

BANKRUPTCY ^{UP}DATE

June 1, 2020

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CLN Decision

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

In re Bauman

Issue: Whether the debtor may claim the funds in her individual retirement account exempt under S.D.C.L. § 43-45-16 where the funds originated from her ex-spouse's qualified retirement plan through his employer, but were awarded to the debtor in a divorce settlement?

Ruling: Yes. The chapter 7 trustee bore the burden of establishing the exemption was not properly claimed, but did not establish a record that undermined the debtor's reliance on S.D.C.L. §§ 43-45-16 and -17 and 26 U.S.C. § 408(d)(6) in claiming the funds exempt.

Links

[In re Bauman](#)

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