

BANKRUPTCY ^{UP}DATE

November 21, 2017

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 Timothy Barnaud to the group.

Chambers Closed November 23 and 24

In celebration of Thanksgiving, Chambers and the Clerk's office will be closed this Thursday, November 23, and Chambers will also be closed this Friday, November 24. If you need to contact Chambers this Friday, please send an e-mail to Law Clerk Kay Cee Hodson at Kay_Cee_Hodson@sdb.uscourts.gov or call the Clerk's office.

CM/ECF to be Down to Transition to New Rules

Our Court's CM/ECF system will be shut down at 5:00 p.m. (Central) on Thursday, November 30, 2017, and will be brought back up at approximately 8:00 a.m. (Central) on Friday, December 1, 2017. The shutdown is necessary to allow our IT staff to make the software changes attendant to the amended Federal Rules of Bankruptcy Procedure and the amended local bankruptcy rules that take effect December 1, 2017.

Amendments to Local Bankruptcy Rules: Focus on Amending a Petition, Schedule, or Statement

Under amendments effective December 1, 2017, how a petition, schedule, or statement is amended will change. Under the new procedure, we will take advantage of the check box on the front page of most of the new official forms that indicates the document is an amended version.

Here is a summary of how the new procedure will work, using schedule C as an example:

- (1) Take the original Official Form 106C that was filed in the case, make the necessary changes, and check the "amended filing" box on the first page;
- (2) Complete a Declaration About an Individual Debtor's Schedules (Official Form 106Dec) *or* a Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) and attach it to the amended schedule C as the last page;
- (3) Prepare a notice of the amendment using the sample at Appendix 1H that is effective December 1, 2017, and in the notice describe the changes the debtor has made in the amended schedule C;
- (4) Serve the *notice only* on all creditors and other parties in interest; and
- (5) File the amended schedule with the declaration as the last page of the amendment and attach the notice of the amendment and a certificate of service.

Please note, under the new procedure, when a petition, schedule, or statement is amended, only the notice of the amendment is served. Who is served has not changed – check the local rule for guidance. Separate local rules will still govern an amendment of a Social Security number and an amendment of a mailing list of creditors. *See* Bankr. D.S.D. Rs. 1009-3 and 1009-4.

Please contact Chief Deputy Clerk Vicky Reinhard or Law Clerk Kay Cee Hodson if you have any questions or concerns.

Link

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

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

HAPPY THANKSGIVING

from Chambers and the Clerk's office