

BANKRUPTCY ^{UP}DATE

December 22, 2022

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

CLN Decision

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

In re Ward

Issue: Whether a chapter 7 debtor may claim a homestead exemption in a marital home owned by her former husband under S.D.C.L. §§ 43-31-1, 43-31-4, and 43-45-3(1)?

Ruling: Yes. The chapter 7 trustee's objection to the debtor's claimed homestead exemption was denied. On the petition date the debtor met the requirements of S.D.C.L. § 43-31-2 to claim a homestead exemption because the debtor used the house as her home and she was an owner of the house, under the definition of "ownership" provided by S.D.C.L. § 43-2-1, because her use was exclusive.

Sole Proprietorships on Petition and SOFA

Counsel for debtors, please remember to set forth in the answer to question 4 of the petition all business names, trade names, and doing business as names (i.e., sole proprietorships),

including any associated employer identification numbers, used by an individual debtor in the last 8 years. In the answer to question 12 of the petition set forth whether the individual debtor is **currently** a sole proprietor of a business and include the name and address of each business. As stated in Bankr. D.S.D. R. 1002-1(b), any sole proprietorship listed in the answer to question 12 should also be listed in the answer to question 4. If an individual debtor is or was operating a business solely in his or her own name, it is **not** necessary to list a dba or an fdba consisting only of the debtor's name on the petition. An individual debtor's interest in a corporation or a partnership should **not** be listed on the petition. If an individual debtor has been the sole proprietor of a business in the last 4 years, please make sure the first box is checked in the answer to question 27 of the statement of financial affairs and provide the requested details for each business.

Links

[In re Ward](#)

[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.

HAPPY HOLIDAYS

from Chambers and the Clerk's office