

BANKRUPTCY ^{UP}DATE

February 12, 2018

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

Joint Debtors and Sole Proprietorships

Counsel for debtors, please do **not** list a particular business as a dba or an fdba for both joint debtors. As stated in the Practice Pointers following Bankr. D.S.D. R. 1002-1:

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.

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.