

BANKRUPTCY ^{UP}DATE

May 24, 2022

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CLN Decision

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

In re Ward

Issue: Whether the debtor may claim a homestead exemption in his former marital home?

Ruling: No. The debtor had forfeited his right to claim his former marital home exempt as his homestead because he did not reside in the home on the petition date and had no intention to return to it. While S.D.C.L. § 43-45-3(2) creates an exception to this general forfeiture rule that may apply when a person leaves a marital home due to divorce, the debtor's circumstances did not fall within this exception since the debtor did not hold a court-ordered lien against the property under S.D.C.L. § 25-4-42.

Links

In re Ward

Previous Bankruptcy ^{UP}dates