

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

## **July 6, 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).

### **Joint Debtors and Sole Proprietorships**

Counsel for debtors, please do **not** list a particular business as a dba or an fdba for both joint debtors. As stated in the Practice Pointers following Bankr. D.S.D. R. 1002-1:

If a married couple files a joint petition, only one joint debtor should be reflected on the petition as previously or presently operating a particular business as a sole proprietorship. If both joint debtors are associated with the same business, it indicates the couple operated the business as a partnership, not a sole proprietorship. However, a partnership is a legal entity that must file a separate petition to obtain bankruptcy relief.

### **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.