

BANKRUPTCY ^{UP}DATE

June 8, 2020

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

Best Case and Pre-Petition Credit Counseling

Best Case bankruptcy software appears to calculate the time period within which a debtor must receive pre-petition credit counseling differently than Judge Nail. We recommend **not** waiting until what you believe is the last possible day to file a debtor's petition.

CLN Decision

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

In re Stevenson

Issue: Whether the debtor's bankruptcy case should be dismissed because she did not receive her pre-petition credit counseling during the 180-day period ending on the date her petition was filed, as required by 11 U.S.C. § 109(h)(1)?

Ruling: Yes. The debtor's case was dismissed since she received her pre-petition credit counseling outside the 180-day window ending on the date her petition was filed. Following the amendment of 11 U.S.C. § 109(h)(1) in 2010,

the petition date is "day 180" and the days are counted back, starting with and including the date the petition was filed, to reach "day 1" and establish the parameters of the 180-day period.

South Dakota Filings Up 13 Percent in May

Thirteen percent more bankruptcy cases were filed last month in South Dakota than were filed in May of 2019. Total South Dakota bankruptcy filings through the first five months of this year are down nine percent compared to the number of cases filed in the first five months of 2019.

Links

In re Stevenson

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.