

# **BANKRUPTCY <sup>UP</sup>DATE**

## **May 5, 2021**

If someone else would like to receive these <sup>UP</sup>dates, please send an e-mail to [Shan\\_Stroup@sdb.uscourts.gov](mailto:Shan_Stroup@sdb.uscourts.gov).

### **Serve Parties in Interest, Including Lienholders, When Filing a Motion for Relief From the Stay**

Pursuant to Bankr. D.S.D. R. 4001-1(a)(3), a motion for relief from the automatic stay and the required notice of the motion must be served on "parties in interest not electronically served." Bankr. D.S.D. R. 9001-1(7)(I) defines "parties in interest" to include "any entity claiming a lien on or other interest in any affected property." Therefore, a motion for relief from the automatic stay and the attendant notice must be served on holders of liens, mortgages, or other encumbrances against the real or personal property that is the subject of the motion.

### **Link**

[Previous Bankruptcy <sup>UP</sup>dates](#)

As always, should you have questions regarding this <sup>UP</sup>date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.