

BANKRUPTCY ^{UP}DATE

May 22, 2019

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

Certificates of Service

Pursuant to Bankr. D.S.D. R. 9004-3(d), a certificate of service shall be filed on the same day the document is served. If it is filed on the same day the document is filed, the certificate of service shall be filed as an attachment to the document. As required by Bankr. D.S.D. R. 9004-3(d), the certificate of service shall conform to the sample at [Appendix 9D](#) of our local bankruptcy rules and shall **not** include the names or addresses of parties who will be served electronically by the Clerk.

CLN Decisions

You can use the links in the "Links" section below to listen to the Bankruptcy Court's hearing, read the Bankruptcy Court's orders, and read the judgments of the Bankruptcy Appellate Panel for the Eighth Circuit Court of Appeals concerning the following cases:

In re James and Sandra Garrett

In re Levi Garrett

Issue: Whether the debtors' chapter 11 cases should be dismissed for cause under 11 U.S.C. § 1112(b)?

Ruling: Yes. The creditor's motions to dismiss were granted because the debtors had made insufficient progress toward confirming plans during the nearly 16 months their cases were pending and because the debtors settled their crop insurance claim without notice or court approval and spent some of the proceeds without permission from the Court. The Court did not find unusual circumstances establishing that dismissing the debtors' cases was not in the best interest of creditors and the bankruptcy estates.

Links

In re James and Sandra Garrett

In re Levi Garrett

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.