015-2;

(2) be entitled "MODIFIED PLAN DATED [insert the date the debtor signs the modified plan]"; and

(3) be filed with a notice of confirmation hearing that complies with Bankr. D.S.D. R. 2002-1(c). If at least 24 days remain between the date the modified chapter 12 plan is served and the last date for objections to the previously filed plan, the notice may incorporate the previously set last date for objections and

the previously scheduled date and time for the confirmation hearing. If fewer than 24 days remain between the date the modified chapter 12 plan is served and the last date for objections to the previously filed plan, the notice shall incorporate a new last date for objections that is 24 days after service of the notice and a new date and time for the confirmation hearing, which the debtor shall obtain from the Scheduling Deputy Clerk before preparing the notice.

(b) Service. The modified plan and the notice shall be served in compliance with Bankr. D.S.D. R. 3015-3A on parties in interest not electronically served, including but not limited to any creditor or other party in interest that may be adversely affected 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.

(c) Effect of filing and serving a modified plan. If a debtor in good faith properly files, serves, and gives notice of a hearing on a modified plan as provided by these rules, the previously filed plan and any objection to the previously filed plan shall be deemed moot and any previously scheduled confirmation hearing will be cancelled without further notice, unless otherwise ordered.

REFERENCES: 11 U.S.C. §§ 1222, 1223, 1224, and 1225; Fed.Rs.Bankr.P. 2002(a)(8) and 3015.

Practice Pointers: The notice period stated above already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

Most often, a debtor will need to serve a modified plan on *all* creditors and other parties in interest not electronically served because the effect of the modification is difficult to ascertain or because the modification affects feasibility of the plan, which makes every creditor a party adversely affected by the modification.

Compare Bankr. D.S.D. R. 3015-5 (modification of a plan after confirmation).

Rule 3015-4B. Chapter 13 Modification of Plan Before Confirmation.

(a) Content and notice. A proposed chapter 13 plan that is modified before confirmation shall:

(1) comply with Bankr. D.S.D. R. 3015-2;

(2) be entitled "MODIFIED PLAN DATED [insert the date the debtor signs the modified plan]"; and

(3) be filed with a notice of confirmation hearing that complies with Bankr. D.S.D. R. 2002-1(c). If at least 31 days remain between the date the modified chapter 13 plan is served and the last date for objections to the previously filed plan, the notice may incorporate the previously set last date for objections and the previously scheduled date and time for the confirmation hearing. If fewer than 31 days remain between the date the modified chapter 13 plan is served and the last date for objections to the previously filed plan, the notice shall incorporate a new last date for objections that is 31 days after service of the

notice and a new date and time for the confirmation hearing, which the debtor shall obtain from the Scheduling Deputy Clerk before preparing the notice.

(b) Service. The modified plan and the notice shall be served in compliance with Bankr. D.S.D. R. 3015-3B on parties in interest not electronically served, including but not limited to any creditor or other party in interest that may be adversely affected 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.

(c) Effect of filing and serving a modified plan. If a debtor in good faith properly files, serves, and gives notice of a hearing on a modified plan as provided by these rules, the previously filed plan and any objection to the previously filed plan shall be deemed moot and any previously scheduled confirmation hearing will be cancelled without further notice, unless otherwise ordered.

REFERENCES: 11 U.S.C. § 1323; Fed.R.Bankr.P. 2002(a)(5).

Practice Pointers: The notice period stated above already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

Most often, a debtor will need to serve a modified plan on *all* creditors and other parties in interest not electronically served because the effect of the modification is difficult to ascertain or because the modification affects feasibility of the plan, which makes every creditor a party adversely affected by the modification.

Compare Bankr. D.S.D. R. 3015-5 (modification of a plan after confirmation).

Rule 3015-5. Chapter 12 or Chapter 13 Modification of Plan After Confirmation.

(a) Content of motion. A motion to modify a confirmed chapter 12 or chapter 13 plan shall include:

(1) the name of each affected creditor or class of creditors;

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

(3) statements of the debtor's current and prior years' 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 confirmed chapter 12 or chapter 13 plan shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after

service of the motion and notice of motion.

(c) Service. The motion to modify a confirmed plan and the notice shall be served on parties in interest not electronically served, including, but not limited to, any creditor or other party in interest that may be adversely affected by the modification and any party who has filed a notice of appearance.

(d) Required content of a proposed order. A proposed order granting a motion to modify a confirmed chapter 12 or chapter 13 plan shall conform to Appendix 3D and shall include a statement of any change in the date of the last payment under the plan.

REFERENCES: 11 U.S.C. § 1229 or § 1329; Fed.Rs.Bankr.P. 2002(a)(5) and 3015(g).

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Most often, a debtor will need to serve a motion to modify a confirmed plan on *all* creditors and other parties in interest not electronically served because the effect of the modification is difficult to ascertain or because the modification affects feasibility of the plan, which makes every creditor a party adversely affected by the modification.

Compare Bankr. D.S.D. Rs. 3015-4A (modification of a chapter 12 plan before confirmation) and 3015-4B (modification of a chapter 13 plan before confirmation).

Rule 3016-1. Chapter 11 Plan Content. A chapter 11 plan shall be entitled "[insert name of proponent]'S PLAN DATED [insert the date the proponent signs the plan]," *e.g.*, "DEBTOR'S PLAN DATED DECEMBER 19, 2018." If the debtor is an individual, the plan shall set forth in the opening paragraph the date of the last payment being made under the plan.

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

Rule 3016-2. Disclosure Statement in a Small Business Chapter 11. Pursuant to 11 U.S.C. § 1125(f)(1) and unless otherwise ordered, a small business chapter 11 debtor's plan is presumed to contain adequate information and the small business chapter 11 debtor need not prepare, file, and serve a disclosure statement with the plan.

Rule 3016-3. Chapter 11 Reductions or Extensions of Time. A motion for a reduction or an extension of the time within which only the debtor may file a chapter 11 plan or obtain confirmation of a chapter 11 plan shall be filed with the Court before the expiration of the original exclusivity period and any previous extension, shall contain the information required by 11 U.S.C. § 1121, shall state the specific reduction or extension requested, and shall state the cause for the relief sought. The motion and a notice of motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is seven days after

service of the motion and notice of motion.

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

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 3018-1. Chapter 11 Ballots.

(a) Sample ballots. The proponent of a chapter 11 plan shall prepare a sample ballot for each class of voting creditors under the plan and shall file the sample ballots as attachments to an appropriately captioned statement at the same time the plan and disclosure statement are filed with the Court. The statement shall conform to Appendix 3E. Each sample ballot shall conform to Official Form 314 except each ballot shall state it shall be returned for filing to the Bankruptcy Clerk, District of South Dakota, at the appropriate Bankruptcy Clerk's office address in either Pierre or Sioux Falls, South Dakota, not to the plan proponent or the plan proponent's attorney. The sample ballots shall not include the deadline for returning ballots, which will not be set by the Court until after the sample ballots are filed with the Court. If a sample ballot includes more than one page, the second and each subsequent page shall include the case name and case number at the top of the page.

(b) Final ballots and service. Upon approval of the disclosure statement, the proponent of a chapter 11 plan shall prepare a final ballot for each class of voting creditors under the plan by making any changes to each sample ballot as may be directed by the Court and inserting the date set by the Court as the deadline for returning ballots. The plan proponent shall serve a copy of the appropriate ballot on each creditor and other party in interest at the same time the proponent serves the order setting the confirmation hearing and related deadlines.

(c) Tabulation of ballots. The plan proponent shall tabulate the ballots and file a completed tabulation not less than two days before the scheduled confirmation hearing. The completed tabulation shall be captioned as required by Bankr. D.S.D. R. 9004-2, shall be signed by the plan proponent or the plan proponent's attorney, 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; Official Form 314; Fed.R.Bankr.P. 3018.

Practice Pointers: Often a creditor will only return the one or two pages of a ballot on

which the creditor makes their election and affixes their signature. So the Clerk can properly file the ballot, include the case name and case number on the top of each page of the ballot.

In the last section of Official Form 314 labeled "Return this ballot to:", use the Clerk's Sioux Falls office address for Southern Division cases or the Clerk's Pierre office address for Northern, Central, or Western Division cases:

Bankruptcy Court Clerk U.S. Courthouse 400 S. Phillips Ave., Rm. 104 Sioux Falls, SD 57104-6851	Bankruptcy Court Clerk U.S. Post Office & Federal Bldg. 225 S. Pierre St., Rm. 203 Pierre, SD 57501-2463

Rule 3019-1. Chapter 11 Modification of Plan After Confirmation (Individual Debtors Only).

(a) Content of motion. A motion to modify a confirmed plan for a chapter 11 individual debtor shall include:

(1) the name of each affected creditor or class of creditors;

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

(3) statements of the debtor's current and prior years' 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 last plan payment date.

(b) Notice. The notice of a motion to modify a confirmed chapter 11 plan shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and notice of motion.

(c) Service. The motion to modify a confirmed plan and the notice shall be served on parties in interest not electronically served, including, but not limited to, any creditor or other party in interest that may be adversely affected by the modification and any party who has filed a notice of appearance.

(d) Required content of a proposed order. A proposed order granting a motion to modify a confirmed chapter 11 plan shall conform to Appendix 3D and shall include a statement of any change in the date of the last payment under the plan.

REFERENCES: 11 U.S.C. § 1127(e); Fed.Rs.Bankr.P. 2002(a)(5) and 3019(b).

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P.

5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Most often, the movant will need to serve a motion to modify a confirmed plan on *all* creditors and other parties in interest not electronically served because the effect of the modification is difficult to ascertain or because the modification affects feasibility of the plan, which makes every creditor a party adversely affected by the modification.

Rule 3022-1. Chapter 11 Discharge and Entry of Final Decree.

(a) Entry of final decree in a case for a debtor that is not an individual. Not later than 30 days after substantial consummation of a confirmed chapter 11 plan for a debtor that is not an individual, the debtor or the trustee, if one has been appointed, shall file a motion for entry of a final decree. The motion shall be served on parties in interest not electronically served.

(b) Discharge and entry of final decree in a case for a debtor who is an individual.

(1) Debtor's certification. Not later than 45 days after completion of all plan payments, a chapter 11 debtor who is an individual shall file a Certification and Request for Discharge and Entry of Final Decree that strictly conforms to Appendix 3F. Joint debtors shall prepare and file separate Certifications and Requests for Discharge.

(2) Clerk's Notice of Certification and Request for Discharge. Upon a debtor's timely compliance with paragraph (1) above, the Clerk shall serve a Notice of Certification and Request for Discharge on all creditors and other parties in interest not electronically served. The Clerk's notice shall state any party wishing to object to the debtor's discharge shall file an objection or other response to the debtor's Certification and Request for Discharge before a stated date not less than 24 days after the date the Clerk's notice was generated.

(3) Entry of discharge. The Court may enter an order of discharge if:

(A) no party in interest timely files an objection or other response to the debtor's Certification and Request for Discharge; or

(B) any timely filed objection or other response to the debtor's Certification and Request for Discharge is overruled.

(4) Entry of final decree. The Court may enter a final decree after the discharge order is final and, if a trustee has been appointed in the case, the trustee has filed a final report and account.

REFERENCES: 11 U.S.C. § 1141; Fed.R.Bankr.P. 3022.

Rule 3072-1A. Chapter 12 Discharge and Closing Case.

(a) Discharge upon completion of plan payments.

(1) Service of the debtor's final report and final account form. Within 14 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)(9), have been completed by the debtor, the chapter 12 trustee shall serve on the debtor the final report and final account form and file an appropriate certificate of service.

(2) Filings and notice by the debtor. Within 45 days after service of the final report and final account form, a debtor eligible for a discharge under 11 U.S.C. § 1228(a) shall:

(A) file and serve on the chapter 12 trustee a completed final report and final account;

(B) file and serve on all creditors and other parties in interest not electronically served a Notice of Filing Final Report and Final Account that strictly conforms to Appendix 3G and states:

(i) the debtor has filed with the Court and served on the chapter 12 trustee a completed 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)(9);

(iii) any party objecting to entry of a discharge on the grounds 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)(9), shall file a motion to dismiss on or before 21 days after service the Clerk's notice, as provided by Bankr. D.S.D. R. 3072-1A(a)(4); and

(iv) if no party timely files a motion to dismiss for failure to complete all plan payments, a discharge of debts may be entered; and

(C) if an individual, file a Certification Regarding Domestic Support Obligations and Section 522(q) using Director's Form 2830 and changing "Chapter 13" to "Chapter 12" in the title, changing the citation in Part I from § 1328(a) to § 1228(a), and changing the citation in Part III from § 1328(h) to § 1228(f). Joint debtors shall prepare and file separate Certifications Regarding Domestic Support Obligations and Section 522(q).

(3) Failure to comply. If a debtor who is eligible for a discharge under 11 U.S.C. § 1228(a) fails to timely comply with paragraph (2) above, the chapter 12 trustee shall seek an appropriate remedy from the Court that ensures the case

is timely closed, including, but not limited to, dismissal of the case.

(4) Motion to dismiss for failure to complete plan payments. Any party objecting to the entry of a discharge in a chapter 12 case on the grounds 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)(9), shall, not more than 21 days after the debtor serves the Notice of Filing Final Report and Final Account, obtain a hearing date from the Scheduling Deputy Clerk, file a motion to dismiss the case for failure to complete plan payments and a notice of the motion, serve the motion on parties in interest not electronically served, and serve the notice on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall contain the date, time, and place for the hearing on the motion.

(b) Debtor's request for discharge before completion of all plan payments ("hardship" discharge). A debtor seeking a discharge prior to completion of all plan payments shall:

(1) obtain a final report and final account form from the chapter 12 trustee or the United States Trustee;

(2) file and serve on the chapter 12 trustee a completed final report and final account;

(3) if an individual, file a Certification Regarding Domestic Support Obligations and Section 522(q) using Director's Form 2830 and changing "Chapter 13" to "Chapter 12" in the title, changing the citation in Part I from § 1328(a) to § 1228(a), and changing the citation in Part III from § 1328(h) to § 1228(f). Joint debtors shall prepare and file separate Certifications Regarding Domestic Support Obligations and Section 522(q);

(4) file and serve on all creditors and other parties in interest not electronically served a motion for hardship discharge that:

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

(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 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 confirmed plan is not practicable; and

(5) file and serve on all creditors and other parties in interest not electronically served a notice of the motion for hardship discharge. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and notice of motion.

(c) Entry of discharge. The Court may enter an order of discharge if the debtor has complied with either paragraph (a)(2)(C) or (b)(3) above, if applicable, and:

(1) no motion to dismiss for failure to complete plan payments has been timely filed with the Court;

(2) upon entry of an order denying a motion to dismiss for failure to complete plan payments; or

(3) upon entry of an order granting a motion for hardship discharge.

(d) Closing the case. After entry of an order discharging the debtor, the chapter 12 trustee shall file a final report and final account and shall serve the final report and final account on the debtor, if not electronically served. If no objection to the trustee's final report and final account is received within 30 days after service of the final report and final account, the Clerk may close the case.

REFERENCES: 11 U.S.C. §§ 350 and 1228; Fed.Rs.Bankr.P. 4007 and 5009.

Practice Pointers: Each debtor in a joint case must file a Certification Regarding Domestic Support Obligations and Section 522(q) (Director's Form 2830). It will not be available for viewing on the public docket.

If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 3072-1B. Chapter 13 Discharge and Closing Case.

(a) Trustee's Notice of Completion of Plan Payments. When the chapter 13 trustee is satisfied the debtor has completed all plan payments, the trustee shall file a Notice of Completion of Plan Payments. The Notice of Completion of Plan Payments shall be served on parties in interest not electronically served and shall advise the debtor that:

(1) the debtor shall timely comply with Bankr. D.S.D. R. 3072-1B(b); and

(2) in the event the debtor does not timely comply with Bankr. D.S.D. R. 3072-1B(b), the Clerk may administratively close the case without entry of a discharge.

(b) Debtor's Certification and Request for Discharge upon completion of plan payments. Within 30 days after service of the trustee's Notice of Completion of Plan Payments, a debtor shall file a Certification and Request for Discharge that strictly conforms to Appendix 3H. Joint debtors shall prepare and file separate Certifications

and Requests for Discharge.

(c) Clerk's Notice of Certification and Request for Discharge. Upon a debtor's timely compliance with paragraph (b) above, the Clerk shall serve a Notice of Certification and Request for Discharge on all creditors and other parties in interest not electronically served. The Clerk's notice shall state any party wishing to object to the debtor's discharge shall file an objection or other response to the debtor's Certification and Request for Discharge on or before a stated date not less than 24 days after the date the Clerk's notice was generated.

(d) Debtor's request for discharge before completion of all plan payments ("hardship" discharge). A debtor seeking a discharge prior to completion of all plan payments shall file and serve on all creditors and other parties in interest not electronically served:

(1) 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 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 confirmed plan is not practicable; and

(2) a notice of the motion for hardship discharge. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and notice of motion.

(e) Entry of discharge. The Court may enter an order of discharge:

(1) if no party in interest timely files an objection or other response to the debtor's Certification and Request for Discharge;

(2) if any timely filed objection or other response to the debtor's Certification and Request for Discharge is overruled; or

(3) upon entry of an order granting a motion for hardship discharge.

(f) Closing the case. A chapter 13 case may be closed by the Clerk after the trustee files his final report and final account and when:

(1) the debtor has failed, or in a joint case, both debtors have failed, to timely comply with Bankr. D.S.D. R. 3072-1B(b);

(2) the debtor has failed, or in a joint case, both debtors have failed, to timely

cure any arrearage in plan payments as may have been ordered by the Court following a hearing on an objection to the debtor's Certification and Request for Discharge; or

(3) the debtor has, or in a joint case, both debtors have, timely cured any arrearage in plan payments as may have been ordered by the Court following a hearing on an objection to the debtor's Certification and Request for Discharge.

REFERENCES: 11 U.S.C. §§ 350 and 1328; Fed.Rs.Bankr.P. 4007 and 5009.

Practice Pointer: Each debtor in a joint case must file a Certification and Request for Discharge. It will not be available for viewing on the public docket.

Regarding the notice of a motion for "hardship" discharge in subsection (d), if any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated for such a motion shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

PART IV
THE DEBTOR: DUTIES AND BENEFITS

Rule

4001-1 Relief from the Automatic Stay or Prohibiting or Conditioning the Use, Sale, or Lease of Property; Confirming Termination of the Stay.
4001-2 Authority to Use Cash Collateral.
4001-3 Authority to Obtain Credit.
4001-4 Relief from the Codebtor Stay.
4003-1 Objection to Claimed Exemptions.
4003-2 Avoiding a Lien on or Other Transfer of Exempt Property.
4004-1 Extension of Time to File a Denial of Discharge Complaint, a Denial of Discharge Motion, or a Reaffirmation Agreement or to Defer Entry of Discharge.
4007-1 Extension of Time to File a Dischargeability Complaint.
4008-1 Reaffirmation Agreement; Notice of Rescission.

Rule 4001-1. Relief from the Automatic Stay or Prohibiting or Conditioning the Use, Sale, or Lease of Property; Confirming Termination of the Stay.

(a) Motion for relief from the automatic stay *with notice*.

(1) Content. A motion for relief from the automatic stay shall state the specific subsection or subsections of 11 U.S.C. § 362(d) under which relief is sought, include a description of any property with respect to which relief is sought, and include specific facts that demonstrate the movant is entitled to relief from the automatic stay. Any request for a waiver of the stay of an order imposed by Fed.R.Bankr.P. 4001(a)(3) shall be specifically stated. A motion for relief from the automatic stay shall not be combined with a request for relief from the codebtor stay under 11 U.S.C. § 1301(c).

(2) Waiver of automatic termination provisions. Unless a motion for relief from the automatic stay includes a declaration that the movant is specifically relying on the time limitations imposed by 11 U.S.C. § 362(e), those time limitations are deemed waived for good cause under 11 U.S.C. § 362(e)(2)(B)(ii), and any hearing on the motion will be held on the first available hearing date for the division in which the case is venued.

(3) Service and notice. Unless relief from the automatic stay is sought *ex parte* pursuant to Fed.R.Bankr.P. 4001(a)(2) and Bankr. D.S.D. R. 4001-1(c), the motion and a notice of motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(b) Motion to prohibit or condition the use, sale, or lease of property *with notice*. A motion to prohibit or condition the use, sale, or lease of property shall include a description of the property with respect to which relief is sought, a description of any liens or other encumbrances against the property, and specific facts that demonstrate the movant is entitled to the prohibition or condition requested. Unless such relief is sought *ex parte* pursuant to Fed.R.Bankr.P. 4001(a)(2) and Bankr. D.S.D. R. 4001-1(c), the motion and a notice of motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(c) *Ex parte* motion for relief from the automatic stay or to prohibit or condition the use, sale, or lease of property. An *ex parte* motion for relief from the automatic stay under 11 U.S.C. § 362(f) or to prohibit or condition the use, sale, or lease of property shall comply with Fed.R.Bankr.P. 4001(a)(2)(B), except the Court will serve any order granting *ex parte* relief. A notice of motion shall not be filed with the motion.

(d) Motion to confirm termination or absence of the automatic stay. A motion seeking confirmation of the termination or absence of the automatic stay under 11 U.S.C. § 362(c) or § 362(j) and a notice of motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(e) Agreement 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 been filed. If the movant and all parties who timely objected to a properly filed and served motion for relief from the automatic stay or motion to prohibit or condition the use, sale, or lease of property reach an agreement regarding such relief that does not exceed the scope of the motion, the agreement, if reduced to writing, shall be signed and filed with the Court, and the parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) an agreed proposed order. Upon entry of the agreed order, any previously scheduled hearing on the motion will be deemed moot. If the agreement exceeds the scope of the motion, the agreement shall be noticed for objections in compliance with Bankr. D.S.D. R. 9019-1(b).

(f) Agreement 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. If parties in interest reach an agreement regarding relief from the automatic stay or to prohibit or condition the use, sale, or lease of property before a motion for such relief has been filed, a motion to approve the agreement and a notice of motion shall be served on parties in interest not electronically served. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(g) Proposed order. When a motion for relief from the automatic stay is filed, the movant shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order granting the motion that strictly conforms to Appendix 4A.

REFERENCES: 11 U.S.C. §§ 362 and 363; Fed.R.Bankr.P. 4001. *Compare* Bankr. D.S.D. R. 4001-4 regarding relief from the co-debtor stay under 11 U.S.C. § 1301(c).

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

A sample motion for relief from the automatic stay and a variety of sample orders granting relief from the automatic stay in situations not addressed by the sample order at Appendix 4A (*e.g.*, granting relief from the automatic stay and compelling abandonment, granting relief from the automatic stay following a hearing, granting relief from the automatic stay after an objection or other response is withdrawn, and granting relief from the automatic stay following a failure to comply with the terms and conditions established in an earlier order) are available on the Court's website at *www.sdb.uscourts.gov* under Local Rules and Forms and then All Local Forms.

Rule 4001-2. Authority to Use Cash Collateral.

(a) Motion for authority to use cash collateral (regular notice). A motion for authority to use cash collateral shall comply with Fed.R.Bankr.P. 4001(b)(1)(B) and shall conform to Appendix 4B. Unless preliminary authority is sought pursuant to Fed.R.Bankr.P. 4001(b)(2), the motion and a notice of motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(b) Preliminary hearing. A request for a preliminary hearing on a motion for authority to use cash collateral pursuant to Fed.R.Bankr.P. 4001(b)(2) shall be reflected in the title of the motion by the addition of the phrase "and Request for Preliminary Hearing." The motion for authority to use cash collateral and request for preliminary hearing shall conform to Appendix 4C and shall include, in a separate paragraph:

> (1) a specific 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 specific amount of cash collateral needed during the preliminary notice period following service of the motion and the notice of motion; and

(3) the source(s) of the cash collateral and an offer of adequate protection, if different than the source(s) or the offer set forth pursuant to Fed.R.Bankr.P. 4001(b)(1)(B) and paragraph (a) above.

If the request for preliminary hearing is granted, the Court's order will set deadlines for responses and, if necessary, a preliminary hearing. The order will constitute the notice of the motion and shall be served by the movant as directed by the Court in the order.

(c) Agreement regarding authority to use cash collateral following a motion for such authority. If the debtor and all parties who timely objected to a properly filed and served motion for authority to use cash collateral reach an agreement regarding such relief that does not exceed the scope of the original motion, the agreement, if reduced to writing, shall be signed and filed with the Court, and the parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) an agreed proposed order. Upon entry of the agreed order, any previously scheduled hearing on the motion will be deemed moot. If the agreement exceeds the scope of the motion, the agreement shall be noticed for objections in compliance with Bankr. D.S.D. R. 9019-1(b).

(d) Agreement regarding use of cash collateral when a motion for authority to use cash collateral has not been filed. If parties in interest reach an agreement regarding the use of cash collateral before a motion for such relief has been filed, a motion to approve the agreement and a notice of motion shall be served on parties in interest not electronically served. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(e) Proposed order. A proposed order granting preliminary authority to use cash collateral shall conform to Appendix 4D. A proposed order granting final authority to use cash collateral shall conform to Appendix 4E.

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

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 4001-3. Authority to Obtain Credit.

(a) Motion for authority to obtain credit (regular notice). A motion for authority to obtain credit shall comply with Fed.R.Bankr.P. 4001(c)(1)(B), shall conform to Appendix 4F, and shall include as an attachment a statement of the debtor's projected income and projected expenses for the time during which the credit is to be extended. Unless preliminary authority is sought pursuant to Fed.R.Bankr.P. 4001(c)(2), the motion and a notice of motion shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-

1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(b) Preliminary hearing. A request for a preliminary hearing on a motion for authority to obtain credit pursuant to Fed.R.Bankr.P. 4001(c)(2) shall be reflected in the title of the motion by the addition of the phrase "and Request for Preliminary Hearing." The motion for authority to obtain credit and request for preliminary hearing shall conform to Appendix 4G and shall include, in a separate paragraph:

> (1) a specific statement of the immediate and irreparable harm the estate will suffer if the debtor is not permitted to obtain credit pending a final hearing on the motion;
>
> (2) the specific amount of credit needed during the preliminary notice period following service of the motion and the notice of motion; and
>
> (3) the source(s) and terms of the credit and an offer of adequate protection, if different than the source(s) or the offer set forth pursuant to Fed.R.Bankr.P. 4001(c)(1)(B) and paragraph (a) above.

If the request for preliminary hearing is granted, the Court's order will set deadlines for responses and, if necessary, a preliminary hearing. The order will constitute the notice of the motion and shall be served by the movant as directed by the Court in the order.

(c) Agreement regarding authority to obtain credit following a motion for such authority. If the debtor and all parties who timely objected to a properly filed and served motion for authority to obtain credit reach an agreement regarding such relief that does not exceed the scope of the original motion, the agreement, if reduced to writing, shall be signed and filed with the Court, and the parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) an agreed proposed order. Upon entry of the agreed order, any previously scheduled hearing on the motion will be deemed moot. If the agreement exceeds the scope of the motion, the agreement shall be noticed for objections in compliance with Bankr. D.S.D. R. 9019-1(b).

(d) Agreement regarding authority to obtain credit when a motion for authority to obtain credit has <u>not</u> been filed. If parties in interest reach an agreement regarding the obtaining of credit before a motion for such relief has been filed, a motion to approve the agreement and a notice of motion shall be served on parties in interest not electronically served. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(e) Proposed order. A proposed order granting preliminary authority to obtain credit shall conform to Appendix 4H. A proposed order granting final authority to obtain credit shall conform to Appendix 4I.

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

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P.

5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 4001-4. Relief from the Codebtor Stay. A motion for relief from the codebtor stay shall specifically reference 11 U.S.C. § 1201(c) or § 1301(c) in the title and in the body of the motion, shall specifically name each codebtor, shall include specific facts that demonstrate the movant is entitled to relief from the codebtor stay, and be served with a notice of motion on parties in interest not electronically served, including each codebtor and each codebtor's attorney. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion. A motion for relief from the codebtor stay shall not be combined with a request for relief from the automatic stay under 11 U.S.C. § 362(d).

REFERENCES: 11 U.S.C. §§ 1201(c) and 1301(c). *Compare* Bankr. D.S.D. R. 4001-1 regarding relief from the automatic stay under 11 U.S.C. § 362(d).

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 4003-1. Objection to Claimed Exemptions.

(a) Objection. An objection to a debtor's claimed exemptions and a notice of objection shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing a response that is 14 days after service of the objection to claimed exemptions and a notice of the objection to claimed exemptions.

(b) Required response. A response to an objection to claimed exemptions shall be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1. An amendment to a schedule will **not** be deemed a response to an objection to claimed exemptions.

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

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

If a debtor believes an amendment to a schedule will resolve the objection to claimed exemptions, the debtor shall simultaneously file both a response to the objection and an amendment to the schedule. *See* Bankr. D.S.D. R. 9014-1(c).

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 under 11

U.S.C. § 522(f) shall conform to Appendix 4J and shall demonstrate the lien or other transfer sought to be avoided impairs an exemption to which the debtor is entitled under 11 U.S.C. § 522(b). The motion and a notice of motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(b) Proposed order. When a motion to avoid a lien on or other transfer of exempt property is filed, the movant shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order granting the motion that conforms to Appendix 4K.

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

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 4004-1. Extension of Time to File a Denial of Discharge Complaint, a Denial of Discharge Motion, or a Reaffirmation Agreement or to Defer Entry of Discharge.

(a) Motion for extension of time to file a denial of discharge complaint or a denial of discharge motion. A motion for extension of time to file a complaint seeking the denial of a debtor's discharge under 11 U.S.C. § 727(a) and Fed.R.Bankr.P. 4004 or a motion seeking the denial of a debtor's discharge under 11 U.S.C. § 727(a)(8) or (a)(9) and Fed.R.Bankr.P. 4004 shall be filed with the Court before the original deadline has expired, unless Fed.R.Bankr.P. 4004(b)(2) applies, shall state the specific extension requested, and shall demonstrate cause for the extension requested. The motion and a notice of the motion shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is seven days after service of the motion and the notice of motion.

(b) Motion for extension of time to file a reaffirmation agreement. A motion for extension of time to file a reaffirmation agreement under Fed.R.Bankr.P. 4008(a) shall be filed with the Court before the original deadline has expired, shall state the specific extension requested, and shall demonstrate cause for the extension requested. The motion shall be served on parties in interest not electronically served. No notice of the motion is required.

(c) Motion by debtor to defer entry of the order of discharge. A motion under Fed.R.Bankr.P. 4004(c)(2) to defer the entry of the order of discharge for 30 days, or to a date certain after any initial 30-day extension, shall demonstrate cause for the deferral requested. The motion shall be served on parties in interest not electronically served. No notice of the motion is required.

REFERENCES: 11 U.S.C. §§ 727 and 1141(d); Fed.Rs.Bankr.P. 4004(b) and (c) and 4008(a).

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated

above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Section 524(c) requires a reaffirmation agreement to be "made" (*i.e.*, signed and dated by all parties) before the discharge order is entered. A motion for extension of time to *file* a reaffirmation agreement under paragraph (b) does *not* extend the time within which a reaffirmation agreement may be *made*. If a reaffirmation agreement has not been made, the debtor will need to file a motion to defer the entry of the order of discharge under paragraph (c) to extend the time within which that can be accomplished. If a debtor files a motion to defer entry of the order of discharge, the debtor does not need to also file a motion for extension of time to file a reaffirmation agreement.

Rule 4007-1. Extension of Time to File a Dischargeability Complaint. A motion for extension of time to file a complaint seeking a determination of the dischargeability of a particular debt under 11 U.S.C. § 523(c) shall be filed with the Court before the original deadline has expired, shall state the specific extension requested, and shall demonstrate cause for the extension requested. The motion and a notice of the motion shall be served on parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is seven days after service of the motion and the notice of motion.

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).

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Rule 4008-1. Reaffirmation Agreement; Notice of Rescission.

(a) Certain documents not required. Notwithstanding any suggestion to the contrary in any Official Form or Director's Form issued by the Administrative Office of the United States Courts, a debtor need not file a motion seeking approval of a reaffirmation agreement, and notwithstanding Fed.R.Bankr.P. 4008(a), a reaffirmation agreement cover sheet (Official Form 427) need not be filed if the reaffirmation agreement is with a credit union as defined in § 19(b)(1)(A)(iv) of the Federal Reserve Act.

(b) Document in support of a reaffirmation agreement.

(1) Affidavit. Any attempted rebuttal of a presumption of undue hardship shown in a reaffirmation agreement that is based in whole or in part on the debtor's receipt of financial assistance from another person shall include, as an attachment to the reaffirmation agreement, an affidavit of the person from whom such financial assistance will be received. The affidavit shall state the amount of financial assistance the affiant will provide and demonstrate the affiant's financial ability to provide that amount of financial assistance.

(2) Supplement. If a debtor needs to supplement a reaffirmation agreement to better set forth present income and expenses, as required by 11 U.S.C. § 524(k), or to rebut a presumption under 11 U.S.C. § 524(m) that the reaffirmation agreement imposes an undue hardship on the debtor and any dependents, the debtor shall file a supplement to the reaffirmation agreement that conforms to Appendix 4L and shall serve the supplement on any parties in interest not electronically served, including the creditor who is the other party to the reaffirmation agreement.

(c) Notice of rescission. A debtor's notice of rescission regarding a reaffirmation agreement shall conform to Appendix 4M. The original notice of rescission shall be served on the creditor whose debt was reaffirmed, and a copy of the notice of rescission shall be served on the creditor's attorney, if known. A certificate of service, with a copy of the notice of rescission attached, shall be filed with the Court to evidence the debtor's compliance with this rule.

REFERENCES: 11 U.S.C. § 524; Fed.R.Bankr.P. 4008. *See* Bankr. D.S.D. R. 4004-1(b) regarding a motion to extend the time to file a reaffirmation agreement and the attendant Practice Pointers.

PART V
COURTS AND CLERKS

Rule

5005-4 Electronic Filing.
5005-5 Nonpublic Docket Entries.
5005-6 Documents Received from United States Trustee.
5010-1 Reopening a Case.
5070-1 Scheduling a Hearing.
5071-1 Rescheduling a Hearing, Trial, or Conference.
5076-1 Electronic Recordings of Hearings or Trials.
5077-1 Recordings and Transcripts of Hearings or Trials; Filing Transcripts of Hearings, Trials, Examinations under Rule 2004, or Depositions; Redacting Certain Information from Transcripts.
5080-1 Fees: When Due.
5081-1 Fees: Form of Payment.

Rule 5005-4. Electronic Filing. Any document filed by an attorney shall be filed electronically in the manner prescribed by the Court's Electronic Case Filing Administrative Procedures.

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

Rule 5005-5. Nonpublic Docket Entries. Correspondence to the Court or the Clerk not intended for filing and not necessary for case administration and internal court file management notes shall be maintained as private entries on the docket, shall be deemed placed under seal, and shall not be made available for public inspection, unless otherwise ordered.

REFERENCE: E-Government Act of 2002.

Rule 5005-6. Documents Received from United States Trustee. Pursuant to Fed.R.Bankr.P. 5005(c) and unless otherwise ordered, documents erroneously transmitted to the United States Trustee and then forwarded to the Clerk for filing are deemed filed with the Court on the date received by the United States Trustee.

REFERENCE: Fed.R.Bankr.P. 5005(c).

Rule 5010-1. Reopening a Case.

(a) Motion to reopen. A motion to reopen a case shall demonstrate cause for reopening the case and shall be served on parties in interest not electronically served. No notice of the motion is required.

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

(1) commence an action related to a discharge, including an action under 11 U.S.C. § 523(a)(3) to determine the dischargeability of a claim that was neither listed nor scheduled;

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

(3) amend or withdraw a proof of claim.

REFERENCES: 11 U.S.C. § 350(b); 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 shall obtain a hearing date from the Scheduling Deputy Clerk prior to filing:

(1) a chapter 12 plan and a notice of the confirmation hearing pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-3A;

(2) a modified chapter 12 plan and a notice of the confirmation hearing pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-4A;

(3) a chapter 13 plan and a notice of the confirmation hearing, if the confirmation hearing must be rescheduled pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-3B(b);

(4) a modified chapter 13 plan and a notice of the confirmation hearing, if the confirmation hearing must be rescheduled pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-4B;

(5) an objection to the allowance of a claim and a notice of the hearing on the objection pursuant to Bankr. D.S.D. R. 2002-1(b);

(6) a motion to withdraw as attorney for a debtor and a notice of the hearing on the motion pursuant to Bankr. D.S.D. R. 2091-1(b); or

(7) a motion to dismiss a chapter 12 case for failure to complete plan payments and a notice of the hearing on the motion pursuant to Bankr. D.S.D. R. 3072-1A(a)(4).

(b) Hearings scheduled by the Court. Except as provided in paragraph (a) above, the Court will set any necessary hearing on a contested matter following the expiration of the deadline for filing an objection or other response to the underlying motion, application, or other request for relief.

REFERENCE: Fed.R.Bankr.P. 9014.

Rule 5071-1. Rescheduling a Hearing, Trial, or Conference. A motion to reschedule a hearing, a trial, or a conference to a different date, time, or place shall demonstrate cause for the rescheduling and shall state whether other affected parties have consented to the request. The motion shall be served on parties in interest not electronically served. No notice of the motion is required.

Practice Pointers: A motion to reschedule a matter is made *before* a hearing, trial, or conference begins and is a request that the matter be heard sooner or later than originally scheduled. A motion to continue a matter is made *during* a hearing, trial, or conference and is a request that the matter be concluded at a later date. That is why CM/ECF has an event for a motion to reschedule but does not have an event for a motion to continue.

If an emergency makes it impracticable to file a motion to reschedule, a party may contact the Courtroom Deputy Clerk or the Law Clerk and explain the situation.

Rule 5076-1. Electronic Recordings of Hearings or Trials. Unless otherwise directed by the Court, the Clerk will maintain the original recording of any hearing or trial in the public records of the Court for at least 10 years after the date of the recorded hearing or trial or five years after the case or adversary proceeding is closed, whichever is later.

Rule 5077-1. Recordings and Transcripts of Hearings or Trials; Filing Transcripts of Hearings, Trials, Examinations under Rule 2004, or Depositions; Redacting Certain Information from Transcripts.

(a) Request for recording. A Windows Media Audio ("WMA") file or a compact disc recording of any hearing or trial may be obtained by calling the Clerk's office in Pierre, providing the case or adversary number and the date of the hearing or trial, and paying the fee prescribed by the Judicial Conference.

(b) Request for transcript. A transcript of any hearing or trial may be obtained by electronically filing a transcript order form. The party requesting the transcript shall pay a deposit directly to the transcriber when the transcript is ordered and shall pay the remaining balance before the transcript is filed. If a transcript order form contains incomplete or inaccurate information, the party requesting the transcript shall file an amended transcript request. Court personnel may not alter a transcript order form.

(c) Filing and access to a transcript of a meeting of creditors, a Rule 2004 examination, or a deposition.

(1) Filing. If a transcript of a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition is prepared, the transcriptionist or the court reporter shall electronically file a certified transcript in the case or adversary proceeding designated by the caption of the transcript. The transcript shall be in single page format.

(2) Access. Unless otherwise ordered, the transcript will be available for viewing only at the Clerk's public access computer terminal.

(d) Filing, notice of filing, and access to a transcript of a hearing or a trial.

(1) Filing. If a transcript of a hearing or a trial is prepared, the official transcriber shall electronically file a certified transcript in the case or adversary proceeding designated by the caption of the transcript. The transcript shall be in single page format.

(2) Notice of filing. Upon the filing of the transcript of a hearing or a trial, an electronic Notice of Filing Transcript shall issue, which states:

(A) remote electronic access to the transcript is restricted until a stated date, which shall be 90 days after the transcript is filed with the Court;

(B) the deadline for filing a Notice of Intent to Request Redaction, which shall be seven days after the transcript is filed with the Court;

(C) the deadline for filing a Request for Redaction, which shall be 21 days after the transcript is filed with the Court; and

(D) the deadline for filing a redacted version of the transcript, which shall be 35 days after the transcript is filed with the Court.

(3) Access. Upon the expiration of the 90-day restriction period set forth in the electronic Notice of Filing Transcript,

(A) if a redacted version of the transcript is not filed and if neither the deadline for filing a Request for Redaction nor the deadline for filing a redacted version of the transcript has been extended, the unredacted version of the transcript will be available for viewing and printing through remote electronic access and at the Clerk's public access computer terminal; and

(B) if a redacted version of the transcript is filed,

(i) the redacted version will be available for viewing and printing through remote electronic access and at the Clerk's public access computer terminal; and

(ii) unless otherwise ordered, the unredacted version will not be available for viewing or printing through remote electronic access, but will be available for viewing only at the Clerk's public access computer terminal.

(e) Redacting certain information from a transcript.

(1) Responsibility to review. If a transcript of a hearing, a trial, a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition is filed with the Court, the attorneys, and any parties not represented by an attorney, who attended the hearing, trial, meeting of creditors, examination, or deposition shall review the transcript to determine whether it should be redacted. Each attorney representing a party and each party not represented by an attorney shall be responsible for reviewing the opening statement and closing argument made on that party's behalf, any other statements made on that party's behalf, and the testimony of any witness called by that party. In a contested matter, the moving party or the moving party's attorney shall be responsible for reviewing the Court's statements. In an adversary proceeding, the plaintiff or the plaintiff's attorney shall be responsible for reviewing the Court's statements.

(2) Notice of Intent to Request Transcript Redaction. A Notice of Intent to Request Transcript Redaction of the personal identifiers described in Fed.R.Bankr.P. 9037(a) shall be filed with the Court and shall be served on the official transcriber or court reporter within seven days after the transcript of a hearing, a trial, a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition is filed with the Court.

(3) Request for redaction under Fed.R.Bankr.P. 9037(a). A Transcript Redaction Request shall be filed with the Court and shall be served on the official transcriber or court reporter within 21 days after the transcript of a hearing, a trial, a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition is filed with the Court. The Transcript Redaction Request shall include a list of the personal data identifiers to be redacted. The list shall describe the personal data identifiers by category (*e.g.,* minor's name, birth date) and shall specify the page numbers and line numbers on which the personal data identifiers appear in the transcript.

(4) Request for protective order under Rule 9037(d). A motion for a protective order under Fed.R.Bankr.P. 9037(d) to redact information that is not described in Fed.R.Bankr.P. 9037(a) from a transcript of a hearing, a trial, a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition shall be filed with the Court and shall be served on parties in interest not electronically served, including but not limited to the official transcriber or court reporter. No notice of the motion is required.

(5) Filing of redacted transcript. The official transcriber or court reporter shall file the redacted version of the transcript of a hearing, a trial, a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition within 14 days after a Transcript Redaction Request is filed with the Court.

(6) Extension of time. A motion to extend any of the deadlines set forth in this rule shall be filed with the Court before the original deadline has expired, shall state the specific extension requested, and shall demonstrate cause for the extension requested. The motion shall constitute notice of the extension sought and shall be served on parties in interest not electronically served.

REFERENCES: 11 U.S.C. § 17; Fed.Rs.Bankr.P. 5007 and 9037.

Practice Pointers: A transcript order form may be downloaded from the Court's website at *www.sdb.uscourts.gov.* *See* Court Info, then Transcripts, and then Transcript Requests.

The fee for a transcript of a hearing or a trial may be obtained by calling the Clerk's office in Pierre. The fee will vary with the length of the hearing or the trial. The transcriptionist will request to be paid by credit card.

Pursuant to Bankr. D.S.D. R. 2003-1(e), a transcript of a meeting of creditors is brought under this rule and shall be electronically filed.

Pursuant to Bankr. D.S.D. R. 2004-1, a transcript of an examination under Fed.R.Bankr.P. 2004 is brought under this rule and shall be electronically filed.

Rule 5080-1. Fees: When Due.

(a) Fees due at filing. Unless otherwise ordered, any fee due under 28 U.S.C. § 1930 for the filing of a particular document is due when the document is filed.

(b) Unpaid fees when case dismissed. Unless otherwise ordered, any fee still owed to the Clerk by a debtor or debtor in possession when a case is dismissed shall be paid by the debtor or debtor in possession within 14 days after the order dismissing the case is entered, unless a trustee is serving in the case and has estate funds available to pay all or part of such fee. 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); and 28 U.S.C. § 1930. *See* Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments or Official Form 103B for the Application to Have the Chapter 7 Filing Fee Waived. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info.

Practice Pointer: As provided in Bankr. D.S.D. R. 5081-1 below, an attorney for a debtor or creditor shall pay any fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info. A debtor or other party not represented by an attorney shall pay any fee by cashier's check, money order, or–only if hand delivered–in cash. The payment shall be in the exact amount.

Rule 5081-1. Fees: Form of Payment.

(a) Payments by an attorney. An attorney, other than an attorney who represents a case trustee, shall pay any Clerk's fee, other than a fee for a transcript of a hearing or a trial, by credit card in accordance with the directives of the Clerk.

(b) Payments by a litigant not represented by an attorney. A party, other than a case trustee, who is not represented by an attorney shall pay any Clerk's fee by cashier's check or money order made payable to "Clerk, U.S. Bankruptcy Court" or, only if the funds are hand-delivered, in cash. The payment shall be tendered in the exact amount.

(c) Payments by a case trustee. A case trustee shall pay any Clerk's fee in accordance with the directives of the Clerk and the United States Trustee.

REFERENCES: 11 U.S.C. §§ 1129(a)(12), 1226(b)(1), 1228(a), 1326(b)(1), and 1328(a); and 28 U.S.C. § 1930. *See* Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments or Official Form 103B for the Application to Have the Chapter 7 Filing Fee Waived. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info.

Practice Pointer: If a debtor makes application for waiver of the case filing fee under 28 U.S.C. § 1930(f)(1), the debtor should, when circumstances warrant, also request in the same application a waiver under 28 U.S.C. § 1930(f)(2) of the other fees prescribed by the Judicial Conference under 28 U.S.C. § 1930(b) and (c).

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

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

Rule 6004-1. Sale of Estate Property.

(a) Proposed sale of property–under $2,500.00. A notice of a proposed sale of property with an aggregate gross value less than $2,500.00 pursuant to Fed.R.Bankr.P. 6004(d) shall conform to Appendix 6A, shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the notice, and shall be served on parties in interest not electronically served, including but not limited to any party who has a lien against or other interest in the property.

(b) Proposed sale of property–$2,500.00 or more.

(1) Motion. In addition to the information required by Fed.Rs.Bankr.P.

2002(c)(1) and 6004(g), a motion for authority to sell property with an aggregate gross value of $2,500.00 or more shall describe the property to be sold and shall state the property's value, how that value was determined, and the terms and conditions of the proposed sale. If the property is to be sold by private sale, the motion shall also state the proposed buyer(s) and the sale price. If the property is to be sold at public auction, the motion shall also state the auction date, time, and location, the name of any known opening bidder, the amount of any known opening bid or any minimum opening bid, and the amount of any minimum bidding increments.

(A) Any request that the Court's order authorizing the use, sale, or lease of property not be stayed under Fed.R.Bankr.P. 6004(h) shall be included in the motion.

(B) Any request for a waiver of the requirement that a report of sale be filed pursuant to Fed.R.Bankr.P. 6004(f)(1) shall be included in the motion.

(2) Notice. A notice of motion for authority to sell property with an aggregate gross value of $2,500.00 or more shall conform to Fed.R.Bankr.P. 2002(c)(1) and Bankr. D.S.D. R. 2002-1(d) and Appendix 2F and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after the service of the motion and the notice of motion.

(3) Service. A motion under paragraph (1) above shall be served on parties in interest not electronically served, including but not limited to any party who has a lien against or other interest in the property. A notice under paragraph (2) above shall be served on all creditors and other parties in interest not electronically served.

(c) Report of sale or no sale. A report of sale under Fed.R.Bankr.P. 6004(f)(1) shall conform to Appendix 6B.

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

Practice Pointers: A chapter 7 trustee should file a motion for authority to sell property when the trustee proposes to allow a debtor to retain estate property. A chapter 7 trustee should file a motion for turnover of property if the debtor is holding property in excess of claimed exemptions, the trustee needs physical possession of the property to sell it, and the debtor fails to cooperate.

If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

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 proposed abandonment by a chapter 7 trustee, a chapter 11 trustee, or a debtor in possession shall:

(1) conform to Appendix 6C and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after the service of the 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; and

(3) be served on all creditors and other parties in interest not electronically served, including but not limited to any party who has a lien against or other interest in the property to be abandoned.

(b) Motion to compel abandonment of estate property.

(1) Motion. A motion to compel a chapter 7 trustee, a chapter 11 trustee, or a debtor in possession to abandon certain property from the estate 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) Notice. A notice of the motion to compel abandonment shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and the notice of motion.

(3) Service. A motion to compel abandonment and a notice of motion shall be served on all creditors and other parties in interest not electronically served, including but not limited to any party who has a lien against or other interest in the property to be abandoned.

(c) Proposed order. When a motion to compel abandonment of estate property is filed, the movant shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order granting the motion that conforms to Appendix 6D.

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

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

In addition to the sample order compelling abandonment at Appendix 6D, a sample order granting relief from the automatic stay *and* compelling abandonment is available on the Court's website at *www.sdb.uscourts.gov* under Local Rules and Forms, then All Local Forms, and then Relief from Stay and Abandonment.

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

(a) Request for turnover of tax refund. In any chapter 7, 12, or 13 case in which the trustee determines the bankruptcy estate has an interest in a tax refund to which the debtor is entitled, the trustee may notify the Internal Revenue Service in writing of the

estate's interest and provide a copy of the Clerk's notice regarding the commencement of the case 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 forward the entire refund to the trustee.

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

PART VII
ADVERSARY PROCEEDINGS

Rule

7001-1 Electronic Filing.
7001-2 Adversary Complaints: Required Content.
7007-1 Motions in Adversary Proceedings.
7010-2 Caption for Documents in Adversary Proceedings.
7026-1 Discovery.
7041-1 Agreements in Adversary Proceedings.
7054-1 Judgment Costs.
7055-1 Default Judgment.
7056-1 Summary Judgment.

Rule 7001-1. Electronic Filing. Any document to be filed with the Court by an attorney in an adversary proceeding shall be filed electronically in the manner prescribed by the Court's Electronic Case Filing Administrative Procedures.

REFERENCES: Fed.R.Civ.P. 5(d)(3); Fed.R.Bankr.P. 7005.

Rule 7001-2. Adversary Complaints: Required Content.

(a) Complaint objecting to discharge. In addition to complying with Fed.Rs.Bankr.P. 7008 and 7009, a complaint objecting to the debtor's discharge shall specify the particular subsection or subsections of 11 U.S.C. § 727(a) under which relief is sought.

(b) Complaint to determine dischargeability. In addition to complying with Fed.Rs.Bankr.P. 7008 and 7009, a complaint to determine the dischargeability of a particular debt shall specify the particular subsection or subsections of 11 U.S.C. § 523(a) under which relief is sought. If relief is sought under 11 U.S.C. § 523(a)(2), the complaint shall further specify whether relief is sought under subsection (a)(2)(A) or subsection (a)(2)(B).

Rule 7007-1. Motions in Adversary Proceedings. Any motion in an adversary

proceeding shall be filed separately from any pleading, and except as provided by Bankr. D.S.D. R. 7055-1, shall be served on parties in interest not electronically served. In the absence of a specific statute, rule, or order to the contrary, no notice of a motion is required.

REFERENCES: Fed.R.Civ.P. 7; Fed.R.Bankr.P. 7007; Bankr. D.S.D. Rs. 7055-1 and 9001-1(7).

Practice Pointer: A defendant who is in default does not need to be served with a motion or application unless it is an application for default judgment or some other type of motion that will affect the defaulted defendant.

Rule 7010-2. Caption for Documents in Adversary Proceedings. The caption on a document in an adversary proceeding shall incorporate the full caption for the bankruptcy case related to the adversary proceeding, as provided by Bankr. D.S.D. R. 9004-2, and the complete legal name of all parties, including all punctuation in the legal name. The caption shall also comply with Fed.Rs.Bankr.P. 7008 and 7010 and shall conform to Official Form 416D and Appendix 7A.

REFERENCES: Fed.R.Civ.P. 10; Fed.Rs.Bankr.P. 7008, 7010, and 9004(b); Official Forms 416A and 416D. For the caption for a bankruptcy case, *see* Bankr. D.S.D. R. 9004-2 and the samples at Appendix 9A, Appendix 9B, and Appendix 9C.

Practice Pointers: Because so many financial institutions and other businesses have related entities with similar names, a failure to correctly and completely identify a party may result in less than complete relief. If, for example, a defendant's legal name is Dakotaland Associates, L.L.C., do not abbreviate "Associates" or delete the periods in the abbreviation for limited liability company in the caption or in the opening paragraph of a pleading, motion, or response.

Fillable "merge" forms in both Word and WordPerfect to create captions are available on the Court's website at *www.sdb.uscourts.gov* under Local Rules and Forms, then All Local Forms, and then Adversary Caption.

Rule 7026-1. Discovery.

(a) Waiver. In any adversary proceeding where the controversy does not involve money or property or the claimed value of any controverted money or property is less than $100,000.00, each party to the adversary proceeding is deemed to have waived the deadlines and mandatory filing and discovery requirements set forth in Fed.R.Bankr.P. 7026 and Fed.R.Civ.P. 26 unless the party, by motion, seeks the full or partial application of the rules within a reasonable time after the adversary proceeding is commenced.

(b) Separate filings. Different methods of discovery shall not be combined in a single request. Answers and responses to different discovery requests shall not be combined in a single answer or response.

(c) Filing required. Notwithstanding D.S.D. Civ. LR 26.1, all original discovery

documents, including requests for admissions, interrogatories, requests for production of documents, answers, responses, and deposition transcripts, but excluding any documents produced in response to a request for production of documents, shall be filed with the Court. If an answer or response to a discovery request is voluminous, the filing party shall confer with the Clerk and file the answer or response as directed by the Clerk.

(d) Discovery transcripts. Unless otherwise directed by the Clerk or the Court, transcripts of examinations under Fed.R.Bankr.P. 2004 or depositions shall be filed in the manner directed by Bankr. D.S.D. R. 5077-1.

Rule 7041-1. Agreements in Adversary Proceedings. An agreement in an adversary proceeding is governed by Bankr. D.S.D. R. 9019-1.

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. Civ. LR 54.1.

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

Rule 7055-1. Default Judgment. An application for a default judgment and a supporting affidavit of default shall be filed with the Court and served on the defaulting defendant and the defaulting defendant's attorney, if known. The applicant shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order directing the entry of a default judgment and a proposed default judgment.

Practice Pointer: A sample order directing entry of a default judgment and a sample default judgment are available at Appendix 7B and Appendix 7C.

Rule 7056-1. Summary Judgment.

(a) Statements re: material facts.

(1) Statement by the movant. A motion for summary judgment shall be accompanied by a separate, concise statement of the material facts the movant contends are not genuinely disputed. Each material fact shall be set forth in a separately numbered paragraph and shall contain a specific citation to the record. The statement shall be docketed as an attachment to the motion.

(2) Statement by any objector. An objection to a motion for summary judgment shall be accompanied by a separate, concise statement of the material facts the objector contends are genuinely disputed. Each disputed material fact shall be set forth in a separately numbered paragraph, containing both a citation to the movant's statement of the material facts and a specific citation to the record. The statement shall be docketed as an attachment to the objection.

(3) Uncontroverted facts. All material facts set forth in the movant's statement

are deemed admitted unless specifically controverted by the objecting party's statement.

(b) Briefs. A motion for summary judgment or an objection to a motion for summary judgment shall be accompanied by a brief that sets forth that party's position and specific legal authority in support of that position. The brief shall be docketed as an attachment to the motion or objection.

PART VIII
BANKRUPTCY APPEALS

Rule
8007-1 Record on Appeal.

Rule 8007-1. Record on Appeal. Unless otherwise ordered by the Bankruptcy Appellate Panel or the District Court, the Bankruptcy Clerk shall retain the original record in all appeals, except exhibits and transcripts, which shall be provided to the Bankruptcy Appellate Panel or District Court in the manner directed by that court. Notwithstanding Fed.R.Bankr.P. 8006, a party filing a designation of items to be included in the record shall not provide copies of the items designated to the Bankruptcy Clerk.

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

Practice Pointer: Because the appellate courts have access to the Bankruptcy Court's electronic records, the transmission of a record on appeal has been greatly simplified.

PART IX
GENERAL PROVISIONS

Rule
9001-1 Definitions.
9004-1 General Requirements for Documents Submitted for Filing.
9004-2 Captions for Documents in a Bankruptcy Case.
9004-3 Filing and Serving Documents; Certificates of Service.
9006-1 Extending Time.
9010-1 Notice of Appearance.
9014-1 Objection or Other Response in Contested Matter.
9014-2 Withdrawal of Document.
9014-3 Dispositive Motion Regarding Contested Matter.
9019-1 Agreements.
9021-1 Service of Orders; Orders upon Default or Satisfaction of a Condition.
9070-1 Exhibits.
9072-1 Proposed Orders.
9074-1 Telephonic Hearings or Conferences.

Rule 9001-1. Definitions. These local rules are subject to the rules of construction in 11 U.S.C. § 102, and the words and phrases used herein shall be defined by reference to 11 U.S.C. §§ 101, 902, and 1101 and Fed.R.Bankr.P. 9001. In addition,

the following words, phrases, or abbreviations 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;

(3) "Official Form" means the Official Bankruptcy Forms or the Director's Forms;

(4) "D.S.D. Civ. LR" means the Civil Local Rules of Practice for the United States District Court for the District of South Dakota;

(5) "S.D.C.L." means the South Dakota Codified Laws;

(6) "debtor" means individual and joint debtors, unless otherwise stated; and

(7) "parties in interest," "such other parties as the Court may designate," or similarly described entities as used in the Code, the Federal Rules of Bankruptcy Procedure, or these local rules, unless otherwise directed by the Court, are:

(A) the entity or entities against whom relief is sought, including the parties to any affected adversary proceeding or a nonbankruptcy proceeding;

(B) the debtor;

(C) the attorney for the debtor, if any;

(D) the case trustee or examiner, if any;

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

(F) the members of and any attorney for 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(g)(1) or (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.

Practice Pointer: The party serving a document on "parties in interest" does not need

to serve those parties who receive electronic notice or include their names and addresses on the certificate of service. The party serving a document may assume any debtor's attorney, any attorney for a committee authorized under the Code, any case trustee, the United States Trustee, and any party who has requested notice under Fed.Rs.Bankr.P. 2002(g)(1) or (i) or 9010(b) will receive electronic service. The Clerk will assist a party serving a document in identifying those parties who will receive electronic service.

Rule 9004-1. General Requirements for Documents Submitted for Filing.

(a) General requirements for all documents submitted for filing.

(1) Conventional (paper). Each document filed conventionally (by paper) shall be on white, 8½" x 11" paper and have margins of not less than one inch. All documents shall be typewritten using one simple font and shall be without erasures, excessive correction fluid, or other marks materially defacing them. The document shall contain an original signature.

(2) Electronic. Any document filed electronically shall conform to the Court's Electronic Case Filing Administrative Procedures.

(3) Captioned and signed. Each document, excluding exhibits attached to a document, shall include an appropriate caption as prescribed by Bankr. D.S.D. R. 9004-2 and shall be signed and dated. If the document is signed by an attorney, the attorney's mailing address, telephone number, and e-mail address shall be included in the attorney's signature block.

(4) Orientation. The page orientation of each document shall be "portrait," not "landscape."

(b) Exhibits attached to a document. Exhibits attached to a document shall be typewritten, printed, or otherwise reproduced in clear, legible, and permanent form and be designated thereon as an exhibit, for example, "EXHIBIT A." If possible, the page orientation of an attachment shall be "portrait," not "landscape." Multiple pages of an exhibit shall not be condensed onto a single page, *e.g.,* four pages should not be condensed onto one page.

(c) Non-disclosure of personal data identifiers. A party shall not include any party's personal data identifiers in any document, unless specifically directed to do so by an order, a statute, a Federal Rule of Bankruptcy Procedure, an Official Form, or these local rules. If a party must include a Social Security number, a taxpayer identification number, or an account number in a document, the party shall provide only the last four digits of that number. If a party must refer to a specific minor child in a document, the party shall disclose, at most, the minor child's initials and the year in which the minor child was born. The party filing a document is solely responsible for redacting any personal data identifiers. The Clerk shall have no responsibility for doing so and no liability for not doing so.

(d) Copies. A party shall not provide extra copies of any document filed with the Court, unless specifically directed to do so by the Code, a Federal Rule of Bankruptcy

Procedure, these local rules, or an order. If directed to provide copies of a document filed with the Court, the party shall label each copy, "COPY."

(e) Filing under seal. A motion to file a document under seal shall identify the document and shall demonstrate cause for filing the document under seal. A copy of the motion shall be served on parties in interest not electronically served. A notice of the motion is not required.

(f) Briefs. Notwithstanding D.S.D. Civ. LR 7.1B, a party need not submit a brief in support of a motion or application, unless specifically directed to do so by these local rules or ordered by the Court.

REFERENCES: Fed.Rs.Bankr.P. 7010, 9004, and 9011; D.S.D. Civ. LR 7.1B.

Rule 9004-2. Captions for Documents in a Bankruptcy Case.

(a) Information required in a case caption. Except as provided in paragraph (b) below, the caption on a document in a bankruptcy case shall conform to Fed.Rs.Bankr.P. 1005, 2002(n), and 9004, Official Form 416A, and Appendix 9A (individual debtor), Appendix 9B (joint debtors), or Appendix 9C (nonindividual or business debtor), and shall include:

(1) the debtor's full name;

(2) the debtor's full employer identification number, if any;

(3) the last four digits of an individual debtor's Social Security number;

(4) the last four digits of an individual debtor's taxpayer identification number, if any, or the full tax identification number of any nonindividual or business debtor;

(5) all names used by the debtor within the previous eight years. Other names presently used shall be preceded by the letters "aka" (no periods or other marks between the letters) to represent "also known as." Names formerly used shall be preceded by the letters "fka" (no periods or other marks between the letters) to represent "formerly known as"; and

(6) as the title of the document, the name of the party who has offered it and a short description of the pleading.

(b) Additional information required in certain captions. If a debtor amends his schedules to add a creditor, the notice served on the added creditor shall comply with 11 U.S.C. § 342(c) and shall include the debtor's full taxpayer identification number, if any, but the notice filed with the Court shall contain only the last four digits of the debtor's taxpayer identification number.

REFERENCES: 11 U.S.C. § 342(c); Fed.R.Civ.P. 10; Fed.Rs.Bankr.P. 1005, 2002(n), 9004(b), and 9037; Official Form 416A. For the caption for an adversary proceeding, *see* Bankr. D.S.D. R. 7010-2.

Practice Pointer: Fillable "merge" forms in both Word and WordPerfect to create captions are available on the Court's website at *www.sdb.uscourts.gov* under Local Rules and Forms and then All Local Forms.

Rule 9004-3. Filing and Serving Documents; Certificates of Service.

(a) Filing. If filed conventionally (by paper document delivered to the Clerk), a document is deemed filed when received by the Clerk, not when mailed by the filer. If filed electronically, a document is deemed filed on the date and at the time reflected on the Court's Notice of Electronic Filing.

(b) Serving.

(1) Any document filed with the Court shall be served by the filing party pursuant to the applicable Code section, Federal Rule of Bankruptcy Procedure, or local rule; provided, however, the filing 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) Service of a document shall be made on the same day it is filed or the next business day thereafter.

(3) If the Code, the Federal Rules of Bankruptcy Procedure, or these local rules require a document to be served on "parties in interest," "such other parties as the Court may designate," or similarly described entities, the document shall be served on parties in interest as defined by Bankr. D.S.D. R. 9001-1(7).

(4) If the United States or one of its officers or entities (excluding the United States Trustee) is a party in interest, pleadings, notices, orders, and other documents shall be separately served on both the officer or entity and on the United States Attorney.

(5) If a state or one of its officers or entities is a party in interest, pleadings, notices, orders, and other documents shall be separately served on both the officer or entity and on the attorney general or other chief legal officer for that state.

(6) If a county or one of its officers or entities is a party in interest, pleadings, notices, orders, and other documents shall be separately served on both the officer or entity and on the state's attorney or other chief legal officer for that county.

(c) Current mailing list. The movant shall use a mailing list that is generated by the Court's electronic filing system (CM/ECF) for the case or adversary proceeding on the same date service is made.

(d) Certificate of service. A certificate of service shall be filed with each document served. The certificate shall conform to Appendix 9D and shall not include the names and addresses of parties who will be served electronically by the Clerk. If it is filed

electronically, the certificate shall, whenever possible, be filed as an attachment to the document served.

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

Practice Pointers: A list of common pleadings and the notice and service requirements for each is maintained on the Court's website at *www.sdb.uscourts.gov.* Click on Practice Pointers and then Notice and Service Requirements.

The Clerk, upon request and without charge, will provide any party who files a document conventionally (by paper) with a copy of the current mailing list. A current mailing list may be obtained electronically by going to Reports or Utilities, selecting Mailings, and then selecting Mailing Matrix by Case. If a party has filed a preferred address, it will be indicated on the mailing list with a "(p)" before the party's name and address.

When serving any document, the serving party may assume any debtor's attorney, any attorney for a committee authorized under the Code, any case trustee, the United States Trustee, and any party who has requested notice under Fed.Rs.Bankr.P. 2002(g)(1) or (i) or 9010(b) will receive electronic service. The serving party does not need to serve these parties by mail or include their names and addresses on the certificate of service.

Rule 9006-1. Extending Time.

If a party seeks an extension of time to file a particular document or complete a particular act and no Federal Rule of Bankruptcy Procedure or local rule sets forth a procedure for seeking an extension regarding that particular document or act, the party shall file a motion seeking the extension. In the motion, the party shall state the specific extension sought (month, day, year) and set forth with particularity the cause for the extension sought. The party shall serve the motion on any parties in interest not electronically served. A notice of the motion is not required. The Court in its discretion may, by order, set a deadline for parties in interest to file a response to the motion.

REFERENCES: Fed.Rs.Bankr.P. 7012 and 9006.

Practice Pointers: The procedure for seeking an extension of time to file a *list, schedule, statement, or payment advices* (also known as wage statements) is set forth in Bankr. D.S.D. R. 1007-1(e).

The procedure for seeking an extension of time to file a *chapter 12 plan* or to hold the *confirmation hearing* is set forth in Bankr. D.S.D. R. 3015-1A.

The procedure for seeking an extension of time to file a *chapter 13 plan* is set forth in Bankr. D.S.D. R. 3015-1B.

The procedure for seeking a reduction or extension of the time within which only the debtor may file a *chapter 11 plan* or *obtain confirmation of a chapter 11 plan* is set forth in Bankr. D.S.D. R. 3016-3.

The procedure for seeking an extension of time to file an *objection to discharge* or a *reaffirmation agreement* is set forth in Bankr. D.S.D. R. 4004-1. Be sure to read the practice pointers with Rule 4004-1 before filing a motion to extend the time to file a reaffirmation agreement.

The procedure for seeking an extension of time to file a *dischargeability complaint* is set forth in Bankr. D.S.D. R. 4007-1.

Rule 9010-1. Notice of Appearance.

(a) Consent to electronic service. Unless otherwise ordered, any person, as defined by 11 U.S.C. § 101(41), a governmental entity, or an attorney or other agent for a person or a governmental entity, who files a notice of appearance under Fed.R.Bankr.P. 9010(b) is deemed to have consented to electronic service of all documents in that case.

(b) Provision of electronic mailing address. Unless otherwise ordered, any notice of appearance under Fed.R.Bankr.P. 9010(b) shall include, within the notice, the filer's electronic mailing address. An attorney who files a notice of appearance under Fed.R.Bankr.P. 9010(b) may provide only the attorney's own name and electronic mailing address for service. If the notice of appearance under Fed.R.Bankr.P. 9010(b) does not contain the filer's electronic mailing address, the filer shall supply it to the Clerk immediately upon request.

Rule 9014-1. Objection or Other Response in Contested Matter.

(a) Content of objection or other response. An objection or other response to a motion, application, plan, or other request for relief shall comply with Fed.Rs.Civ.P. 8, 10, and 12. A general denial or mere request for a hearing is insufficient.

(b) Filing and service of 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 on or before the last date for objections set forth in the notice, order, or applicable local rule and shall be served on the movant, applicant, or plan proponent and other parties in interest not electronically served; provided, however, service on any party other than the debtor may be made on that party's attorney if permitted under Fed.R.Bankr.P. 9014(b) and Fed.R.Civ.P. 5(b).

(c) Documents or actions attendant to a response. In a case under any chapter, if a response to a motion or to an objection to exemptions indicates the debtor will amend a schedule to resolve the contested matter in whole or in part, the debtor shall file and, if required, give notice of the amendment at the same time the response is filed. An amendment to a schedule alone does not constitute a response. In a chapter 12 or chapter 13 case, if a response to a motion indicates the debtor will file a modified plan or a motion to modify a confirmed plan to resolve the contested matter in whole or in part, the debtor shall file and give notice of the modified plan or the motion to modify a confirmed plan at the same time the response is filed. A modified plan or a motion to modify a confirmed plan alone does not constitute a response.

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

Rule 9014-2. Withdrawal of Document.

(a) Withdrawal. A party may withdraw any document that party filed in a bankruptcy case either by filing a withdrawal that conforms to Appendix 9E and serving the withdrawal on parties in interest not electronically served or, if the party is permitted to file electronically, by filing a "text entry" withdrawal in CM/ECF and serving a copy of the Notice of Electronic Filing on parties in interest not electronically served. This rule does not apply to the withdrawal of a proof of claim, which is governed by Fed.R.Bankr.P. 3006, or to the withdrawal of a document in an adversary proceeding.

(b) Effect of withdrawing a document. Unless ordered otherwise, if a motion, application, plan, objection to a proof of claim, or objection to a claimed exemption is withdrawn in compliance with paragraph (a) above, the issues raised by the withdrawn document are deemed moot. Nothing in this rule shall affect or alter the application of Fed.R.Bankr.P. 9011(c).

Rule 9014-3. Dispositive Motion Regarding Contested Matter.

(a) Motion for summary judgment regarding a contested matter. Notwithstanding Fed.R.Bankr.P. 7056 and Fed.R.Civ.P. 56 and unless otherwise ordered, a motion for summary judgment regarding a contested matter shall be filed not less than seven days before any scheduled hearing.

(b) Motion for judgment on the pleadings regarding a contested matter. In addition to the other Federal Rules of Bankruptcy Procedure and by reference the Federal Rules of Civil Procedure made applicable in contested matters by Fed.R.Bankr.P. 9014(c), Fed.R.Civ.P. 12(c) applies in contested matters.

Rule 9019-1. Agreements.

(a) Application of rule. For the purposes of this rule, an agreement encompasses any agreement, compromise, settlement, or stipulation between or among opposing parties. This rule applies to all agreements except as provided by Fed.Rs.Bankr.P. 4001(d) and Bankr. D.S.D. Rs. 4001-1(e), 4001-1(f), 4001-2(c), 4001-2(d), 4001-3(c), and 4001-3(d).

(b) Agreements involving a trustee or debtor in possession.

(1) Adversary proceeding. Except as provided by paragraph (c)(2) below, a motion to approve an agreement between a trustee or a debtor in possession and another party to resolve a pending adversary proceeding shall be captioned for and filed in the main case, shall briefly summarize the parties' respective positions, shall describe the agreement, and shall demonstrate cause for approving the agreement. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. The motion shall be served on parties in interest not electronically served. A notice of the motion

shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion.

(2) Contested matter pending. An agreement between a trustee or a debtor in possession and another party to resolve a pending contested matter that does not resolve any issues other than those specifically raised in the contested matter may be incorporated in an agreed order that conforms to Appendix 9F. If the agreement resolves any issues other than those specifically raised in the contested matter, including, for example, plan treatment, the agreement shall be noticed for objections as provided in paragraph (3) below.

(3) No contested matter or adversary proceeding pending. A motion to approve an agreement between a trustee or a debtor in possession and another party to resolve a matter that has not been presented to the Court by complaint, motion, application, or other request for relief shall briefly summarize the parties' respective positions, shall describe the agreement, and shall demonstrate cause for approving the agreement. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. The motion shall be served on parties in interest not electronically served. A notice of the motion shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion.

(c) Agreements involving a chapter 7 debtor.

(1) Dischargeability of a debt. A motion to approve a post-petition agreement between a chapter 7 debtor and a creditor regarding the dischargeability of a particular debt shall describe the agreement. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. No notice of the motion is required, unless the agreement affects the bankruptcy estate. If an adversary proceeding has been commenced, the motion shall be captioned for and filed in the adversary proceeding. If an adversary proceeding has not been commenced, the motion shall be captioned for and filed in the main case. The parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order approving the agreement and, if appropriate, a proposed judgment.

(2) Denial or revocation of discharge.

(A) A motion to approve a post-petition agreement between a chapter 7 debtor and a creditor or other party in interest regarding the denial or revocation of the debtor's discharge shall describe the agreement. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. If an adversary proceeding has been commenced, the motion shall be captioned for and filed in the adversary proceeding. If an adversary proceeding has not been commenced, the motion shall be captioned for and filed in the main case. The motion shall be served on parties in interest not electronically served. A notice

of the motion shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion. The parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order approving the agreement and, if appropriate, a proposed judgment.

(B) A motion to approve an agreement between a debtor and a chapter 7 trustee regarding the revocation of the debtor's discharge for the debtor's failure to comply with an earlier order shall describe the agreement. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. If an adversary proceeding has been commenced, the motion shall be captioned for and filed in the adversary proceeding. If an adversary proceeding has not been commenced, the motion shall be captioned for and filed in the main case. If under the agreement the debtor will make the bankruptcy estate whole, including reimbursing the estate for any adversary filing fee, no notice of the motion is required. Otherwise, the motion shall be served on parties in interest not electronically served and a notice of the motion shall be served on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion. The parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order approving the agreement and, if appropriate, a proposed judgment.

(3) Other matters. If a chapter 7 debtor and a party in interest, excluding the chapter 7 trustee or the United States Trustee, reach an agreement resolving a matter other than one regarding the debtor's discharge or the dischargeability of a debt, the debtor and the other party in interest shall file a motion to approve the agreement and describe the agreement therein. If the agreement has been reduced to writing, a copy of the signed agreement shall be attached to the motion. No notice of the motion is required, unless the agreement affects the bankruptcy estate. If notice of the motion is required, the notice shall conform to Bankr. D.S.D. R. 2002-1(a), shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion, and shall be served on all creditors and other parties in interest not electronically served. If an adversary proceeding has been commenced, the motion (and any required notice) shall be captioned for and filed in the adversary proceeding. If an adversary proceeding has not been commenced, the motion (and any required notice) shall be captioned for and filed in the main case. The parties shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order approving the agreement and, if appropriate, a proposed judgment.

REFERENCE: Fed.R.Bankr.P. 9019.

Practice Pointer: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice periods

stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

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, the Federal Rules of Bankruptcy Procedure, these local rules, and the order.

(b) Entry of orders upon default or satisfaction of a condition. A stipulation, judgment, or order that provides for the entry of an order dismissing or converting a case, granting relief from the automatic stay, or granting other relief without further notice or hearing upon the occurrence of a stated condition shall require the moving party to file an affidavit or other written statement confirming the stated condition has occurred, a certificate of service reflecting service of the affidavit or other written statement on the party against whom relief is sought, and a proposed order.

REFERENCES: 11 U.S.C. §§ 362 and 363; Fed.Rs.Civ.P. 8, 10, and 58; Fed.Rs.Bankr.P. 2002, 4001, 7008, 7010, 9004, 9006, 9007, 9011, 9013, 9014, and 9021.

Rule 9070-1. Exhibits.

(a) Copies. A party shall provide the original and two copies of each exhibit for the Court and one copy of each exhibit for each opposing party. If an exhibit is in color, all copies of that exhibit shall be in color. Multiple pages of an exhibit shall not be condensed onto a single page, *e.g.,* four pages should not be condensed onto one page. If a party intends to offer more than six exhibits, the original exhibits and all copies of those exhibits shall, to the extent possible, be organized in binders, indexed, and tabbed. The index shall conform to Appendix 9H.

(b) Marking. The Courtroom Deputy Clerk will mark the original exhibits. Unless otherwise ordered, the party who will offer an exhibit shall mark all copies of that exhibit before the hearing or trial.

Rule 9072-1. Proposed Orders.

(a) Submission of proposed orders.

(1) All proposed orders shall be submitted to the Court electronically, in Word or WordPerfect format, to *proposed_orders@sdb.uscourts.gov*.

(2) A proposed order granting a motion for relief from stay, a motion to compel abandonment, or an application for compensation for services or reimbursement of expenses of $1,000.00 or less (excluding fees sought as part of the administrative expenses in a chapter 7 trustee's final report and proposed distribution) shall be submitted to the Court when the motion or application is filed. A proposed order confirming a plan or a proposed order granting any other motion, application, objection to claimed exemptions, or objection to a proof of claim that is *not* contested, other than those listed on Appendix 9I,

shall be submitted to the Court as soon as the deadline for objections or other responses has passed. A proposed agreed order resolving a contested matter without a hearing shall conform to Appendix 9F and shall be submitted as early as possible before any scheduled hearing. A proposed order confirming a plan or a proposed order granting or denying any motion, application, objection to claimed exemptions, or objection to a proof of claim that *is* contested shall be submitted as soon after the hearing or trial as is reasonable, unless a specific submission deadline is set by the Court at the hearing or trial.

(b) Review of proposed document by party in interest.

(1) At the conclusion of a hearing or a trial, a party in interest may request an opportunity to review a proposed order, a proposed Plan as Confirmed, or other proposed document before it is formally docketed. If the request is granted or if the Court orders the same *sua sponte*, the party preparing the proposed document shall serve it and a copy of any document referred to or incorporated therein on the parties as directed by the Court, shall file a certificate of service that conforms to Appendix 9J specifically stating service was made pursuant to this rule, and shall attach to the certificate of service a copy of the subject proposed document.

(2) Any objection to a proposed order, proposed Plan as Confirmed, or other proposed document shall state why the proposed document should not be entered, shall include as an attachment an alternate proposed document, and shall be filed within seven days after service of the proposed document.

(3) If the parties cannot promptly resolve an objection to the proposed order, proposed Plan as Confirmed, or other proposed document, the Court may either accept one party's proposed document, enter its own, or set the matter for hearing.

REFERENCE: Fed.R.Bankr.P. 9006.

Practice Pointer: Appendix 9I lists those orders that are entered by the Court as an electronic docket text only or are otherwise prepared by the Court. The bankruptcy bar will receive notice through the Clerk's Update whenever a certain type of order is added to or removed from this list.

Rule 9074-1. Telephonic Hearings or Conferences.

(a) Telephonic hearings or conferences set by order or notice. If an order or notice sets a hearing on a contested matter or a pre-trial conference in an adversary proceeding and states the hearing or conference will be conducted by telephone, the Court will initiate the call to the following parties or their attorney: the movant or plaintiff, each respondent or defendant who has filed an answer, and the case trustee, if the case trustee is a party to the action. Other parties may request to appear by contacting the Courtroom Deputy Clerk at least one business day before the scheduled hearing or conference.

(b) Request to appear by telephone at an in-court hearing. If a hearing on a contested

matter or a pre-trial conference in an adversary proceeding is set by order or notice to be conducted in the courtroom, and if none of the participating parties will offer any evidence, out-of-town parties or their attorneys may request to appear by telephone. The request shall be made to the Courtroom Deputy Clerk at least one business day before the scheduled hearing or conference. Before requesting to appear by telephone, the party making the request is responsible for consulting with the other parties and ascertaining whether they will be offering evidence.

(c) Receipt of evidence at telephonic hearing. Witnesses may not testify at a telephonic hearing, irrespective of any agreement among the parties. Exhibits will not be received at a telephonic hearing, unless prior to the hearing the parties in interest advise the Court they have stipulated that certain exhibits may be admitted into evidence.

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Appendix 3E Statement for Submission of Sample Ballots in a Chapter 11 Case.
Appendix 3F Chapter 11 Individual Debtor's Certification and Request for Discharge and Entry of Final Decree.
Appendix 3G Chapter 12 Debtor's Notice of Final Report and Final Account.
Appendix 3H Chapter 13 Debtor's Certification and Request for Discharge.

Part IV.

Appendix 4A Order Granting Relief from the Automatic Stay (uncontested).
Appendix 4B Motion for Authority to Use Cash Collateral.
Appendix 4C Motion for Authority to Use Cash Collateral and Request for a Preliminary Hearing.
Appendix 4D Order Granting Preliminary Authority to Use Cash Collateral.
Appendix 4E Order Granting Final Authority to Use Cash Collateral.
Appendix 4F Motion for Authority to Obtain Credit.
Appendix 4G Motion for Authority to Obtain Credit and Request for Preliminary Hearing.
Appendix 4H Order Granting Preliminary Authority to Obtain Credit.
Appendix 4I Order Granting Final Authority to Obtain Credit.
Appendix 4J Motion to Avoid Certain Liens under § 522(f).
Appendix 4K Order Avoiding Certain Liens.
Appendix 4L Supplement to Reaffirmation Agreement.
Appendix 4M Notice of Rescission of Reaffirmation Agreement.

Part VI.

Appendix 6A Notice of Proposed Sale of Property under $2,500.00.
Appendix 6B Report of Sale.
Appendix 6C Notice of Proposed Abandonment.
Appendix 6D Order Compelling Abandonment.

Part VII.

Appendix 7A Adversary Proceeding Caption.
Appendix 7B Order Directing Entry of Default Judgment.
Appendix 7C Default Judgment.

Part IX.

Appendix 9A Bankruptcy Case Caption (individual debtor).
Appendix 9B Bankruptcy Case Caption (joint debtors).
Appendix 9C Bankruptcy Case Caption (nonindividual or business debtor).
Appendix 9D Certificate of Service.
Appendix 9E Withdrawal of Document.
Appendix 9F Agreed Order.
Appendix 9G Witness and Exhibit List.
Appendix 9H Index for Exhibit Notebook for Evidentiary Hearing or Trial.
Appendix 9I Orders Prepared by the Court.
Appendix 9J Certificate of Service of a Proposed Order under Bankr. D.S.D. R. 9072-1(b).

Appendix 1A. Filing Requirements for Voluntary Cases Filed under Chapters 7, 11, 12, or 13.

Provided in this appendix are checklists for the various types of voluntary bankruptcy cases. A debtor, if not represented by an attorney, or an attorney for a debtor should use the appropriate checklist to ensure he or she files all required documents by the applicable deadlines. The following checklists are provided:

Chapter 7 Individual (Voluntary)

Chapter 7 Non-Individual (aka a Business) (Voluntary)

Chapter 11 Individual that is also a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 11 Individual that is Not a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 11 Non-Individual that is also a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 11 Non-Individual that is Not a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 12 Individual (Voluntary)

Chapter 12 Non-Individual (aka a Business) (Voluntary)

Chapter 13 (Voluntary)

An attorney for a debtor shall file all documents electronically. A debtor not represented by an attorney shall either mail documents to the Clerk or deliver them in person to the Clerk's office in either Pierre or Sioux Falls:

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Rm. 104
Sioux Falls, SD 57104-6851

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Rm. 203
Pierre, SD 57501-2463

If a debtor not represented by an attorney mails documents to the Clerk for filing, the debtor shall mail them sufficiently in advance of any deadline to ensure the Clerk *receives* the documents on or before the deadline. The Clerk cannot file any documents received either as a facsimile transmission (a "fax") or an attachment to an e-mail.

Link to Electronic Filing Guide: *www.sdb.uscourts.gov/electronic-filing-guide*

Link to Official Forms: *www.uscourts.gov/forms/bankruptcy-forms*

CHAPTER 7 INDIVIDUAL (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy**. Official Form 101.

- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.

- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.

- ☐ **Certificate of Credit Counseling and Copy of any Debt Repayment Plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).

- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.

- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.

- ☐ **Mailing List of Creditors.** Filed only by a debtor not represented by an attorney. *See* local form at Bankr. D.S.D. R. 1007-2 and Appendix 1F. *See also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).

- ☐ **Filing fee of $335.00 paid in full, an Application for Individuals to Pay the Filing Fee in Installments, OR an Application to Have the Chapter 7 Filing Fee Waived.** An attorney for a debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or–only if hand delivered–cash. The payment shall be in the exact amount. *See* Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments or Official Form 103B for the Application to Have the Chapter 7 Filing Fee Waived.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.

[continued on next page]

☐ **Declaration About an Individual Debtor's Schedules**. Official Form 106Dec.

☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy**. Official Form 107.

☐ **Chapter 7 Statement of Your Current Monthly Income.** Official Form 122A-1. If a debtor believes he or she is exempt from a presumption of abuse, the debtor shall also file a **Statement of Exemption from Presumption of Abuse Under § 707(b)(2).** Official Form 122A-1Supp.

☐ **Chapter 7 Means Test Calculation.** Official Form 122A-2.

☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. *See* local form at Bankr. D.S.D. R. 1007-1(a) and Appendix 1B. *See also* 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).

☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. *See* local form at Bankr. D.S.D. R. 1007-1(h) and Appendix 1E. *See also* Fed.R.Bankr.P. 1007(b)(1)(F).

☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2L. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

Due Not More than 30 Days after Petition is Filed:

☐ **Statement About Payment of an Eviction Judgment Against You**. Official Form 101B. Filed only if the debtor filed with the petition an Initial Statement About an Eviction Judgment Against You, Official Form 101A.

☐ **Statement of Intention for Individuals Filing Under Chapter 7.** Official Form 108.

Due Not More than 60 Days After the First Date Set for the Meeting of Creditors under

11 U.S.C. § 341:

- ☐ **Certification About a Financial Management Course**. The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course will either file the certification directly or give it to the debtor so the debtor or the debtor's attorney may file it. A separate certification shall be filed for each joint debtor. Official Form 423. *See* 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

CHAPTER 7 NON-INDIVIDUAL (*aka* A BUSINESS) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.

- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. *See* local form at Bankr. D.S.D. R. 1007-1(f) and Appendix 1C. *See also* Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.

- ☐ **Filing fee of $335.00 paid in full.** The attorney for the debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.

- ☐ **Schedules A/B through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.

- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**. Official Form 207.

- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors**. Official Form 202.

- ☐ **Disclosure of Compensation.** Filed only by the attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2L. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

CHAPTER 11 INDIVIDUAL THAT IS ALSO A SMALL BUSINESS AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.

- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.

- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.

- ☐ **Certificate of Credit Counseling and Copy of any Debt Repayment Plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).

- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.

- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.

- ☐ **Statement Regarding Business Records Pursuant to 11 U.S.C. § 1116(1).** The debtor shall attach to the statement the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return for the debtor or disclose in the statement which of these records was not prepared or filed. *See* local form at Bankr. D.S.D. R. 1007-1(g) and Appendix 1D.

- ☐ **Mailing List of Creditors.** Filed only by a debtor not represented by an attorney. *See* local form at Bankr. D.S.D. R. 1007-2 and Appendix 1F. *See also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).

- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders.** Official Form 104. *See* Fed.R.Bankr.P. 1007(d).

- ☐ **Filing fee of $1,717.00 paid in full <u>OR</u> an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or–only if hand delivered–cash. The payment shall be in the exact amount. *See* Official

Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.

☐ **Declaration About an Individual Debtor's Schedules**. Official Form 106Dec.

☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy**. Official Form 107.

☐ **Chapter 11 Statement of Your Current Monthly Income**. Official Form 122B.

☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. *See* local form at Bankr. D.S.D. R. 1007-1(a) and Appendix 1B. *See also* 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).

☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. *See* local form at Bankr. D.S.D. R. 1007-1(h) and Appendix 1E. *See also* Fed.R.Bankr.P. 1007(b)(1)(F).

☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are

rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

Due Not More than 180 Days after Petition is Filed:

☐ **Plan**. *See* 11 U.S.C. § 1121(e)(1). The debtor should not file a Disclosure Statement unless the Court has ordered the debtor to file one. *See* Bankr. D.S.D. R. 3016-2.

Due Not More than 300 Days after Petition is Filed:

☐ **Plan.** *See* 11 U.S.C. § 1121(e)(2). The debtor should not file a Disclosure Statement unless the Court has ordered the debtor to file one. *See* Bankr. D.S.D. R. 3016-2.

Due Before the Last Payment under Debtor's Confirmed Plan OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(C):

☐ **Certification About a Financial Management Course**. The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course will either file the certification directly or give it to the debtor so the debtor or the debtor's attorney may file it. A separate certification shall be filed for each joint debtor. Official Form 423. *See* 11 U.S.C. §§ 109(h)(4) and 1141(d)(3) and Fed.R.Bankr.P. 1007(c).

Due upon Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(B):

☐ **Certification and Request for Discharge and Entry of Final Decree.** *See* local form at Bankr. D.S.D. R. 3022-1 and Appendix 3F. *See also* 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1141(d)(5). If the debtor is seeking a hardship discharge, the debtor will need to modify some of the language in the local form to indicate plan payments were not completed.

CHAPTER 11 INDIVIDUAL THAT IS NOT A SMALL BUSINESS AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy**. Official Form 101.

- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.

- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.

- ☐ **Certificate of Credit Counseling and Copy of any Debt Repayment Plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).

- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.

- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.

- ☐ **Mailing List of Creditors.** Filed only by a debtor not represented by an attorney. *See* local form at Bankr. D.S.D. R. 1007-2 and Appendix 1F. *See also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).

- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders**. Official Form 104. *See* Fed.R.Bankr.P. 1007(d).

- ☐ **Filing fee of $1,717.00 paid in full <u>OR</u> an Application for Individuals to Pay the Filing Fee in Installments**. An attorney for a debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or–only if hand delivered–cash. The payment shall be in the exact amount. *See* Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

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- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.

- ☐ **Declaration About an Individual Debtor's Schedules**. Official Form 106Dec.

- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy**. Official Form 107.

- ☐ **Chapter 11 Statement of Your Current Monthly Income**. Official Form 122B.

- ☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. *See* local form at Bankr. D.S.D. R. 1007-1(a) and Appendix 1B. *See also* 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).

- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. *See* local form at Bankr. D.S.D. R. 1007-1(h) and Appendix 1E. *See also* Fed.R.Bankr.P. 1007(b)(1)(F).

- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

Due Not More than 120 Days after Petition is Filed:

- ☐ **Plan** and **Disclosure Statement**, if the debtor wants to preserve the exclusive right to file a plan. *See* 11 U.S.C. § 1121(b).

[continued on next page]

Due Before the Last Payment under Debtor's Confirmed Plan OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(C):

☐ **Certification About a Financial Management Course**. The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course will either file the certification directly or give it to the debtor so the debtor or the debtor's attorney may file it. A separate certification shall be filed for each joint debtor. Official Form 423. *See* 11 U.S.C. §§ 109(h)(4) and 1141(d)(3) and Fed.R.Bankr.P. 1007(c).

Due upon Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(B):

☐ **Certification and Request for Discharge and Entry of Final Decree.** *See* local form at Bankr. D.S.D. R. 3022-1 and Appendix 3F. *See also* 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1141(d)(5). If the debtor is seeking a hardship discharge, the debtor will need to modify some of the language in the local form to indicate plan payments were not completed.

CHAPTER 11 NON-INDIVIDUAL THAT IS ALSO A SMALL BUSINESS AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.

- ☐ **Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11.** Official Form 201A.

- ☐ **Statement of Authority to File**. Generally, this will be a copy of a signed and dated resolution or meeting minutes by the business entity's governing body authorizing the filing of the petition. The resolution or meeting minutes shall be attached to a captioned cover pleading signed and dated by the debtor's attorney.

- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. *See* local form at Bankr. D.S.D. R. 1007-1(f) and Appendix 1C. *See also* Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.

- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**. Official Form 204. *See* Fed.R.Bankr.P. 1007(d).

- ☐ **Filing fee of $1,717.00**. The debtor's attorney shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.

- ☐ **Schedules A/B through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.

- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**. Official Form 207.

- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors**. Official Form 202.

- ☐ **List of Equity Security Holders**. *See* Fed.R.Bankr.P. 1007(a)(3).

- ☐ **Statement Regarding Business Records Pursuant to 11 U.S.C. § 1116(1).** The debtor shall attach to the statement the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return for the debtor

or disclose in the statement which of these records was not prepared or filed. *See* local form at Bankr. D.S.D. R. 1007-1(g) and Appendix 1D.

☐ **Disclosure of Compensation.** Filed only by the attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

Due Not More than 180 Days after Petition is Filed:

☐ **Plan***. See* 11 U.S.C. § 1121(e)(1). The debtor should not file a Disclosure Statement unless the Court has ordered the debtor to file one. *See* Bankr. D.S.D. R. 3016-2.

Due Not More than 300 Days after Petition is Filed:

☐ **Plan.** *See* 11 U.S.C. § 1121(e)(2). The debtor should not file a Disclosure Statement unless the Court has ordered the debtor to file one. *See* Bankr. D.S.D. R. 3016-2.

CHAPTER 11 NON-INDIVIDUAL THAT IS NOT A SMALL BUSINESS AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.

- ☐ **Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11.** Official Form 201A.

- ☐ **Statement of Authority to File**. Generally, this will be a copy of a signed and dated resolution or meeting minutes by the business entity's governing body authorizing the filing of the petition. The resolution or meeting minutes shall be attached to a captioned cover pleading signed and dated by the debtor's attorney.

- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. *See* local form at Bankr. D.S.D. R. 1007-1(f) and Appendix 1C. *See also* Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.

- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**. Official Form 204. *See* Fed.R.Bankr.P. 1007(d).

- ☐ **Filing fee of $1,717.00**. The debtor's attorney shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.

- ☐ **Schedules A/B through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.

- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**. Official Form 207.

- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors**. Official Form 202.

- ☐ **List of Equity Security Holders**. *See* Fed.R.Bankr.P. 1007(a)(3).

- ☐ **Disclosure of Compensation.** Filed only by the attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for

this disclosure, attorneys are strongly encouraged to use the local form instead.

☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

Due Not More than 120 Days after Petition is Filed:

☐ **Plan** and **Disclosure Statement**. *See* 11 U.S.C. § 1121(b).

CHAPTER 12 INDIVIDUAL (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy**. Official Form 101.

- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.

- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.

- ☐ **Certificate of Credit Counseling and Copy of any Debt Repayment Plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).

- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.

- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.

- ☐ **Mailing List of Creditors.** Filed only by a debtor not represented by an attorney. *See* local form at Bankr. D.S.D. R. 1007-2 and Appendix 1F. *See also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).

- ☐ **Filing fee of $275.00 paid in full OR an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or–only if hand delivered–cash. The payment shall be in the exact amount. *See* Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.

[continued on next page]

☐ **Declaration About an Individual Debtor's Schedules**. Official Form 106Dec.

☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy**. Official Form 107.

☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. *See* local form at Bankr. D.S.D. R. 1007-1(h) and Appendix 1E. *See also* Fed.R.Bankr.P. 1007(b)(1)(F).

☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See also* 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

Due Not More than 90 Days after Petition is Filed:

☐ **Plan**. *See* local form at Bankr. D.S.D. R. 3015-2(a)(1) and Appendix 3A. *See also* 11 U.S.C. §§ 1221, 1222, and 1225, Fed.R.Bankr.P. 3015, and Bankr. D.S.D. Rs. 3015-1A, 3015-2, and 3015-3A.

Due upon Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1228(b):

☐ **Certifications Regarding Domestic Support Obligations and Section 522(q).** Director's Form 2830. Change Chapter 13 to Chapter 12 in the title; change the citation in Part I from § 1328(a) to § 1228(a); and change the citation in Part III from § 1328(h) to § 1228(f).

☐ **Final Report and Final Account.** The form is prescribed by the United States Trustee and will be provided to the debtor by the case trustee upon completion of plan payments or upon the debtor's request if the debtor intends to file a motion for hardship discharge. Fed.R.Bankr.P. 5009 and Bankr. D.S.D. R. 3072-1A.

CHAPTER 12 NON-INDIVIDUAL (*aka* A BUSINESS) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.

- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. *See* local form at Bankr. D.S.D. R. 1007-1(f) and Appendix 1C. *See also* Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.

- ☐ **Filing fee of $275.00 paid in full.** The attorney for the debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.

- ☐ **Schedules A/B through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.

- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**. Official Form 207.

- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors**. Official Form 202.

- ☐ **Disclosure of Compensation.** Filed only by the attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

Due Not More than 90 Days after Petition is Filed:

- ☐ **Plan**. *See* local form at Bankr. D.S.D. R. 3015-2(a)(1) and Appendix 3A. *See also* 11 U.S.C. §§ 1221, 1222, and 1225, Fed.R.Bankr.P. 3015, and Bankr. D.S.D. Rs. 3015-1A, 3015-2, and 3015-3A.

[continued on next page]

Due upon Completion of Plan Payments OR the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1228(b):

☐ **Final Report and Final Account.** The form is prescribed by the United States Trustee and will be provided to the debtor by the case trustee upon completion of plan payments or upon the debtor's request to if the debtor intends to file a motion for hardship discharge. Fed.R.Bankr.P. 5009 and Bankr. D.S.D. R. 3072-1A.

CHAPTER 13 (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.

- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.

- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.

- ☐ **Certificate of Credit Counseling and Copy of any Debt Repayment Plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).

- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.

- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.

- ☐ **Mailing List of Creditors.** Filed only by a debtor not represented by an attorney. *See* local form at Bankr. D.S.D. R. 1007-2 and Appendix 1F. *See also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).

- ☐ **Filing fee of $310.00 paid in full <u>OR</u> an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov* under CM/ECF Info. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or–only if hand delivered–cash. The payment shall be in the exact amount. *See* Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.

[continued on next page]

☐ **Declaration About an Individual Debtor's Schedules**. Official Form 106Dec.

☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy**. Official Form 107.

☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition (this includes most chapter 13 debtors), the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. *See* local form at Bankr. D.S.D. R. 1007-1(a) and Appendix 1B. *See also* 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).

☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. *See* local form at Bankr. D.S.D. R. 1007-1(h) and Appendix 1E. *See also* Fed.R.Bankr.P. 1007(b)(1)(F).

☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at Bankr. D.S.D. R. 2016-1(a) and Appendix 2M. *See* also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

☐ **Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period**. Official Form 122C-1.

☐ **Chapter 13 Calculation of Your Disposable Income.** Official Form 122C-2.

☐ **Plan**. *See* local form at Bankr. D.S.D. R. 3015-2(a)(1) and Appendix 3A. *See also* 11 U.S.C. § 1321, Fed.R.Bankr.P. 3015(b), and Bankr. D.S.D. Rs. 3015-1B, 3015-2, and 3015-3B.

Due Before the Last Payment under Debtor's Confirmed Plan <u>OR</u> upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1328(h):

☐ **Certification About a Financial Management Course**. The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course will either file the certification directly or give it to the debtor so the debtor or the debtor's attorney may file it. A separate

certification shall be filed for each joint debtor. Official Form 423. *See* 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

Due 30 Days after Trustee's Notice of Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1328(h):

☐ **Certification and Request for Discharge.** Each joint debtor shall prepare and file a separate Certification and Request for Discharge. *See* local form at Bankr. D.S.D. R. 3072-1B(b) and Appendix 3I. *See also* 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1328(h). A debtor who has completed all plan payments shall file the Certification and Request for Discharge within 30 days after the trustee files his Notice of Completion of Plan Payments. A debtor who has *not* completed all plan payments and is instead seeking a hardship discharge should file the Certification and Request for Discharge at the same time the debtor files the motion for hardship discharge. *See* Bankr. D.S.D. R. 3072-1B(d). A debtor seeking a hardship discharge will need to modify the language of the first sentence of paragraph "1." of the Certification and Request for Discharge to indicate the debtor has not completed all plan payments but is seeking a hardship discharge instead. The local form incorporates Director's Form 2830.

Appendix 1B. Statement Regarding Payment Advices.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-40000
	)	Chapter 13
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	DEBTOR WANDA GAL
and	)	EARNER'S STATEMENT
	)	REGARDING PAYMENT ADVICES
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

I, Debtor Wanda Gail Earner, in compliance with 11 U.S.C. § 521(a)(1)(B)(iv), state [select one]:

☐ I have attached all the payment advices (also known as wage or earnings statements) or other evidence of payments I have received from all employers during the 60 days before I filed my bankruptcy petition. Any personal identification information, such as my Social Security number or a bank account number, has been redacted from the payment advices.

OR

☒ I have not received any payments from any employer during the 60 days before I filed my bankruptcy petition.

I declare under penalty of perjury that I have read this statement and it is true and correct to the best of my knowledge, information, and belief.

Dated: March 9, 2018.

/s/
Wanda Gail Earner
Debtor

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

In a joint case, each debtor shall file a separate statement.

Redact (white out or black out) any personal identification information from the payment advices, in particular any Social Security or bank account numbers, *before* filing.

Appendix 1C. Statement of Corporate Ownership.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S STATEMENT OF
Tax ID/EIN 10-0111111	)	CORPORATE OWNERSHIP
	)	
Debtor.	)	

Pursuant to Federal Rules of Bankruptcy Procedure 1007(a)(1) and 7007.1, the undersigned hereby certifies [select one]:

☒ Following is a complete list of all corporations, as defined by 11 U.S.C. § 101(9), other than governmental units, that directly or indirectly own 10% or more of any class of Debtor's equity interests:

Bob's Family Corporation; and
Feed & Seed Stores, Inc.

OR

☐ There are no corporations, as defined by 11 U.S.C. § 101(9), other than governmental units, that directly or indirectly own 10% or more of any class of Debtor's equity interests.

The undersigned further certifies Debtor will file a supplemental statement promptly upon any change in circumstance that renders this Statement of Corporate Ownership inaccurate.

Dated: March 9, 2018.

/s/
Robert M. Seller, Secretary
Debtor Bob's Feed & Seed, Inc.
212 Auger Way,
Justice, SD 57000
(605)555-5555
Bob's Feed & Seed@meanco.com

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

This statement shall be filed by any debtor that is a corporation as defined by 11 U.S.C. § 101(9) or by any party to an adversary proceeding that is a corporation as defined by 11 U.S.C. § 101(9). The debtor corporation should caption the statement for the main bankruptcy case and file it in the main bankruptcy case. The adversary party corporation, other than a debtor, should caption the statement for the adversary proceeding, delete the reference to Fed.R.Bankr.P. 1007(a)(1), and file the statement in the adversary proceeding.

Appendix 1D. Chapter 11 Small Business Debtor's Statement Pursuant to 11 U.S.C. § 1116(1).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S STATEMENT
Tax ID/EIN 18-0111111	)	REGARDING BUSINESS
	)	RECORDS PURSUANT
Debtor.	)	TO 11 U.S.C. § 1116(1)

Pursuant to 11 U.S.C. § 1116(1), the undersigned hereby certifies under penalty of perjury:

(1) Attached are true and correct copies of Debtor's most recent [select all that apply]:

- ☒ balance sheet
- ☐ statement of operations
- ☐ cash-flow statement
- ☒ federal income tax return

(2) The following documents have never been prepared by or for Debtor [select all that apply]:

- ☐ balance sheet
- ☒ statement of operations
- ☒ cash-flow statement
- ☐ federal income tax return

Dated: March 9, 2018.

/s/
Robert M. Seller, Secretary
Debtor Bob's Feed & Seed, Inc.
212 Auger Way,
Justice, SD 57000
(605)555-5555
Bob_Feed_Seed@meanco.com

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

Appendix 1E. **Individual Debtor's Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
WADE JOEL EARNER	)	
aka W.J. Earner	)	DEBTOR'S STATEMENT
SSN/ITIN xxx-xx-0000	)	REGARDING INTEREST IN CERTAIN
	)	EDUCATION RELATED ACCOUNTS
Debtor.	)	UNDER 11 U.S.C. § 521(c)

Pursuant to 11 U.S.C. § 521(c), attached hereto are true and correct copies of records regarding my interest in an education individual retirement account as defined in 26 U.S.C. § 530(b)(1), my interest in an account in a qualified ABLE program as defined in 26 U.S.C. § 529A(b), or my interest under a qualified state tuition program as defined in 26 U.S.C. § 529(b)(1). I have redacted any personal identifiers on the attachments, such as my Social Security number or full account numbers.

Dated: March 9, 2018.

/s/
Wade Joel Earner
Debtor

Appendix 1F. Format for Mailing List of Creditors.

When a debtor who is not represented by an attorney files a petition, the petition shall be accompanied by a mailing list of creditors. The mailing list may be submitted conventionally (printed on paper) or saved in an electronic format and submitted on a compact disc or memory stick. The list, whether submitted by paper or in an electronic format, shall be prepared exactly as the sample on the following page using these guidelines:

- For each creditor, provide the full name and the full mailing address (Post Office box number or street address, including any apartment, suite, or room number). Each creditor's address should be at least three or four lines long, unless a creditor has its own zip code (*e.g.*, Reader's Digest, Pleasantville, NY 10570). Each name/address block may not exceed six lines total (single spaced). The list shall include the creditor at the creditor's address. Do not list the creditor using only the creditor's attorney's address.

- Type the list in a single column placed flush against the left margin, single spaced, with at least two spaces between each name/address block. Do **not** leave spaces to the left of the column. Do **not** center the column.

- Limit the length of each line of a name or address to 40 characters, including spaces.

- Do not include the debtor(s), the United States Trustee, or the case trustee. The Clerk will automatically add these parties in interest to the mailing list.

- Place any attention line on the second line of the name and address block. For example:

  Bob's Accounting Service
  Attn: Bankruptcy Specialist Kate Smith
  10001 Spreadsheet Lane, Suite 415
  Leola, PA 17540

- Use the correct two-letter postal abbreviation for each state (*e.g.*, SD for South Dakota).

- Place the zip code on the city/state line of the name/address block. Type nine-digit zip codes with a hyphen separating the two groups of numbers (*e.g.*, 57500-1122).

- Use an easy-to read font, such as Universal, Times New Roman, or Courier. Do not use all CAPITAL letters. Do not use any **bold** or *italicized* print.

- Do not include in the address any account numbers, credit card numbers, or Social Security numbers.

- Avoid any stray or extra marks on the list. Do not use letterhead paper. Do not include the date, the case caption, or any page numbers.

- Avoid the problems highlighted on the "Trouble Sheet" that follows the sample mailing list.

Albert's Awnings
1515 Sunny Drive
Suite 333
Sioux Falls, SD 57101-0001

Bagel Barn
412 West Blvd.
Rapid City, SD 57121

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

Credit Check Service
342 Center Drive
Pierre, SD 57501

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

Doug Flannery
RR 2, Box 12
Hastings, NE 68666-0022

Kite Flying, Ltd.
PO Box 1422
Blunt, SD 57202-1422

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

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

"Trouble Sheet" for the Mailing List of Creditors

When preparing a mailing list, please avoid the errors noted in blue on the sample mailing list framed below.

In re Debtor, Inc.
Omit any title–do not caption or otherwise label or title the mailing list.

ALBERT'S AWNINGS 1515 SUNNY DRIVE SUITE 333 SIOUX FALLS, SD 57101	This address should be flush against the left margin, and it should **not** be in all capital letters.
Bagel Barn **Rapid City, SD 57701**	This address is incomplete (no P.O. Box number or street address), and it incorrectly uses italics and bold.
Camera Corner P.O. Box "J" Attn: Bud Smith President & CEO 567 Snapshot Lane Suite 7111213 Belle Fourche, SD 57717	This name/address block is too long. The block for each creditor's name and address may not exceed six lines. Any "attention" line should be on the second line of the address block.
McMurctree Bank, as Trustee and Conservator for Rachel Smith 1414 Romance Park Lane Verdigree, NE 68783	This line is too long. Each line may not exceed 40 characters, including spaces.
Pasture Rental, Inc. **Lease Acct No. 89-222** **2121 Ranchers Circle** **Prescott, AZ 86303**	The font for this entry is too difficult to read. Use a simple, clean-lined font only. This entry also erroneously includes an account number.

Do not number the pages of the mailing list or type *anything* but creditors' names and addresses on it.

Appendix 1G. Amendment to Petition and Notice of Amendment (combined).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO PETITION
SSN/ITIN xxx-xx-0000	)	AND NOTICE OF AMENDMENT
	)	
Debtor.	)	

AMENDMENT

(a) For Part 1, question 2, add an "other name" used by Debtor: Janie Anonymous.

(b) For Part 1, question 4, add the Employer Identification Number (EIN) for Jane's Flower Shop: 00-0000001.

(c) For Part 1, question 5, correct the "County" of "Where you live" from Perkins to Dennys.

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

Dated: March 9, 2018.

/s/
Jane Anne Anonymous

NOTICE OF AMENDMENT

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: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Fully explain each change from the original petition. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

If the case is a joint case, be sure to clearly explain, when necessary, any change that is tied to only one of the two joint debtors. For example, if you add a sole proprietorship as an former "other name" used, clearly specify which joint debtor formerly used that particular business name.

The debtor shall sign the amendment portion of the Amendment to Petition and Notice of Amendment. The debtor, if not represented by an attorney, or the debtor's attorney shall sign the notice portion.

Do not use this form to correct a Social Security number. Use the form at Appendix 1K instead. The form at Appendix 1K and its special docketing event helps ensure a debtor's full Social Security number is not visible on the public docket.

Appendix 1H. Amendment to Schedule and Notice of Amendment (combined).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO SCHEDULE C
SSN/ITIN xxx-xx-0000	)	AND NOTICE OF AMENDMENT
	)	
Debtor.	)	

AMENDMENT TO SCHEDULE C

(a) Add the following property claimed exempt:

1994 Honda ATV
value $150.00 amount exempted $75.00
applicable exemption statute S.D.C.L. § 43-45-4

(b) Correct the value of property in which an exemption is claimed, change the amount declared exempt, and correct the statute under which the exemption is claimed, as follows:

2002 Chevy Lumina
original value $2,200.00 amended value $1,570.00
original amount exempted $2,200.00 amended amount exempted $1,570.00
original statute S.D.C.L. § 43-45-2 amended statute S.D.C.L. § 43-45-4

After these amendments, the total value of personal property Debtor has declared exempt under S.D.C.L. § 43-45-4 is $4,000.00, and the total of all property declared exempt is $38,494.00. An Amended Schedule C is attached.

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

Dated: March 9, 2018.

/s/
Jane Anne Anonymous
Debtor

NOTICE OF AMENDMENT

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: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Fully explain each change from the original schedule. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

The debtor shall sign the amendment portion of the Amendment to Schedule and Notice of Amendment. The debtor, if not represented by an attorney, or the debtor's attorney shall sign the notice portion.

Attach a complete amended schedule to the Amendment to Schedule and Notice of Amendment. Indicate the attached schedule is amended by checking the box in the upper right hand corner on the first page of the form or, if there is no check box available, by labeling the schedule "AMENDED."

Because an Amendment to Schedule C and Notice of Amendment must be served on all creditors and other parties in interest who are not electronically served, while an amendment to any other schedule needs to be served only on parties in interest who are not electronically served, a debtor may not want to combine an amendment to schedule C with an amendment to another schedule.

Appendix 1I. Amendment to Statement and Notice of Amendment (combined)**.**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO STATEMENT
SSN/ITIN xxx-xx-0000	)	OF FINANCIAL AFFAIRS
	)	AND NOTICE OF AMENDMENT
Debtor.	)	

AMENDMENT

(a) Add at question 23 regarding property held that someone else owns:

Greeting cards and wrapping paper (15 boxes) being sold by Girl Scouts with a value of $289.00.

(b) Correct the answer to question 4 regarding income from employment or from operating a business:

2016 flower shop, correct gross income from $34,562.00 to $37,562.00.

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

Dated: March 9, 2018.

/s/
Jane Anne Anonymous
Debtor

NOTICE OF AMENDMENT

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: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Fully explain each change from the original statement. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

The debtor shall sign the amendment portion of the Amendment to Statement and Notice of Amendment. The debtor, if not represented by an attorney, or the debtor's attorney shall sign the notice portion.

Attach a complete revised statement to the Amendment to Statement and Notice of Amendment. Indicate the attached statement is an amended statement by checking the box in the upper right hand corner on the first page of the form or, if there is no check box available, by labeling the statement "AMENDED."

Appendix 1J. Amendment to Mailing List and Notice of Amendment (combined).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO MAILING LIST
SSN/ITIN xxx-xx-0000	)	AND NOTICE OF AMENDMENT
	)	
Debtor.	)	

AMENDMENT

Add the following address(es):

Hazel's Dry Clean
602 Spotty Lane
Justice, SD 57000

Correct the following address(es):

Incorrect:	Correct:
Bud's Bar	Bud's Bar
211 Frontier Road	711 Frontage Road
Justice, SD 57000	Justice, SD 57000

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

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.

NOTICE OF AMENDMENT

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: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Fully explain each change from the original mailing list. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

A debtor represented by an attorney need not sign the Amendment to Mailing List and Notice of Amendment; the debtor's attorney alone may sign it. A debtor not represented by an attorney shall sign the Amendment to Mailing List and Notice of Amendment.

Appendix 1K. Amendment of Social Security Number and Notice of Amendment (combined).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-40000
	)	Chapter 13
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	AMENDMENT OF DEBTOR
and	)	WANDA GAIL EARNER'S
	)	SOCIAL SECURITY NUMBER
WANDA GAIL EARNER	)	AND NOTICE OF AMENDMENT
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

AMENDMENT

Debtor Wanda Gail Earner's full correct Social Security number is 000-00-0001.

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

Dated: March 9, 2018.

/s/
Wanda Gail Earner
Debtor

NOTICE OF AMENDMENT

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: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

The debtor shall sign the Amendment of Social Security Number and Notice of Amendment.

The CM/ECF event used to docket this amendment and notice will ensure the debtor's full Social Security number is not visible on the public docket.

Do not use this form to correct an Employer Identification Number (EIN). Use the form at Appendix 1G instead.

Appendix 1L. Counties within a Division, District of South Dakota.

NORTHERN court site*–Aberdeen Clerk's office–Pierre	CENTRAL court site*–Pierre Clerk's office–Pierre	SOUTHERN court site*– Sioux Falls Clerk's office– Sioux Falls	WESTERN court site*– Rapid City Clerk's office–Pierre
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	Oglala Lakota
Hamlin	Jones	Hanson	Pennington
Marshall	Lyman	Hutchinson	Perkins
McPherson	Mellette	Kingsbury	
Roberts	Potter	Lake	
Spink	Stanley	Lincoln	
Walworth	Sully	McCook	
	Todd	Miner	
	Tripp	Minnehaha	
	Ziebach	Moody	
		Sanborn	
		Turner	
		Union	
		Yankton	

*Evidentiary hearings in contested matters and trials in adversary proceedings in a particular division will be conducted at the court site for that division whenever possible in light of the Court's calendar and courtroom availability. Many hearings are held telephonically–please check each scheduling order carefully.

Appendix 1M. Schedule of Required Disclosures after Conversion.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	
and	)	SCHEDULE OF REQUIRED
	)	DISCLOSURES AFTER CONVERSION
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

Pursuant to 11 U.S.C. § 348, Fed.R.Bankr.P. 1019, and Bankr. D.S.D. R. 1019-1, Debtors hereby disclose the following:

Unpaid Debts Incurred Post-petition

Creditor:	*Date Incurred/Description:*	*Amount:*
Ryan's Tire Service 321 Round Rim Road Inflated, SD 50000	April 12, 2015 rim repair	$113.11 unsecured
Pharmco Dakota 1808 West Health Road Hills, SD 59999	Oct. 8, 2015 medications	$241.11 unsecured
LaFortune's Kitty Kare Barn 112 Ranch Road Holabird, SD 57540	Oct. 9, 2015 services	$56.60 unsecured
Parched County Parched County Treasurer P.O. Box 192 Inflated, SD 50000	2014 real estate Taxes due in 2015	$2,412.00

Property Acquired Post-petition but Pre-conversion

Property:	*How Held:*	*Current Market Value:*
steel fence posts (40, heavy duty)	Wade only	$250.21
hay (large square bales), 14 ton	Wade only	$2,440.00

time-share at Great Bear Estates (one week per year)	joint	$2,200.00

Executory Contracts and Unexpired Leases Entered into or Assumed Post-petition but Pre-conversion

Other Party to Agreement:	*Description:*
Triple H Ranch 1111 River Road Hisle, SD 57577	On April 17, 2015, Debtors leased (two-year term) 107 acres of hay ground (grass) to Triple H Ranch.
Ranchers Dodge Dealership 8899 Tailpipe Lane Bridgeview, NE 60000	On January 8, 2015, Debtors leased (five years) a 2014 Dodge Ram pickup (double cab, 4WD) from Ranchers Dodge Dealership.

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTORS

I declare, under penalty of perjury, that I have read the foregoing schedule consisting of two pages and they are true and correct to the best of my knowledge, information, and belief.

Dated: February 19, 2018.

/s/
Wade Joel Earner
Debtor

Dated: February 19, 2018.

/s/
Wanda Gail Earner
Debtor

Appendix 2A. General Notice.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF MOTION
SSN/ITIN xxx-xx-0000	)	FOR RELIEF FROM STAY
	)	
Debtor.	)	

Easy Finance Co., Inc. has filed papers asking the Court to grant it relief from the automatic stay. 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 the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before March 26, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files 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 motion may be set by separate order if an objection or other response is filed on or before the deadline stated above. If no one files and serves an objection or other response on or before the deadline, the Court may enter an order granting the relief requested without a hearing.

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Describe the relief sought in general terms in the opening sentence of the first paragraph.

To determine the date by which a response to a particular type of motion, application, etc., must be filed, refer to the Federal Rules of Bankruptcy Procedure, these local rules, including Bankr. D.S.D. R. 2002-1(f), and the Notice and Service Requirements checklist available on the Court's website at *www.sdb.uscourts.gov* under Practice Pointers.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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

Do *not* use this general notice form for the notice of a hearing on an objection to a claim, a confirmation hearing in a chapter 12 or chapter 13 case, a motion to sell property of the estate, or an application for fees over $1,000.00. Each of those matters has a special notice form. *See* Appendices 2B and 2C (objection to a claim), 2D and 2E (confirmation hearing), 2F (motion to sell property of the estate), and 2G (application for fees).

Appendix 2B. Notice of Telephonic Hearing on Objection to Claim.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TELEPHONIC
SSN/ITIN xxx-xx-0000	)	HEARING ON TRUSTEE'S
	)	OBJECTION TO CLAIM
Debtor.	)	

Trustee Samuel S. Smith has filed an objection to Badlands Credit, 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 grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before April 11, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files 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.

The Court will hold a telephonic hearing at 9:00 a.m. (Central) on April 19, 2018 to decide whether to reduce, modify, or disallow the subject claim. If you or your attorney files a timely response and includes a telephone number in the response, the Court will call you or your attorney at the scheduled 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 or your attorney does not file and serve a response on or before the deadline stated above, the Court may decide you do not oppose the relief requested and may enter an order granting the relief requested following the hearing.

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

A hearing must be scheduled on an objection to a claim *before* the objection and notice are filed. Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain a date and time for the hearing.

Use this sample if the Scheduling Deputy Clerk has given you a date and time for a telephonic hearing. Use the sample at Appendix 2C if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing.

For the date by which a response must be filed, use a business date that is 33 days after service of the objection and notice and at least three days before the scheduled hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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

Appendix 2C. Notice of In-court Hearing on Objection to Claim.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF HEARING
SSN/ITIN xxx-xx-0000	)	ON TRUSTEE'S
	)	OBJECTION TO CLAIM
Debtor.	)	

Trustee Samuel S. Smith has filed an objection to Badlands Credit, 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 grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before April 11, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Courthouse, 400 S. Phillips Ave., Rm. 104, Sioux Falls, SD 57104-6851. 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 files 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) 357-2400.

The Court will hold a hearing at 9:00 a.m. (Central) on April 26, 2018 in the assigned courtroom, United States Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota, to decide whether to reduce, modify, or disallow the subject claim.

If you or your attorney does not file and serve a response on or before the deadline stated above, the Court may decide you do not oppose the relief requested and may enter an order granting the relief requested.

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Amended Order 2013

Committee Notes

A hearing must be scheduled on an objection to a claim before the objection and notice are filed. Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain a date and time for the hearing.

Use this sample if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing. Use the sample at Appendix 2B if the Scheduling Deputy Clerk has given you a date and time for a telephonic hearing.

For the date by which a response must be filed, use a business date that is 33 days after service of the objection and notice and at least three days before the scheduled hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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

Appendix 2D. Notice of Telephonic Confirmation Hearing on Chapter 12 or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90004
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TELEPHONIC
SSN/ITIN xxx-xx-0000	)	CONFIRMATION HEARING ON
	)	PLAN DATED MARCH 9, 2018
Debtor.	)	AND RELATED DEADLINES

Debtor has filed a Plan Dated March 9, 2018. 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 (approve) Debtor's plan, you or your attorney must file with the Bankruptcy Clerk, on or before April 9, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files 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.

The Court will hold a telephonic hearing at 9:00 a.m. (Central) on April 26, 2018 to decide whether to confirm the proposed plan. If you or your attorney timely files a response and includes a telephone number in the response, the Court will call you or your attorney at the scheduled time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for it during the telephonic hearing.

If you or your attorney does not file and serve a response on or before the deadline stated above, the Court may decide you are satisfied with the proposed plan and may enter an order confirming it. If no objections are timely filed, the confirmation hearing will be cancelled pursuant to local bankruptcy rule 3015-3B(c)(2).

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

This notice may be used in either a chapter 12 or a chapter 13 case. In a chapter 12 case, change the rule reference in the last line of the final paragraph to Bankr. D.S.D. R. 3015-3A(b)(2).

When referring to the plan in the notice, use the exact title found in the caption of the plan. The title of the plan should comply with Bankr. D.S.D. R. 3015-2(a)(2).

A confirmation hearing must be scheduled with the Scheduling Deputy Clerk on all chapter 12 plans before the notice is filed. A confirmation hearing must be scheduled in a chapter 13 case only if the original plan is not filed timely or if the debtor files a modified plan. *See* Bankr. D.S.D. R. 3015-3B(b). Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain the date and time.

Use this sample if the Scheduling Deputy Clerk has given you a date and time for a telephonic confirmation hearing. Use the sample at Appendix 2E if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court confirmation hearing.

For the date by which a response must be filed in a chapter 12 case, use a business date that is 24 days after service of the notice and plan and at least three days before the scheduled hearing.

In a chapter 13 case, the notice of the first confirmation hearing and the date by which a response must be filed will be given by the Clerk in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines. Prepare, file, and serve this notice in a chapter 13 case only if the original plan was not timely filed, *see* Bankr. D.S.D. R. 3015-3B(b), or if a modified plan is being filed. *See* Bankr. D.S.D. R. 3015-4B. For the date by which a response must be filed, use a business date that is 31 days after service of the notice and plan and at least three days before the scheduled confirmation hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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

Appendix 2E. Notice of In-court Confirmation Hearing on Chapter 12 or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90004
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF CONFIRMATION
SSN/ITIN xxx-xx-0000	)	HEARING ON PLAN
	)	DATED MARCH 9, 2018
Debtor.	)	AND RELATED DEADLINES

Debtor has filed a Plan Dated March 9, 2018. 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 (approve) Debtor's plan, you or your attorney must file with the Bankruptcy Clerk, on or before April 9, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Courthouse, 400 S. Phillips Ave., Rm. 104, Sioux Falls, SD 57104-6851. 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 files 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) 357-2400.

The Court will hold a confirmation hearing at 9:00 a.m. (Central) on May 3, 2018 in the assigned courtroom, United States Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota, to decide whether to confirm the proposed plan.

If you or your attorney does not file and serve a response on or before the deadline stated above, the Court may decide you are satisfied with the proposed plan and may enter an order confirming it. If no objections are timely filed, the confirmation hearing will be cancelled pursuant to local bankruptcy rule 3015-3B(c)(2).

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

This notice may be used in either a chapter 12 or a chapter 13 case. In a chapter 12 case, change the rule reference in the last line of the final paragraph to Bankr. D.S.D. R. 3015-3A(b)(2).

When referring to the plan in the notice, use the exact title found in the caption of the plan. The title of the plan should comply with Bankr. D.S.D. R. 3015-2(a)(2).

A confirmation hearing must be scheduled with the Scheduling Deputy Clerk on all chapter 12 plans before the notice is filed. A confirmation hearing must be scheduled in a chapter 13 case only if the original plan is not filed timely or if the debtor files a modified plan. *See* Bankr. D.S.D. R. 3015-3B(b). Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain the date and time.

Use this sample if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court confirmation hearing. Use the sample at Appendix 2D if the Scheduling Deputy Clerk has given you a date and time for a telephonic confirmation hearing.

For the date by which a response must be filed in a chapter 12 case, use a business date that is 24 days after service of the notice and plan and at least three days before the scheduled confirmation hearing.

In a chapter 13 case, the notice of the first confirmation hearing and the date by which a response must be filed will be given by the Clerk in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines. Prepare, file, and serve this notice in a chapter 13 case only if the original plan was not timely filed, *see* Bankr. D.S.D. R. 3015-3B(b), or if a modified plan is being filed. *See* Bankr. D.S.D. R. 3015-4B. For the date by which a response must be filed, use a business date that is 31 days after service of the notice and plan and at least three days before the scheduled confirmation hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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

Appendix 2F. Notice of Motion to Sell Property of the Estate.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TRUSTEE'S MOTION
SSN/ITIN xxx-xx-0000	)	TO SELL CERTAIN VEHICLES
	)	
Debtor.	)	

Trustee Samuel S. Smith has filed a Motion to Sell Certain Vehicles. Pursuant to the motion, he proposes to sell at public auction on April 21, 2018 a 2012 Pontiac Grand Prix, VIN: 11AA11111111AAA11 (43,000 miles) valued at $6,000.00 (Blue Book appraisal), and a 1963 Ford Mustang, VIN: 11BB11111111BBB11 (fully restored) valued at $23,000.00 (professional appraisal). The auction will be conducted by Big Carl's Car-azy Auction House in Justice, South Dakota. 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 approve the sale as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files 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 motion may be set by separate order if an objection or other response is filed on or before the deadline stated above. If no one files and serves an objection or other response on or before the deadline, the Court may enter an order granting the motion without a hearing.

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Use this notice (with a motion to sell) only if the aggregate gross value of the nonexempt property in the estate is $2,500.00 or more. If the aggregate gross value of the nonexempt property in the estate is less than $2,500.00, the sale may be proposed by notice only. *See* Fed.R.Bankr.P. 6004(d) and Bankr. D.S.D. R. Appendix 6A.

When describing the proposed sale, include a general description of the property to be sold. If the property being sold is real property, include a legal description. If a vehicle, motorcycle, or boat is being sold, include the make, model, year, and identification number. Also include the time and place of any public sale or the terms and conditions of any private sale, as required by Fed.R.Bankr.P. 2002(c)(1) and Bankr. D.S.D. R. 2002-1(d).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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 motion to sell on parties in interest, as defined by Bankr. D.S.D. R. 9001-1(7), who are not electronically served. Serve this notice on all creditors and other parties in interest who are not electronically served.

Appendix 2G. Notice of Application for Fees.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF ATTORNEY'S
SSN/ITIN xxx-xx-0000	)	APPLICATION FOR FEES
	)	
Debtor.	)	

Joseph J. Carson, attorney for Trustee Samuel S. Smith, has filed an application to be paid from the bankruptcy estate $1,800.00 for compensation for services, $108.00 for sales tax, and $381.90 for reimbursement of expenses, for a total of $2,289.90 in fees. 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 approve the application, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files 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 application may be set by separate order if an objection or other response is filed on or before the deadline stated above. If no one files and serves an objection or other response on or before the deadline, the Court may enter an order granting the application without a hearing.

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

This notice is required only if the applicant is seeking fees totaling more than $1,000.00, excluding sales tax. *See* Fed.R.Bankr.P. 2002(a)(6). Serve this notice on all creditors and other parties in interest not electronically served. Serve the application only on the debtor, if the debtor is not electronically served. The United States Trustee, any case trustee, and any party who has filed a notice of appearance will receive electronic service.

In the opening sentence of the first paragraph, identify the applicant requesting the fees and the amount sought, as required by Fed.R.Bankr.P. 2002(c)(2) and Bankr. D.S.D. R. 2002-1(e).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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

If fees of $1,000.00 or less are requested, the applicant need only file the application (no notice) and serve it on the debtor (the United States Trustee, any case trustee, and any party who has filed a notice of appearance will receive electronic service).

Appendix 2H. Motion for Reduced (shortened) **Notice.**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	TRUSTEE'S MOTION
SSN/ITIN xxx-xx- 0000	)	FOR REDUCED NOTICE OF
	)	MOTION FOR AUTHORIZATION
Debtor.	)	TO SELL PERISHABLE PROPERTY

In support of this Motion for Reduced Notice, Trustee Samuel S. Smith states:

(1) I have filed a Motion for Authorization to Sell Perishable Property ("sale motion"), which, if approved, will net $3,500.00 for the bankruptcy estate.

(2) I ask that notice of the sale motion be reduced under Fed.R.Bankr.P. 9006(c) and a deadline of 12:00 noon (Central) on May 3, 2018 be set for objecting to the sale motion for the following reasons:

(a) Debtor has listed fresh-cut flowers and tropical plants on her schedule of assets and has not declared these perishable goods exempt. If the goods are not sold as soon as possible, they will spoil and have no value to the estate.

(b) I have located a buyer who is willing to purchase these perishable goods, provided they can be delivered to the buyer no later than May 4, 2018.

Wherefore, I respectfully request an order reducing notice and setting May 3, 2018 at 12:00 noon (Central) as the deadline for objecting to the sale motion.

Dated: April 27, 2018.

/s/
Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
tele: (605) 555-8888
e-mail: ssslaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Very briefly summarize the main motion, application, plan, etc., for which reduced notice is requested.

State *specifically* the last date for objections that is requested and the reasons reduced notice is appropriate.

Appendix 2I. Motion to Limit Notice.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	TRUSTEE'S MOTION TO
SSN/ITIN xxx-xx-0000	)	LIMIT NOTICE OF MOTION FOR
	)	AUTHORIZATION TO SELL VEHICLE
Debtor.	)	

In support of this Motion to Limit Notice, Trustee Samuel S. Smith states:

(1) I have filed a Motion for Authorization to Sell Vehicle ("sale motion"), which, if approved, will net $250.00 for the bankruptcy estate.

(2) I ask that notice of the sale motion be limited to parties in interest as defined by Bankr. D.S.D. R. 9001-1(7) and those creditors who have timely filed proofs of claim, for the following reasons:

(a) There are over 250 parties listed on the case mailing list. If notice is not limited in the manner requested, the costs of reproducing ($.10 x 250 creditors) and mailing ($.49 x 250 creditors) notice of the sale motion will greatly reduce the sale proceeds available for distribution to creditors.

(b) The interests of those creditors who have not filed a notice of appearance or a proof of claim will be adequately represented by the parties who will receive notice.

Wherefore, I respectfully request that the Court enter an order limiting notice of my sale motion to parties in interest as defined by Bankr. D.S.D. R. 9001-1(7) and those creditors who have timely filed proofs of claim.

Dated: February 28, 2018.

/s/
Samuel S. Smith, Trustee
P.O. Box "S"
Justice, SD 57000
tele: (605) 555-8888
e-mail: ssslaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Briefly summarize the main motion, application, plan, etc., for which limited notice is requested.

State *specifically* the parties to whom you want notice given and the reasons limited notice is appropriate.

Appendix 2J. Certificate of Service Regarding Returned or Undeliverable Mail.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	CERTIFICATE OF SERVICE
SSN/ITIN xxx-xx-0000	)	REGARDING RETURNED
	)	OR UNDELIVERABLE MAIL
Debtor.	)	

The United States Post Office, by returning mail as undeliverable or giving notice of an incomplete or nonexistent address through the Bankruptcy Noticing Center, has advised the creditor(s) or other party(ies) in interest listed below did not receive the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines (doc. 7) and Debtor's Plan Dated September 12, 2018 (doc. 11). Debtor certifies a true and correct copy of each undelivered document was re-served to the correct address(es) set forth below by United States mail, postage prepaid, on September 28, 2018.

Incorrect Address:	Correct Address:
Vicky's Vacuums 1515 Temple Hwy 12 Dusty SD 57776	Vicky's Vacuums 1515 Temple Blvd Dusty SD 57772
Sandy's Syrups 919 Maple Tree Corner Waffle Town SD 55555	Sandy's Syrups 919 Maple Tree Place Waffle City SD 55555

Dated: September 28, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

Appendix 2K. Statement Regarding Undeliverable or Returned Mail.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	DEBTOR'S STATEMENT
SSN/ITIN xxx-xx-0000	)	REGARDING CERTAIN
	)	UNDELIVERABLE
Debtor.	)	OR RETURNED MAIL

The United States Post Office, by returning mail as undeliverable or giving notice of an incomplete or nonexistent address through the Bankruptcy Noticing Center, has advised the undersigned the Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines (doc. 7) and the Notice of Need to File Proof of Claim Due to Recovery of Assets (doc. 81) have not been served on Ion T. Runn at the address used by the Bankruptcy Noticing Center to serve the Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines (doc. 7) or at the addresses on the subsequent Certificates of Service Regarding Returned or Undeliverable Mail filed by Debtor (docs. 15, 32, and 47). I have been unable, on Debtor's behalf, to obtain another possible good address for Ion T. Runn through an internet search or by contacting known family members, employers, or other acquaintances.

Dated: February 28, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

The last sentence is *not* "form" language. Instead, specifically list each source you used in your attempt to obtain a good address for the particular party identified as not having received service.

Appendix 2L. Disclosure of Compensation in a Chapter 7 Case.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	
SSN/ITIN xxx-xx-0000	)	DISCLOSURE OF COMPENSATION
	)	
Debtor.	)	

1. Received or Promised. Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1(a), I declare that within one year of the filing of the petition in this case I have been paid or will be paid the following fees by Debtor for services rendered or to be rendered in contemplation of or in connection with this case:

(a)	Compensation for legal services (flat fee)		$1,200.00
b)	Costs (including filing fee; excluding sales tax)	+	$ 412.00
(c)	Sales tax on compensation	+	$ 72.00
(d)	Total:	=	$1,684.00
(e)	I have received:	–	$1,684.00
(f)	I am still owed:	=	$ 0.00

2. Services to be Rendered. In return for the compensation set forth above, I have rendered or will render the following legal services:

a. analyzing Debtor's financial situation and rendering advice to Debtor in determining whether to file a petition in bankruptcy and, if so, under what chapter;

b. preparing and filing Debtor's petition, schedules, and statements; and

c. representing Debtor at the meeting of creditors.

If other post-petition legal services are required, these services will be billed to Debtor at $200.00 per hour for my work and $75.00 per hour for the work of my certified legal assistant, Joyce B. Good, plus actual expenses and sales tax. Debtor understands any additional fees incurred post-petition must be paid by Debtor personally from assets that are not part of the bankruptcy estate. If the case is converted to another chapter, Debtor further understands a different fee agreement will be necessary and post-conversion fees may be paid as part of a plan.

3. Services Not to be Rendered. Debtor and I have agreed the above-disclosed fee does not include the following services: None.

4. Supplemental Disclosure. I will file a supplemental disclosure of compensation if this agreement changes or if I actually receive additional fees for other services or costs in this case that have not been disclosed.

5. Fee Sharing. 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. Unpaid Fees. If the fees for my pre-petition services, sales tax, and expenses (including filing fee) have not been paid in full pre-petition (see paragraph 1 above), I understand and have advised Debtor that while Debtor may voluntarily pay any amount I am still owed, that amount will be discharged, and I will not be able to take any action to collect any portion of it, unless and until Debtor and I enter into a reaffirmation agreement and the Court approves the reaffirmation agreement following a hearing that Debtor must attend.

Dated: February 7, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If someone other than the debtor has paid or will pay some or all the fees, substitute or add that person's name where appropriate.

If you are accepting a flat or fixed fee for your legal services, clearly state that in paragraph 1. Segment the flat fee into separate figures for compensation for services, sales tax, and reimbursement for expenses. Rather than the hourly rate provision at the end of paragraph 1, substitute a statement regarding the flat fee agreement, such as:

> I have made a flat fee agreement with Debtor. The total fees I will be paid in this case will not exceed $1,308.00, which comprises $900.00 for compensation for services, $54.00 for sales tax, and $354.00 for reimbursement for expenses, including the filing fee.

If there is a fee sharing agreement, revise paragraph 5 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."

Appendix 2M. Disclosure of Compensation in a Chapter 11, 12, or 13 Case.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	
SSN/ITIN xxx-xx-0000	)	DISCLOSURE OF COMPENSATION
	)	
Debtor.	)	

1. Received or Promised. Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1(a), I declare that within one year of the filing of the petition in this case I have been paid or will be paid the following fees by Debtor or the bankruptcy estate for services rendered or to be rendered in contemplation of or in connection with this case:

(a)	Compensation for legal services (estimate; hourly rate)		$2,000.00
(b)	Costs (estimate including filing fee; excluding sales tax)	+	$ 400.00
(c)	Sales tax on compensation	+	$ 108.00
(d)	Total:	=	$2,508.00
(e)	I have received:	–	$1,308.00
(f)	I am still owed (estimate to be paid through plan):	=	$1,200.00

My fee agreement with Debtor is for legal services billed at a rate of $200.00 per hour for my work and $75.00 per hour for the work of my certified legal assistant, Joyce B. Good, plus actual expenses and sales tax. The amounts set forth above are my best estimate of the fees to be paid, but Debtor is aware the actual total fees may be less or more.

2. Services to be Rendered. In return for the compensation set forth above, I have rendered or will render the following legal services:

a. analyzing Debtor's financial situation and rendering advice to Debtor in determining whether to file a petition in bankruptcy and, if so, under what chapter;

b. preparing and filing Debtor's petition, schedules, and statements;

c. representing Debtor at the meeting of creditors;

d. reviewing claims and filing appropriate objections;

e. preparing a plan, any needed modified plans, and representing Debtor at the confirmation hearing(s);

f. preparing and filing a fee application after confirmation; and

g. upon completion of plan payments, preparing and filing the documents necessary for Debtor to obtain a discharge and preparing and filing a final fee application.

3. Services Not to be Rendered. Debtor and I have agreed the above-disclosed fee does not include the following services: None.

4. Supplemental Disclosure. I will file a supplemental disclosure of compensation if this agreement changes or if I actually receive additional fees directly from Debtor or another party (excluding fees that will be paid through a confirmed plan).

5. Fee Sharing. 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. Payment of Fees. If the fees for my pre-petition services, post-petition services, sales tax, and expenses (including filing fee) are not paid in full through the retainer and plan payments, Debtor has agreed to pay the balance due, not to exceed $500.00, to me directly post-discharge. Debtor also understands that if this case converts to chapter 7, I will seek payment of my pre-conversion fees through an administrative expense claim and any post-conversion fees must be paid by Debtor personally from assets that are not part of the bankruptcy estate.

Dated: February 7, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If someone other than the debtor has paid or will pay some or all the fees, substitute or add that person's name where appropriate.

If you are accepting a flat or fixed fee for your legal services, clearly state that in paragraph 1. Segment a flat fee into separate figures for compensation for services, sales tax, and reimbursement for expenses. Rather than the hourly rate provision at the end of paragraph 1, substitute a statement regarding the flat fee agreement, such as:

> I have made a flat fee agreement with Debtor. The total fees I will be paid in this case will not exceed $2,308.00, which comprises $1,800.00 for compensation for services, $108.00 for sales tax, and $400.00 for reimbursement for expenses, including the filing fee.

Add or delete services in paragraphs 2 and 3 as is appropriate for your particular agreement with each debtor and the relevant chapter. For example, in a chapter 11 case the services may include preparation of a plan *and* a disclosure statement.

If there is a fee sharing agreement, revise paragraph 5 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."

If the attorney and the debtor have agreed some attorney fees will be paid directly by the debtor to the attorney after discharge, set forth those terms in paragraph 6. Such an agreement, however, should be rare, since attorneys fees preferably should be paid in full by the time the case is ready for entry of the discharge order. Counsel should not interpret the $500.00 figure in paragraph 6 of this sample disclosure as a sum acceptable to the Court to be paid outside the plan. If any sum is paid outside the plan, it must be reasonable under the circumstances of that particular case.

Appendix 2N. Supplemental Disclosure of Compensation.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	SUPPLEMENTAL
SSN/ITIN xxx-xx-0000	)	DISCLOSURE
	)	OF COMPENSATION
Debtor.	)	

Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1(b), I declare that since the filing of my Disclosure of Compensation (doc. 4), my fee arrangement with Debtor has changed as follows:

> Debtor has agreed to pay me $150.00 per hour plus actual expenses to represent her in Adv. No. 18-9001, a denial of discharge complaint filed by the case trustee. Debtor understands she is personally responsible for these additional fees and that she must pay them from assets that do not belong to the bankruptcy estate. On April 9, 2018, Debtor paid me an additional retainer of $800.00, which will be applied to my total fees related to this adversary proceeding.

Dated: April 11, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

Specifically list all changes in the fee agreement that have been made since the original disclosure of compensation or the most recent supplemental disclosure of compensation was filed, including any additional retainer or other funds received on account.

Appendix 2O. Application for Fees by Estate Professional.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	ATTORNEY CARSON'S
SSN/ITIN xxx-xx-0000	)	APPLICATION FOR FEES
	)	
Debtor.	)	

I, Joseph J. Carson, attorney for Trustee Samuel S. Smith, hereby make application for the payment of certain fees as a chapter 7 administrative expense pursuant to 11 U.S.C. §§ 330(a) and 503(b)(2). In support of this application, I state:

1. My employment under 11 U.S.C. § 327(a) was approved by order entered January 11, 2018 (doc. 52) following an application filed on January 2, 2018 (doc. 48). Under the terms of the employment order, I was to be paid $200.00 per hour, plus actual expenses, to represent Trustee Smith in a preferential transfer action against Bud's Bar, Adversary No. 18-9001.

2. My services were rendered, and the expenses were incurred, between January 2, 2018 and May 29, 2018. The attendant adversary proceeding has been closed. All services have been rendered and all expenses have been incurred.

3. As more specifically set forth on the itemization attached to this application, I seek $4,200.00 in compensation for services rendered, $252.00 for sales tax based on an applicable rate of 6.0%, and $221.23 for reimbursement of expenses.

4. As authorized by the Court, Trustee Smith paid me a retainer of $500.00 on January 2, 2018. No other payments have been received.

5. I have no agreement or understanding with anyone to share the fees requested.

Wherefore, I, Joseph J. Carson, respectfully request, as a chapter 7 administrative expense, a fee award from the bankruptcy estate of $4,200.00 in compensation for services, $252.00 for sales tax, and $221.23 for reimbursement of expenses, for a total fee award of $4,673.23; that I be authorized to draw down and apply my retainer of $500.00; and that the balance of $4,173.23 be paid by Trustee Smith from the bankruptcy estate.

Dated: May 30, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

Exhibit 1 to Fee Application

Joseph J. Carson
Attorney at Law

101 East Legal Lane
Justice, South Dakota 57000-0000

Telephone: (605) 555-5555
Fax: (605) 555-5556
e-mail address: jjclaw@legalline.net

Case: Bankruptcy Adversary No. 18-9001 for Trustee Samuel S. Smith
Previous balance: none
Statement Date: May 29, 2018

Date	Services rendered	Professional	Time
1-2-18	Discuss preference action needed and terms of employment with client.	JJC	1.60
1-5-18	Review file; draft initial letter to counsel for Bud's Bar regarding potential action and advise resolution.	JJC	3.30
2-2-18	Review response from counsel for Bud's Bar. Advise trustee they will contest.	JJC	.20
	Draft complaint at trustee's direction.	JJC	3.10
2-6-18	Finalize complaint and review with client.	JJC	.40
2-27-18	Review answer. Conduct research on its claim regarding course of business.	JJC	2.15
	Discuss same with Debtor's counsel. Arrange deposition of Debtor and Bud.	JJC	.75
3-16-18	Depose Debtor at opposing counsel's office.	JJC	4.10
	Depose Bud at opposing counsel's office.	JJC	2.00
	Negotiate settlement with counsel.	JJC	1.00
3-16-18	Advise client of settlement offer. Prepare settlement, motion to approve, and order.	JJC	1.40
5-29-18	Prepare fee application.	JJC	1.00
		JJC	21.00

Date	Description	Expense
1-5-18	Copy accountant's records. (99 pages at $.25 per page)	$ 24.75
	Postage to return records.	18.12
2-27-18	Westlaw charges.	14.12
2-27-18	Long distance phone calls to Debtor's attorney and Bud's attorney.	4.53
3-16-18	Travel to Sisseton for depos. (273 miles at $.585/mile)	159.71
		$221.23

Summary

Compensation for Joseph J. Carson (JJC) 21 hours at $200/hour	$ 4,200.00
Compensation for paralegal	none
Expenses incurred	221.23
Sales tax (6% on professional fees and copying charge)	252.00
Total fees requested:	$4,673.23
Retainer received Jan. 2, 2018	500.00
Balance to be paid from estate	$4,173.23

SEE COMMITTEE NOTES ON FOLLOWING PAGES

Committee Notes

In the opening paragraph, summarize the basis for the employment, the employment terms, the statutory basis for the application, and when the employment was authorized, if court approval for it was required.

In the second paragraph, summarize the work done. If additional fees will be sought in a subsequent application, so state and identify this application as an interim application.

In the third paragraph, set forth the fees sought. Separately set forth the amounts sought for compensation for services, applicable sales tax and the sales tax rate, and expenses to be reimbursed. Include any filing fee in the expenses. Do not deduct any retainer or other payments here.

In the fourth paragraph, list any retainer or other payments received, who paid each, and the date each was received. For a fee application by an attorney for a chapter 11, 12, or 13 debtor, the information in this paragraph should match the information contained in the attorney's Disclosure of Compensation and any Supplemental Disclosure of Compensation.

In the fifth paragraph, set forth the terms of any fee sharing agreement.

In the prayer for relief, summarize the fees sought and the action requested; it may vary slightly with the chapter and the type of services rendered. For example, in a chapter 13 case, the prayer for relief might read something like:

> Wherefore, I, Joseph J. Carson, respectfully request, as a chapter 13 administrative expense, a fee award from the bankruptcy estate for $2,200.00 in compensation for services, $132.00 for sales tax, and $321.22 for expenses incurred, for a total fee award of $2,653.22; that I be authorized to draw down and apply my retainer of $1,000.00; and that the balance of $1,653.22 be paid by Trustee Dale A. Wein pursuant to the terms of Debtor's confirmed plan.

An itemization of professional services rendered and expenses incurred must be filed with each application as an exhibit. If the application is signed by someone other than the professional that rendered the services, for example, the case trustee, then the itemization must be signed and dated by the professional to be paid. If the applicant and the professional to be paid are the same, only the application needs to be signed.

In the itemization, include the date each service was rendered, a description of each service, who rendered it, and the time utilized. Disparate services rendered on the same day should be listed separately. Services by different professionals should be itemized separately. Also separately itemize each expense incurred, including any filing fees or other clerk's fees paid. Include the date the expense was incurred, a short description of it, and the cost. State the applicable sales tax rate and calculate and

set forth the sales tax separately. Provide a total.

Set forth any retainers or other payments received and the date received. If the professional is waiving any fees, state how much is waived and why. For example, "I waive $642.35 in compensation based on my agreement with Debtor that total fees would not exceed $2,650.00." Be sure the sales tax figure is based on the *actual* compensation to be paid.

Appendix 2P. Order Awarding Fees.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	ORDER AWARDING FEES
SSN/ITIN xxx-xx-0000	)	TO ATTORNEY CARSON
	)	
Debtor.	)	

Upon consideration of Attorney Joseph J. Carson's Application for Fees (doc. 42) and the record before the Court; and it appearing no objection to the application was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Attorney Carson's application is granted, and he is awarded as a chapter 13 administrative expense $2,000.00 for compensation for services, $120.00 for applicable sales tax, and $380.00 for reimbursement of expenses, for a total award of $2,500.00. Attorney Carson shall draw down and apply his $1,000.00 retainer. Trustee Dale A. Wein shall pay the balance of $1,500.00 pursuant to the terms of Debtor's confirmed plan.

So ordered:

Appendix 2Q. Order Authorizing Substitution of an Attorney of Record.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	ORDER AUTHORIZING
SSN/ITIN xxx-xx-0000	)	SUBSTITUTION OF ATTORNEY
	)	OF RECORD FOR DEBTOR
Debtor.	)	

Upon consideration of Debtor's Motion to Substitute Attorney (doc. 17) and the record before the Court; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted, and Attorney Stanley S. Smith is substituted for Attorney Bailey F. Leaf as counsel of record for Debtor.

So ordered:

Appendix 2R. Notice of Hearing on Motion by Debtor's Attorney to Withdraw from Representation.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF HEARING ON
SSN/ITIN xxx-xx-0000	)	MOTION TO WITHDRAW
	)	AS ATTORNEY FOR DEBTOR
Debtor.	)	

Attorney Joseph J. Carson has filed a motion asking the Court to allow him to withdraw as the attorney for Debtor Jane Anne Anonymous. A telephonic hearing on the motion will be held at 9:00 a.m. (Central) on May 24, 2018. Debtor must appear at the hearing by telephone so the Court can review the motion with her. The Court will initiate the telephone call.

On or before May 18, 2018, Debtor shall contact Nita Sarvis, Courtroom Deputy, at (605) 945-4460, and give Deputy Sarvis a telephone number where Debtor may be reached for the hearing.

Debtor or any other party in interest may, but is not required to, file a response to Attorney Carson's motion to withdraw as counsel for Debtor. Any response should be filed before the hearing. Only an attorney may file a response or appear at the 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, U.S. Post Office & Federal Bldg., 225 S. Pierre Street, Room 203, Pierre, South Dakota 57501-2463.

Dated: May 10, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

In the last paragraph, use the Clerk's Sioux Falls office address for Southern Division cases or the Clerk's Pierre office address for Northern, Central, or Western Division cases:

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Rm. 104
Sioux Falls, SD 57104-6851

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Rm. 203
Pierre, SD 57501-2463

Appendix 2S. Order Authorizing Attorney to Withdraw from Representation.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	ORDER AUTHORIZING ATTORNEY
SSN/ITIN xxx-xx-0000	)	CARSON TO WITHDRAW
	)	AS ATTORNEY FOR BOB'S BANK
Debtor.	)	

Upon consideration of Attorney Joseph J. Carson's Motion to Withdraw as Attorney for Bob's Bank (doc. 99) and the record before the Court; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Attorney Carson's motion is granted, and he is authorized to withdraw as Bob's Bank's attorney of record, effective immediately.

So ordered:

Appendix 3A. Chapter 12 or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	
and	)	PLAN DATED MARCH 1, 2018
	)	
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

1. Payments by Debtors to Trustee.

Debtors will pay the trustee $750.00 per month for 36 months (the "plan term"), for a total of $27,000.00. Debtors will also turn over to the trustee 100% of their federal income tax refunds, after any statutory off-set by the IRS, for tax years 2018, 2019, and 2020. Debtors will make the first plan payment on or before May 2, 2018 and the last plan payment on or before April 1, 2021.

2. Payments by Trustee to Administrative Expense Holders and Creditors.

a. Administrative Expenses (priority claim).

Creditor	*Claim*	*Payment*	*Months*	*Total*
Joseph J. Carson, Esq.	$1,500.00 (estimated)	$100.00	1-15	$1,500.00

This priority claim will not be paid until Attorney Carson files an application for compensation and reimbursement and the Court approves that application. The actual amount of the monthly payment will be calculated based on the Court's separate order awarding compensation and reimbursement. If the Court awards fees that total less than the above estimate, unsecured creditors may ultimately receive a distribution that is more than the estimate shown below. If the Court awards fees that total more than the above estimate, Debtors may file a motion to modify their confirmed plan to provide for those additional fees. If the modification is approved, unsecured creditors may receive a distribution that is less than what is set forth in this plan.

b. Other Priority Claims.

Creditor	*Claim*	*Payment*	*Months*	*Total*
IRS	$5,000.00	$138.88	1-36	$5,000.00

c. Secured Claims - Arrearage Only.

Creditor	*Amount*	*Interest*	*Payment*	*Months*	*Total*
E-Z Finance Co.	$533.72(arrearage)	18%	$18.08	1-36	$650.88

Equity Holders, LLP	$2,106.81 (arrearage)	12.7%	$67.19	1-36	$2,418.84

In addition to the above payments to cure the arrearage in payments, Debtors will make the regular payments on these secured claims as they come due, directly to the creditors, as provided below in paragraph 3.b.

d. Other Secured Claims.

	Amount	*Interest*	*Payment*	*Months*	*Total*
E-Z-R Finance Co.	$7,000.00 (includes arrearage of $815.13)	8.00%	$154.79	1-36	$5,572.44

After the 36th month, Debtors will continue making 18 payments of $131.34 per month until E-Z-R Finance Co.'s debt is paid in full. This secured creditor will retain its lien until its secured claim is paid in full.

	Amount	*Interest*	*Payment*	*Months*	*Total*
Auto Sales, Inc.	$5,000.00	9.91%	$161.12	1-36	$5,800.32

Pursuant to 11 U.S.C. § 1325(a)(5), the amount of Auto Sales, Inc.'s secured claim is the value of the vehicle securing the debt. This secured creditor will retain its lien until its secured claim is paid in full.

	Amount	*Interest*	*Payment*	*Months*	*Total*
IRS	$1,941.86	4.0%	$57.33	1-36	$2,063.88

The IRS will retain its lien until Debtors have been granted a discharge and the IRS's secured claim plus interest has been paid in full.

e. Unsecured, Non-priority Claims. After making the payments to priority and secured creditors described above, the trustee will distribute the balance of the payments made by Debtors to unsecured creditors who timely file a proof of claim. If an unsecured creditor receives appropriate notice of the case but fails to timely file a proof of claim, that unsecured creditor's claim will be discharged to the extent set forth in 11 U.S.C. § 1328(a) when Debtors complete all plan payments. If all unsecured creditors known to Debtors timely file proofs of claim, each unsecured creditor will be paid approximately 51.37% of its claim.

f. Disbursements by the Trustee. After deducting his statutory fee allowance, the trustee will disburse available funds first to claims with installment payment schedules in the following order: administrative expenses, including attorney fees, unsecured priority claims, and secured claims. Thereafter, the trustee will disburse available funds to claims without installment payment schedules in the following order: administrative expenses, including attorney fees, priority claims, and unsecured non-priority claims.

3. Payments by Debtors Directly to Creditors.

a. Secured Claims Not in Default.

Creditor	*Claim*	*Payment*	*Frequency*
E-Z-Est Finance Co. -- home, second mortgage	$4,500.00	$95.61	monthly, 60 months

Cloistered Home Equity -- line of credit	$3,888.00	$72.03	monthly, 72 months

Debtors will make all required regular payments on these secured claims not in default until paid in full according to the terms of the original agreements between Debtors and these creditors. These payments will be made directly to these creditors, not to the trustee, and will not be subject to the trustee's supervision or control. The creditors will receive no payment in any amount from the trustee on account of these claims. Each secured creditor listed here will retain its lien until its secured claim is paid in full.

b. Secured Claims in Default.

Creditor	*Amount*	*Interest*	*Payment*	*Frequency*
E-Z Finance Co. -- home, first mortgage	$107,982.00	5.2%	$657.06	monthly, 288 months
Equity Holders, LLP -- small business loan	$ 11,299.16	8.7%	$151.23	monthly, 109 months

Debtors will make the regular payments on these secured claims until paid in full according to the terms of the original agreements between Debtors and these creditors. These payments by Debtors are in addition to the payments made on the portion of these secured claims that are in default (arrearage claims), which the trustee is paying through the plan as provided in paragraph 2.c. Each secured creditor listed here will retain its lien until its secured claim is paid in full.

4. Disposable Income. If the trustee or an unsecured creditor objects to confirmation of this plan, all of Debtors' disposable income to be received during the plan term will be applied to make payments under this plan.

5. Other Provisions. Debtors agree to timely file all post-petition federal, state, and local tax returns, and to pay all post-petition taxes as they come due.

6. Attachments. Attached to this plan and incorporated by reference is a liquidation analysis that demonstrates creditors will receive as much or more under this plan than they would if Debtors' non-exempt assets were liquidated in a chapter 7 bankruptcy. Also attached is a Supplemental Schedule I, which sets forth changes in Debtors' income that occurred post-petition due to a change in employment for Debtor Wade Joel Earner.

Dated: March 1, 2018.

/s/
Wade J. Earner, Debtor

/s/
Wanda G. Earner, Debtor

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

Attachment A - Liquidation Analysis
***In re Wade and Wanda Earner*, Bankr. No. 18-90000**

	Market Value	Valid Encumbrances	Claimed Exemption	Equity
Real Property:				
123 North Park Place, Justice, SD	$140,000.00*	$111,000.00 Bob's Bank 500.00 IRS 500.00 total judgment liens	$ 30,000.00	$ 0.00
414 View Road, Hill City, SD	45,000.00	37,000.00 Bob's Bank	0.00	8,000.00
Vehicles:				
2001 Mercury	2,500.00	0.00	2,500.00	0.00
Other Personal Property:				
Cash	10.00**	0.00	10.00	0.00
Checking account	100.00**	0.00	100.00	0.00
Wearing apparel	200.00	0.00	200.00	0.00
Household goods	580.00	0.00	580.00	0.00
Golf clubs, bicycle	950.00***	0.00	950.00	0.00
Life insurance	6,214.00	0.00	6,214.00	0.00

TOTAL AVAILABLE EQUITY: $8,000.00

NOTES:

*Based on a post-petition appraisal, this figure is $2,500.00 more than the value listed on Debtors' schedules.

** Available cash and bank accounts have fluctuated since the petition. These are the current sums.

*** The bicycle was wrecked post-petition, and its value is now $234.00 less than the value on Debtors' schedules.

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

In the caption title, do not repeat the chapter number or use the word "Debtor" or "Debtor's" (only a debtor may file a chapter 12 or a chapter 13 plan). If the plan has been modified, the proper title is "MODIFIED PLAN DATED [insert date the debtor signs the modified plan]," regardless of the number of times it has been modified. Do *not* state "SECOND MODIFIED PLAN...," "THIRD MODIFIED PLAN...," etc.

In paragraph 3, clearly identify all creditors whose claims are to be paid directly by the debtor and describe 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.

Regarding paragraph 4, because the trustee routinely objects 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 simply offering disposable income in the initial plan. *See* 11 U.S.C. §§ 1225(b) or 1325(b) for determination of disposable income period.

Regarding paragraph 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 the maximum amount, terms, and lender for any planned borrowing in the ordinary course of business during the plan term. *Always* include the first provision regarding the filing of tax returns and paying taxes as it is applicable in any chapter 12 or chapter 13 plan.

Two memos detailing preferred plan language when either the Internal Revenue Service or the Farm Service Agency is a creditor in a chapter 12 or chapter 13 case are available on the Court's website at *www.sdb.uscourts.gov* under Practice Pointers. The memos were prepared by the United States Attorney's office.

In paragraph 6, reference any attachments to the plan, including the mandatory liquidation analysis. If you are attaching a supplemental schedule I and or a supplemental schedule J to show post-petition (current or expected) income and expenses, the debtor does not need to sign these supplemental schedules, but the "supplement" box on the first page of the schedule should be checked. Serve any attachment with the plan.

In the mandatory attached liquidation analysis, if a debtor's real or personal property has changed since the schedules were filed, the liquidation analysis should explain each addition or deletion of an item of property or change in value.

Appendix 3B. Order Confirming Chapter 12 or Chapter 13 Plan with Plan as Confirmed to be Filed.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	
and	)	ORDER CONFIRMING PLAN
	)	
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

A hearing on Debtors' Modified Plan Dated March 1, 2018 (doc. 37) was held April 19, 2018, with appearances as noted in the hearing minutes. Pursuant thereto, and in recognition of and compliance with the findings and conclusions entered on the record; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtors' Modified Plan Dated March 1, 2018 is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed to be filed following the entry of this order.

So ordered:

Appendix 3C. Order Confirming Chapter 12 or Chapter 13 Plan with Clarification Set Forth in the Confirmation Order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	
and	)	ORDER CONFIRMING PLAN
	)	
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

A hearing on Debtors' Modified Plan Dated March 1, 2018 (doc. 37) was held April 19, 2018, with appearances as noted in the hearing minutes. Pursuant thereto and in recognition of and compliance with the findings and conclusions entered on the record; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtors' Modified Plan Dated March 1, 2018 is confirmed as filed, except the last plan payment date shall be June 19, 2020 rather than July 15, 2020.

So ordered:

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

Rather than directing the filing of a Plan as Confirmed to set forth necessary but small changes to a plan to make it confirmable or to resolve objections, the Court will occasionally direct the small change in the plan to be set forth in the confirmation order. When so directed, separately set forth each change the Court has directed in the last paragraph of the confirmation order.

Appendix 3D. Order Modifying Confirmed Chapter 11 (individual debtor), Chapter 12, or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 12
JANE ANNE ANONYMOUS	)	
fdba Jane's Fancy Chickens	)	ORDER MODIFYING
SSN/ITIN xxx-xx-0000	)	CONFIRMED PLAN
	)	
Debtor.	)	

A hearing on Debtor's Motion to Modify Confirmed Plan (doc. 51) was held April 19, 2018, with appearances as noted in the hearing minutes. Pursuant thereto, and in recognition of and compliance with the findings and conclusions entered on the record; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Bob's Bank's objection is overruled in part and sustained in part, and Debtor's motion is granted to the extent her confirmed plan (doc. 48) is modified as follows:

1. Debtor's monthly payment to Trustee Dale A. Wein is decreased from $522.00 to $472.00;

2. The plan term is extended six months with the last plan payment date now being May 23, 2020; and

3. If Debtor should default on her monthly plan payments as provided by this order and if such default remains uncured for at least 30 days, Trustee Wein may file an affidavit of default and this case will be converted to chapter 7, without further notice or hearing.

So ordered:

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

In the "IT IS HEREBY ORDERED" paragraph, set forth each change to the debtor's confirmed plan that the Court authorized.

If no objections to a motion to modify a confirmed plan are filed, the body of the order should read as follows, with the final sentence stating whether the final plan payment date has or has not changed, and if it has changed, the new last plan payment date:

> Upon consideration of Debtor's Motion to Modify Confirmed Plan (doc. 51) and the record before the Court; and it appearing no objections to the motion were timely filed after appropriate notice; and for cause shown; now, therefore,
>
> IT IS HEREBY ORDERED Debtor's motion is granted, and her confirmed plan (doc. 48) is modified as set forth in the motion. The last plan payment date remains March 18, 2022.
>
> So ordered:

Appendix 3E. Statement for Submission of Sample Ballots in a Chapter 11 Case.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	
Tax ID/EIN 18-0111111	)	DEBTOR'S SAMPLE BALLOTS
	)	
Debtor.	)	

Pursuant to Bankr. D.S.D. R. 3018-1(a), attached are Debtor's sample ballots for each class entitled to accept or reject Debtor's Plan Dated May 10, 2018.

Dated: May 11, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON THE FOLLOWING PAGE

Committee Notes

Attach to the statement a sample ballot for each class that is entitled to vote on the plan. With one notable exception set forth below, each sample ballot should conform to Official Form 314 and should include the case name and case number on each page. This helps the Bankruptcy Clerk file a returned ballot when a creditor does not return the entire ballot form.

The exception to Official Form 314 is in the last section labeled "Return this ballot to." Do not state the ballot should be returned to the plan proponent or the plan proponent's attorney. Instead, use the Clerk's Sioux Falls office address for Southern Division cases or the Clerk's Pierre office address for Northern, Central, or Western Division cases:

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Rm. 104
Sioux Falls, SD 57104-6851

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Rm. 203
Pierre, SD 57501-2463

Do not include a deadline for submitting the ballots. That date will be set by order when the disclosure statement is approved and will be inserted by the plan proponent before the ballots are served on the creditors.

Appendix 3F. Chapter 11 Individual Debtor's Certification and Request for Discharge and Entry of Final Decree.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 11
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	DEBTOR WADE J. EARNER'S
and	)	CERTIFICATION AND
	)	REQUEST FOR DISCHARGE
WANDA GAIL EARNER	)	AND ENTRY OF FINAL DECREE
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF WONDERMENT)

I, Wade Joel Earner, one of the above-named debtors, being duly sworn upon oath, state as follows:

1. I am asking the Court to enter a discharge order and a final decree in this case because I have completed all payments due under the confirmed plan and any subsequent modifications thereto as approved by the Court and have completed an instructional course concerning personal financial management and have filed verification of the same with the Court. I further state I have not received a discharge in another chapter 11 bankruptcy case or in a chapter 7 bankruptcy case filed within eight years before the filing of this chapter 11 bankruptcy case, and I have not received a discharge in a chapter 12 or a chapter 13 bankruptcy case filed within six years prior to the filing of this chapter 11 bankruptcy case, unless one of the exceptions provided by 11 U.S.C. §§ 727(a)(9) and 1141(d)(3)(C) apply.

2. I confirm [check A or B]:

☐ A. 11 U.S.C. § 522(q)(1) does not apply because I have not claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than $155,675.00;

OR

☐ B. Although I have claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than $155,675.00, 11 U.S.C. § 522(q)(1)(A) does not apply because I have not been convicted of a felony, as defined by 18 U.S.C. § 3156, that under the circumstances demonstrates the filing of the case was an abuse of the provisions of Title 11 of the United States Code, and 11 U.S.C. § 522(q)(1)(B) does not apply because I do not owe a debt

arising from:

(i) any violation of the federal securities laws, as defined in § 3(a)(47) of the Securities Exchange Act of 1934, any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;

(ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or § 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;

(iii) any civil remedy under 18 U.S.C. § 1964; or

(iv) any criminal act, intentional tort or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years.

3. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

By signing this affidavit, I declare under penalty of perjury all of the statements contained herein and all of the information or documents submitted in support thereof are true and accurate and the Court may rely on the truth of each in determining whether to grant a discharge in this chapter 11 case. The Court may revoke my discharge if any of these statements or any of the information or documents submitted in support thereof are not true and accurate.

Dated: March 9, 2018.

/s/
Wade Joel Earner
Debtor

Subscribed and sworn to before me this 9th day of March, 2018.

(SEAL)

/s/
Notary Public

My commission expires:

SEE COMMITTEE NOTES ON THE FOLLOWING PAGE

Committee Notes

The document shall be completed in full, sworn to and signed in front of a notary public, and filed with the Court in order to begin the discharge process.

Each debtor in a joint case shall complete a separate document.

Pursuant to 11 U.S.C. § 104, the amount of the homestead limitation in paragraph 2 adjusts every three years. The applicable amount is determined by the code provision in effect when the case was filed and should be adjusted in this form as necessary.

Appendix 3G. Chapter 12 Debtor's Notice of Final Report and Final Account.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-40000
	)	Chapter 12
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	
and	)	NOTICE OF FILING FINAL
	)	REPORT AND FINAL ACCOUNT
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

Debtors have filed with the Court and served on the chapter 12 trustee a Final Report and Final Account. Debtors believe they have 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)(9).

Any party objecting to entry of a discharge of debts on the grounds Debtors have 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)(9), shall file a motion to dismiss on or before November 5, 2018 pursuant to Bankr. D.S.D. R. 3072-1A(a)(4).

If no party timely files a motion to dismiss for failure to complete all plan payments, the Court may enter an order discharging debts.

Dated: October 12, 2018.

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

For the last date for objections, use a business date that is 24 days after service of the notice. This notice period already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

Appendix 3H. Chapter 13 Debtor's Certification and Request for Discharge.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-40000
	)	Chapter 13
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	DEBTOR WADE EARNER'S
and	)	CERTIFICATION AND
	)	REQUEST FOR DISCHARGE
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

STATE OF SOUTH DAKOTA)
} ss
COUNTY OF)

I, an above-named debtor, being duly sworn upon oath, state as follows:

1. Eligibility. I am asking the Court to enter a discharge order in this case because I have completed all payments, including any disposable income payments, due under the confirmed plan and any subsequent modifications approved by the Court and I have completed an instructional course concerning personal financial management and have filed verification of the same with the Court. I further state I have not received a discharge in a chapter 7, 11, or 12 bankruptcy case filed within four years before the filing of this chapter 13 bankruptcy case, and I have not received a discharge in another chapter 13 bankruptcy case filed within two years prior to the filing of this chapter 13 bankruptcy case.

2. Domestic Support Obligation (check A or B and, if B is checked, complete part B in full):

☐ A. **NO** Support Debt. I have not been required by a judicial or administrative order or by statute to pay any Domestic Support Obligation, as defined by 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or any time thereafter.

OR

☐ B. Support Debt. I have been required to pay a Domestic Support Obligation, as defined by 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or any time thereafter. I certify that prior to the date of this affidavit I have paid in full any Domestic Support Obligation payments required by a judicial or administrative order or by statute, including amounts due before or since this bankruptcy case was filed, to the extent provided by the confirmed plan and any subsequent modifications thereto.

The name and address of each holder of a Domestic Support Obligation is:

_____ _____

_____ _____

_____ _____

_____ _____

My most recent address is: _____

_____

_____

The name and address of my most recent employer(s) is/are:

_____ _____

_____ _____

_____ _____

_____ _____

3. Debts Not Discharged.
The following creditor(s) hold a claim that is not discharged under 11 U.S.C. § 523(a)(2) or (a)(4) [list name and address of each creditor or specify "NONE"]:

_____ _____

_____ _____

_____ _____

_____ _____

4. Application of 11 U.S.C. § 522(q). I confirm [check A or B]:

☐ A. 11 U.S.C. § 522(q)(1) does not apply because I have not claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than $155,675.00;

OR

☐ B. Although I have claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than $155,675.00, 11 U.S.C. § 522(q)(1)(A) does not apply because I have not been convicted of a felony, as defined by 18 U.S.C. § 3156, that under the circumstances demonstrates the filing of the case was an abuse of the provisions of Title 11 of the United States Code, and 11 U.S.C. § 522(q)(1)(B) does not apply because I do not owe a debt

arising from:

(i) any violation of the federal securities laws, as defined in § 3(a)(47) of the Securities Exchange Act of 1934, any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;

(ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or § 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;

(iii) any civil remedy under 18 U.S.C. § 1964; or

(iv) any criminal act, intentional tort or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years.

5. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

By signing this affidavit, I declare under penalty of perjury all of the statements contained herein and all of the information or documents submitted in support thereof are true and accurate and the Court and the case trustee may rely on the truth of each in determining whether to grant a discharge in this chapter 13 case. The Court may revoke my discharge if any of these statements or any of the information or documents submitted in support thereof are not true and accurate.

Dated: March 9, 2018.

/s/
Wade Joel Earner
Debtor

Subscribed and sworn to before me this 9th day of March, 2018.

(SEAL)

/s/
Notary Public

My commission expires:

SEE COMMITTEE NOTES ON THE FOLLOWING PAGE

Committee Notes

This local form should be used in lieu of Director's Form 2830. The local form contains the information required by Director's Form 2830 and other information the case trustee needs to complete his case administration duties.

The document shall be completed in full, sworn to and signed in front of a notary public, and filed with the Court in order to begin the discharge process.

Each debtor in a joint case shall complete a separate document.

Pursuant to 11 U.S.C. § 104, the amount of the homestead limitation in paragraph 4 adjusts every three years. The applicable amount is determined by the code provision in effect when the case was filed and should be adjusted in this form as necessary.

When this document is filed, it is not available for public view because of the personal identifier information that may be included. The Clerk will serve a copy of the document on the case trustee so the trustee can complete his case administration duties.

Any question a debtor may have pertaining to this document or declarations contained in this certification shall be directed to the debtor's attorney, not the case trustee. The case trustee cannot provide legal advice to any debtor.

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	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. 18-90000
	)	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 21, 2018, 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 2019. 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, 2019, when Debtor expects to have her proposed plan confirmed. This is the term 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, which is attached to this motion.

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

Dated: September 28, 2018.

/s/

Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@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 the debtor wants to use, reword paragraphs (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 the cash collateral offer does include plan treatment, for the plan treatment to be binding on the bankruptcy estate the motion and the notice of motion must be served on all creditors and other parties in interest not electronically served.

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	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 21, 2018, 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 2019. 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, 2019, when Debtor expects to have her proposed plan confirmed. This is the term 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, which is 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 9, 2018, when Debtor must pay her employees wages and benefits, certain utilities and insurance, and the wholesale supplier for flowers 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 to this motion an Exhibit C that details the expenses she must pay on or before October 9, 2018, 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 9, 2018, and final authorization to use total cash collateral of $11,200.00 in the operation of her business, for the purposes and on the terms and conditions set forth in this motion and the exhibits attached hereto.

Dated: September 28, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@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 motion 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 the cash collateral offer does include plan treatment, for the plan treatment to be binding on the bankruptcy estate the motion and the notice of motion must be served on all creditors and other parties in interest not electronically served; and
>
> Exhibit C - under Fed.R.Bankr.P. 4001(b)(2) and Bankr. D.S.D. R. 4001-2, a detailed list of the exact expenses the debtor needs to pay with the preliminary authorization for cash collateral sought, the amount of each expense, and the date each expense needs to be paid. A debtor may make more than one preliminary request within a motion.

When a preliminary hearing is requested, file only the motion. Do not serve the motion. Do not prepare or file a notice or a 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. The movant should anticipate the Court will require service the same day a motion seeking preliminary authority is sought.

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-00001
	)	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, for the purposes and on the terms and conditions set forth in the motion.

So ordered:

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

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 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, for the purposes and 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. 18-00001
	)	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, for the purposes and 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. 18-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S MOTION FOR
Tax ID/EIN 10-0111111	)	AUTHORITY TO OBTAIN SECURED
	)	CREDIT 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, 2018, 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, 2018, when Debtor expects to have its proposed plan confirmed. This is the term 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 2, 2018. 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, for the purposes and on the terms and conditions set forth in this motion and the exhibits attached hereto.

Dated: May 11, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If the debtor needs secured credit before the regular 17-day notice period expires, follow the sample motion 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. 18-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S MOTION FOR AUTHORITY
Tax ID/EIN 10-0111111	)	TO OBTAIN SECURED CREDIT
	)	FROM JUSTICE STATE BANK AND
Debtor.	)	REQUEST FOR PRELIMINARY HEARING

Debtor Bob's Feed & 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, 2018, 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 18, 2018, 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, 2018, when Debtor expects to have its proposed plan confirmed. This is the term 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 2, 2018. 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 18, 2018, when Debtor must pay its employees wages and benefits and when Debtor must pay its wholesale supplier for the alfalfa and sweet clover seed Debtor 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 to this motion an Exhibit C that

details other expenses it must pay on or before May 18, 2018, 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 18, 2018, and requests final authority to obtain total secured credit of $47,000.00, for the business purposes and on the terms and conditions set forth in this motion and the exhibits attached hereto.

Dated: May 11, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

If the debtor does not need secured credit before the regular 17-day notice period expires, follow 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 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 the amount of each the debtor needs to pay with the secured credit 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 a 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. The movant should anticipate the Court will require service the same day a motion seeking preliminary authority is sought.

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-00001
	)	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, for the purposes and on the terms and conditions set forth in the motion.

So ordered:

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

If preliminary authority to obtain secured credit 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 secured credit is granted, and Debtor may obtain secured credit of $47,000.00 from Justice State Bank, for the purposes and 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. 18-00001
	)	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, for the purposes and on the terms and conditions set forth in the motion.

So ordered:

Appendix 4J. Motion to Avoid Certain Liens under § 522(f).

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	DEBTOR'S MOTION TO
SSN/ITIN xxx-xx-0000	)	AVOID CERTAIN LIEN
	)	
Debtor.	)	

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

(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 (total).

(2) Debtor has claimed the property described in paragraph (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 paragraph (1) to secure Debtor's repayment of $250.00.

(4) The lien described in paragraph (3) impairs Debtor's claimed exemption:

Value of property	$1,000.00
Minus amount of lien(s) to be avoided	250.00
Minus amount of all other encumbrances	500.00
Equals equity to support exemption	$ 250.00
Minus Debtor's allowed exemption	300.00
Equals impairment	<$ 50.00>

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

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

In paragraph (1), describe the exempt property. If the exempt property is the debtor's homestead, include the legal description and attendant street address. 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 lienholders and liens 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 difference between the value of the exempt property and the total of all encumbrances (both the "lien(s) to be avoided" and "all other encumbrances") results in "equity to support exemption" that is less than the amount of the debtor's allowed exemption, the "lien(s) to be avoided" impair the debtor's allowed exemption. If the impairment is equal to or greater than the "lien(s) to be avoided," the lien(s) will be avoided in their entirety. If the impairment is less than the "lien(s) to be avoided," the lien(s) will be avoided, in the reverse order of their priority, only to the extent of the impairment.

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 hold judgment liens that encumber the property:
>
> > Hazel's Dry Cleaning, judgment for $114.00, plus any interest and costs, dated July 15, 2015, Civ. No. 15-03, Fifth Judicial Circuit, Brown County, South Dakota.
> >
> > Bud's Bar, judgment for $8,100.00, plus any interest and costs, dated May 2, 2016, Civ. No. 16-04, Fifth Judicial Circuit, Brown County, South Dakota.
>
> (4) The judgment liens described in paragraph (3) impair Debtor's claimed exemption:

Value of property	$ 137,250.00
Minus amount of lien(s) to be avoided	8,214.00
Minus amount of all other encumbrances	124,664.34
Equals equity to support exemption	$ 4,371.66
Minus Debtor's allowed exemption	$ 60,000.00
Equals impairment	<$ 55,628.34>

Appendix 4K. Order Avoiding Certain Liens.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	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 pursuant to 11 U.S.C. § 522(f).

So ordered:

SEE COMMITTEE NOTE ON FOLLOWING PAGE

Committee Note

If one or more judicial liens on an exempt homestead are being avoided, the body of the proposed order should provide:

> Upon consideration of Debtor's Motion to Avoid Certain Liens (doc. 24) 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, as to Debtor's homestead, described as follows,
>
> > Block 1, Crystal Addition in the Northeast Quarter (NE¼), 25-115-49, Deuel County, South Dakota; aka 4001 Blue Jay Trail, Toronto, South Dakota 57268,
>
> the following judicial liens are avoided in their entirety pursuant to 11 U.S.C. § 522(f):
>
> > State Bank, the judicial lien arising from the judgment for $1,112.12 docketed on November 5, 2012, in case no. 12CIV02012079-01 in Deuel County, South Dakota.
> >
> > Karl's Kustom Kars, the judicial lien arising from the judgment for $972.00 docketed on September 12, 2014, in case no. 14CIV01001001-01 in Deuel County, South Dakota.
> >
> > So ordered:

Appendix 4L. Supplement to Reaffirmation Agreement.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-10000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Anne's Pottes 'n Pannes	)	DEBTOR'S SUPPLEMENT
SSN/ITIN xxx-xx-1111	)	TO REAFFIRMATION AGREEMENT
	)	WITH COYOTE STATE BANK[1]
Debtor.	)	

STATEMENT UNDER 11 U.S.C. § 524(k)

In support of, and as a supplement to, my reaffirmation agreement with Coyote State Bank (doc. 22), I, Debtor Jane Anne Anonymous, hereby state my monthly income and expenses have changed as set forth below since May 11, 2018, when my petition in bankruptcy was filed:

Total Monthly Income, Schedule I[2]	$	1,921.00
Adjustments since petition:[3]		
Pay increase effective June 11, 2018	+	42.00
Union dues increase effective June 1, 2018	-	14.00
Total Present Monthly Income	$	1,949.00
Total Monthly Expenses, Schedule J[4]	$	1,977.00
Less original payment on debt to be reaffirmed[5]	-	287.44
Adjustments since petition:[6]		
Car payments now completed	-	211.58
Day care starting July 2, 2018	+	229.00
Difference in reaffirmed debt payment with Auto Loan America[7]	-	91.12
Difference in reaffirmed debt payment with Mortgage Nation United	+	43.32
Total Present Monthly Expenses	$	1,659.18
Net difference		
(Total Present Monthly Income less Total Present Monthly Expenses)		289.82
Less payment on debt reaffirmed per agreement[8]	-	418.51
	<$	128.69>[9]

STATEMENT UNDER 11 U.S.C. § 524(m)
TO REBUT PRESUMPTION OF UNDUE HARDSHIP

So I can afford to make the payments on the reaffirmed debt with Coyote State Bank, I will reduce my cable television services for a savings of $40.00 per month,

reduce my food allowance for a savings of $35.00 per month, and work one extra Saturday per month for an increase in income of $72.50 per month, giving me $147.50 more net income per month.

Dated: July 2, 2018.

/s/
Jane Anne Anonymous
Debtor

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@lawfirm.com

SEE COMMITTEE NOTES ON FOLLOWING PAGE.

Committee Notes

1. The first part of this supplement sets forth the information necessary for a debtor to comply with 11 U.S.C. § 524(k), regarding differences in a debtor's present income and expenses from those stated in the schedules. The second part sets forth the information necessary for a debtor to overcome any presumption of undue hardship under 11 U.S.C. § 524(m).

2. If the debtor has amended schedule I, use the total from the most recent amended schedule I.

3. If the debtor's income is different than stated on schedule I (or the most recent amended schedule I), set forth the amount and reason for each change. Do not include any changes the debtor plans to make going forward to overcome any presumption of undue hardship.

4. If the debtor has amended schedule J, use the total from the most recent amended schedule J.

5. Use the monthly payment amount of the debt as listed on schedule J or the most recent amended schedule J. Do *not* recognize here any difference there may be between the payment as stated on schedule J and the payment as now stated in the reaffirmation agreement.

6. If the debtor's expenses are different than stated on schedule J (or the most recent amended schedule J), set forth the amount and reason for each change. Exclude any changes regarding any debts being reaffirmed. Do not include any changes the debtor plans to make going forward to overcome any presumption of undue hardship.

7. If the monthly payment on another debt being reaffirmed is different than what was stated on schedule J (or the most recent amended schedule J), list each payment and the amount of the difference (not the full amount of the monthly payment).

8. Use the amount stated in the reaffirmation agreement.

9. The difference between Total Present Monthly Income and Total Present Monthly Expenses should be sufficient to allow the debtor to make the payment on the reaffirmed debt. If it is, put "N/A" under STATEMENT UNDER 11 U.S.C. § 524(m) TO REBUT PRESUMPTION OF UNDUE HARDSHIP. If it is not sufficient, the debtor will need to provide a detailed explanation, under STATEMENT UNDER 11 U.S.C. § 524(m) TO REBUT PRESUMPTION OF UNDUE HARDSHIP, of how the debtor will, going forward, increase his income or reduce his expenses to be able to make the payments on the reaffirmed debt. If the debtor's explanation of how he will make up any shortfall includes a provision that another person is going to help him make the agreed payments or provide other financial support, the debtor shall include with the supplement an affidavit from that person that conforms with Bankr. D.S.D. R. 4008-1(b)(1). If the debtor's written explanation is sufficient and if the debtor's attorney signed the reaffirmation agreement, the Court may approve the reaffirmation agreement without a hearing.

Appendix 4M. Notice of Rescission of Reaffirmation Agreement.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	DEBTOR'S NOTICE OF RESCISSION
SSN/ITIN xxx-xx-0000	)	OF REAFFIRMATION AGREEMENT
	)	WITH EIGHTH NATIONAL BANK
Debtor.	)	

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, 2018, regarding the following debt:

Description	Amount
1975 AMC Gremlin	$550.00

Dated: October 12, 2018.

/s/
Jane A. Anonymous
Debtor

/s/
Joseph J. Carson, Esq.
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: jjclaw@lawfirm.com

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 6A. Notice of Proposed Sale of Property under $2,500.00.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TRUSTEE'S PROPOSED
SSN/ITIN xxx-xx-0000	)	SALE OF PROPERTY UNDER $2,500.00
	)	
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 $2,500.00, and it constitutes all the nonexempt property of the estate. There are no known encumbrances on the property. For those items to be 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, 2018, a typewritten response explaining your position. Your response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files a response, you or your attorney shall 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 stated above. 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, 2018.

/s/
Trustee Samuel S. Smith
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: ssslaw@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. This notice period already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

In the fourth and fifth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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 not electronically served, including but not limited to any auctioneer conducting the sale.

Appendix 6B. Report of Sale.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	
SSN/ITIN xxx-xx-0000	)	TRUSTEE'S REPORT OF SALE
	)	
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, 2018, 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, 2018.

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

SEE COMMITTEE NOTES ON FOLLOWING PAGE

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) may reference the auctioneer's sale report in the opening paragraph of the trustee's report and attach a copy of the auctioneer's report to the trustee's report. The auctioneer's report should be signed and dated by the auctioneer. *See* Fed.R.Bankr.P. 6004(f)(1).

If the property is **not sold** as previously ordered, a "Report of No Sale" should be filed by changing the title and changing the body of the report to provide, 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 13, 2018, 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.
>
> Dated:

Appendix 6C. Notice of Proposed Abandonment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	TRUSTEE'S NOTICE OF
SSN/ITIN xxx-xx-0000	)	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, 2018, 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, 2018, a typewritten response explaining your position. Your response must include the case name and case number and be signed and dated by you or your attorney. 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 U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. 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 files a response, you or your attorney shall 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 stated above. 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, 2018.

/s/
Trustee Samuel S. Smith
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605) 555-5555
e-mail: ssslaw@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. This notice period already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

In the fourth and fifth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone 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 not electronically served.

Appendix 6D. Order Compelling Abandonment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	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:

2012 Jeep Cherokee, VIN: WNAX3EH076006.

This order constitutes 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 at *www.sdb.uscourts.gov* under Local Rules and Forms and then All Local Forms.

Appendix 7A. Adversary Proceeding Caption.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
Tax ID/EIN 41-0149270	)	
	)	
Debtor.	)	
	)	
BOB'S FEED & SEED, INC.	)	Adv. No. 18-9001
	)	
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 Local Rules and Forms and then All Local Forms. Directions on how to use a merge form/template are also available under "How to Use...."

Appendix 7B. Order Directing Entry of Default Judgment.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	
SSN/ITIN xxx-xx-0000	)	
	)	
Debtor.	)	
	)	
JANE ANNE ANONYMOUS	)	Adv. No. 18-9001
fdba Jane's Flower Shop	)	
	)	
Plaintiff	)	
	)	
-vs-	)	ORDER DIRECTING ENTRY
	)	OF DEFAULT JUDGMENT
PEOPLES STATE BANK	)	
and BLUNT FEDERAL CREDIT UNION	)	
	)	
Defendants.	)	

Upon consideration of Debtor-Plaintiff Jane Anne Anonymous's Application for Entry of Default Judgment (doc. 11), Attorney Thomas B. Bruce's affidavit in support of the application (doc. 11-1), 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. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	
SSN/ITIN xxx-xx-0000	)	
	)	
Debtor.	)	
	)	
JANE ANNE ANONYMOUS	)	Adv. No. 18-9001
fdba Jane's Flower Shop	)	
	)	
Plaintiff	)	
	)	
-vs-	)	DEFAULT JUDGMENT
	)	
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, fdba 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. 18-60400
	)	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 Local Rules and Forms and then All Local Forms. Directions on how to use a merge form/template are also available under "How to Use...."

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90400
	)	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.	)	

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 Local Rules and Forms and then All Local Forms. Directions on how to use a merge form/template are also available under "How to Use...."

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

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-80301
	)	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 Local Rules and Forms and then All Local Forms. Directions on how to use a merge form/template are also available under "How to Use...."

Appendix 9D. Certificate of Service.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	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, 2018 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 Tipsy Drive
Justice, SD 57000

Dated: February 9, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

Appendix 9E. Withdrawal of Document.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	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, 2018.

/s/
Jane Anne Anonymous, Debtor

SEE COMMITTEE NOTES ON FOLLOWING PAGE

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.

This sample is for a withdrawal of a document by a *pro se* debtor. An attorney may file a "text entry" withdrawal through CM/ECF (no paper document), serve a copy of the Notice of Electronic Filing on any party in interest who does not receive electronic notice, and file a certificate of service. Call the Clerk's office for further guidance on a text entry withdrawal.

Appendix 9F. Agreed Order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90002
	)	Chapter 7
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	
and	)	ORDER RE: TRUSTEE'S
	)	MOTION FOR TURNOVER
WANDA GAIL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

Upon consideration of Trustee I. M. Work's Motion for Turnover (doc. 23), Debtors' response (doc. 24), 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 an agreed order, of their consent to the relief set forth herein; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtors shall, on or before December 14, 2018, turn over their 1976 AMC Gremlin, VIN: 1K3CH56R32N228133, to Trustee Work. Debtors may retain possession of their 2012 Jeep Wrangler.

So ordered:

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

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

Include a specific date for when any 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 may be the subject of the order. Include the make, model, year, and identification number of any vehicle, motorcycle, or boat that may be 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 to 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. 18-80000
	)	Chapter 12
WADE JOEL EARNER	)	
aka W.J. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	DEBTORS' WITNESS AND EXHIBIT
and	)	LIST FOR THE MARCH 15, 2018
	)	EVIDENTIARY HEARING ON BOB'S
WANDA GAIL EARNER	)	BANK'S MOTION TO DISMISS CASE
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

Witnesses:

Wade J. Earner, Debtor

Robert Banker, President of Bob's Bank

Rodney Q. Turner, Extension Agent, Justice County

Abe Acus, C.P.A.

Exhibits:

D1 - Debtors' Federal Income Tax Returns for 2013 through 2016

D2 - Balance Sheets for Debtors' Farm (actual) for 2013 through 2016

D3 - Debtors' Farm and Family Budgets (planned) for 2018 and 2019

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtors
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Caption the document for the main bankruptcy case for an evidentiary hearing on a contested matter in the bankruptcy case. Caption the document for an adversary proceeding when preparing the list for a trial or evidentiary hearing on a motion in the adversary proceeding. 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. Index for Exhibit Notebook for Evidentiary Hearing or Trial.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-70001
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	
SSN/ITIN xxx-xx-0002	)	
	)	
Debtor.	)	
	)	
BOB'S FIRST NATIONAL BANK	)	Adv. No. 18-7001
	)	
Plaintiff	)	
	)	
-vs-	)	PLAINTIFF'S EXHIBIT INDEX
	)	FOR DECEMBER 11, 2018 TRIAL
JANE ANNE ANONYMOUS	)	
	)	
Defendant.	)	

ID	Brief Description	Marked	Offered	Objection	Admitted	Notes
B1	2015 SRX Title					
B2	pictures of circus ponies					
B3	October 2016 phone log					

Dated: December 5, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Plaintiff
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

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

For the identification mark to use for exhibits, 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 index, in Word or WordPerfect format (not a .pdf), to *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 the evidentiary hearing. Exhibits to be offered jointly should be put in notebooks separate from a party's exhibits. Avoid excessively large notebooks as they are difficult for the witness and others to use.

Appendix 9I.

Orders Prepared by the Court

Parties do not need to submit the following proposed orders unless specifically directed to do so by the Court:

Order Allowing Administrative Expenses Following Chapter 7 Trustee's Final Report and Application for Compensation.*

Order Authorizing Debtor to Pay Filing Fee in Installments.

Order Authorizing Employment of Estate Professional (including an attorney for a trustee or a chapter 11 or a chapter 12 debtor).*

Order Confirming Plan (chapter 12 or chapter 13 and no objections have been filed or all filed objections have been withdrawn).*

Order Deferring Discharge.*

Order Dismissing Chapter 13 Case (when no objections have been filed or all filed objections have been withdrawn).*

Order Extending Deadline to File Plan, Schedules, or Statements.*

Order Limiting Notice.

Order Reducing (shortening) Notice.

Order Refunding Certain Fees.*

Order Rescheduling Hearing or Trial.*

Order Reopening Case or Adversary Proceeding.*

Order Scheduling Evidentiary Hearing or Trial.

Order Striking Certain Document.*

Order Substituting Redacted Document (including a redacted proof of claim).*

Order Waiving Filing Fee or Other Fees for Indigent Debtor.

Order Waiving Notice of Need to File a Proof of Claim.*

Those orders marked above with an asterisk will 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. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	CERTIFICATE OF SERVICE OF
SSN/ITIN xxx-xx-0000	)	PROPOSED ORDER CONFIRMING
	)	PLAN AND PLAN AS CONFIRMED
Debtor.	)	UNDER BANKR. D.S.D. R. 9072-1(b)

I hereby certify that on February 9, 2018 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 February 1, 2018. Copies of the proposed Order Confirming Plan and proposed Plan as Confirmed are attached hereto.

Dated: February 9, 2018.

/s/
Joseph J. Carson, Esq.
Attorney for Debtor
101 E. Legal Lane
Justice, SD 57000-0000
tele: (605)555-5555
e-mail: jjclaw@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 entitled to service under rule 9072-1(b) 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 a .pdf document), to *proposed_orders@sdb.uscourts.gov*.