

BANKRUPTCY ^{UP}DATE

November 3, 2015

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

New Member

Please welcome Michael Luce to the group.

CLN Decision

Use the link in the "Links" section below to view this decision:

In re McGee

Issue: Whether the debtor may claim exempt under S.D.C.L. § 43-45-2(9) the unpaid portion of a pre-petition alimony award that was for a stated sum to be paid over a stated term?

Ruling: The unpaid portion of the debtor's alimony as of the petition date does not qualify for exemption under S.D.C.L. § 43-45-2(9) because the alimony award was for a lump sum, which is excluded by the statute. The debtor's available exemption rests solely under S.D.C.L. § 43-45-4 to the extent of the statutory limit.

Official Forms Changes Effective December 1

Judge Nail entered a [General Order](#) today adopting amended local bankruptcy rules and appendices effective December 1, 2015. The amendments were largely triggered by the many

revised Official Bankruptcy Forms that take effect December 1, 2015. Judge Nail also incorporated into the amended local rules several changes and corrections suggested by the bankruptcy bar over the past handful of years.

The local rules committee will be convened in the new year to formally consider the amended rules and appendices. The slight delay is to give us all time to see how the new forms are working and to ensure the amended local rules are appropriately tailored to them.

Soon we will also post on the Court's website a second copy of the amended rules and appendices. That copy will highlight the most notable changes and include some annotations explaining them.

If you have any questions or comments about the amended rules and appendices, please e-mail Judge Nail's law clerk at Kay_Cee_Hodson@sdb.uscourts.gov or the Bankruptcy Clerk at Rick_Entwistle@sdb.uscourts.gov.

South Dakota Filings Down 9 Percent in 2015

In the first 10 months of this year 958 bankruptcy cases were filed in South Dakota, a nine percent decrease from the number of bankruptcies filed in the first 10 months of last year. October filings decreased from 93 in 2014 to 90 last month.

Links

[In re McGee](#)

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