

BANKRUPTCY ^{UP}DATE

August 6, 2019

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 Eric John Nies to the group.

CLN Decision

You can use the link in the "Links" section below to view the following decision:

Winter v. Winter (In re Winter)

Issue: Whether the claim of the debtor's former spouse is a domestic support obligation excepted from discharge under 11 U.S.C. §§ 1328(a)(2) and 523(a)(5)?

Ruling: Yes. Based on the parties' stipulated facts and exhibits and after considering the factors set forth in *Phegley v. Phegley (In re Phegley)*, 443 B.R. 154, 158 (B.A.P. 8th Cir. 2011), the Court found the money the debtor was obligated to pay his former spouse at the time of their divorce was in the nature of support and thus cannot be discharged in the debtor's bankruptcy case.

South Dakota Filings Up 41 Percent in July

Forty-one percent more bankruptcy cases were filed last month in South Dakota than were filed in July of 2018. Total South Dakota bankruptcy filings through the first seven months of this year are down eight percent compared to the number of cases filed in the first seven months of 2018.

Links

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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.