

BANKRUPTCY ^{UP}DATE

December 10, 2024

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

New Member

Please welcome David D. Schweigert to the group.

A Statistical Anomaly

In the first 11 months of 2024 the identical number of bankruptcy cases were filed (587) as in the first 11 months of last year.

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

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