

Rule 2016-3. Total Legal Fees, Costs, and Expenses for Debtor's Attorneys in Chapter 13 Cases-Simplified Application.

(a) Legal fees, costs, and expenses included in the presumptively reasonable fee-simplified application. An application by an attorney who represents a debtor in a chapter 13 case seeking compensation for services or reimbursement of necessary costs and expenses from the estate shall contain the information required by Fed.R.Bankr.P. 2016(a) by setting forth the detailed statements listed below if the attorney's total claim for legal fees, costs, and expenses does not exceed a presumptively reasonable amount of \$5,000.00. This total claim is presumed to compensate a debtor's attorney for all services in a typical chapter 13 case, including at a minimum, those listed in paragraph (1) below. The attorney may request an order awarding compensation by this simplified application that conforms to Appendix 20-2. The application shall be served on parties in interest not electronically served and the notice shall be served on all creditors not electronically served. The notice shall conform to Fed.Rs.Bankr.P. 2002(a)(6) and 2002(c)(2), Bankr. D.S.D. R. 2002-1(e), and Appendix 2G and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the application and the notice of the application. The Court may issue the requested order without a hearing if no objections are filed.

(1) The presumptively reasonable fee must include, at a minimum, the following necessary services:

(A) Pre-petition services including, but not limited to:

(i) analyzing the debtor's financial situation and rendering advice to the debtor to determine whether to file a petition in bankruptcy and, if so, under what chapter;

(ii) explaining the terms of representation, filing fees, and plan payment requirements;

(iii) reviewing information provided by the debtor and preparing and revising the debtor's petition, schedules, statements, plan, and other necessary documents and forms;

(iv) performing due diligence tasks;

(v) consulting and communicating with the debtor to gather information;

(vi) advising the debtor of his or her requirements and responsibilities;

(vii) advising the debtor of the requirements to obtain pre-petition credit counseling, to file all income and other tax returns, and to maintain appropriate insurance;

(viii) advising the debtor of the requirements to complete a financial management course after filing and the steps necessary to obtain a discharge; and

(ix) reviewing the completed petition, schedules, and statements with the debtor, obtaining the debtor's signatures, and filing the documents.

(B) Post-petition and pre-confirmation services including, but not limited to:

(i) advising and representing the debtor at the meeting of creditors;

(ii) representing the debtor at the confirmation hearings, if necessary;

(iii) ensuring bank statements, tax returns, and other records are timely submitted to the trustee;

(iv) initiating and responding to correspondence and calls to and from the trustee, the United States Trustee, creditors, and other interested parties as necessary for the timely administration of the case;

(v) timely preparing, filing, and serving a plan and any modifications, along with any necessary documents or amended and supplemental schedules and statements;

(vi) timely responding to objections to plan confirmation and negotiating with such parties on the debtor's behalf;

(vii) reviewing proofs of claim;

(viii) monitoring all incoming case information;

(ix) timely responding to pleadings filed in the debtor's case to obtain plan confirmation; and

(x) advising the debtor on the case, as necessary.

(C) Post-confirmation services including, but not limited to:

(i) reviewing claims, determining the necessity of objecting to filed claims, and advising the debtor regarding those claims;

(ii) preparing and filing a fee application after confirmation;

(iii) upon completion of plan payments, preparing and filing the documents necessary for the debtor to obtain a discharge;

(iv) responding to the debtor's questions regarding the bankruptcy throughout the term of the plan;

(v) monitoring all incoming case information; and

(vi) preparing and filing a final fee application, if necessary.

(2) The presumptively reasonable fee does not include the following:

(A) representing the debtor in adversary matters, Rule 2004 examinations, or post-confirmation hearings;

(B) preparing a motion to buy or sell real or personal property, incur debt, object to proofs of claim, avoid a lien, modify a confirmed plan, approve settlements, deem a mortgage current, approve sales or refinancing, substitute collateral, and for a hardship discharge or early termination of the plan; and

(C) responding to motions for relief from stay or for valuations of property and to dismiss the debtor's case post-confirmation.

(b) Presumptively reasonable fees for other services. In accordance with Fed.R.Bankr.P. 2002(a)(6), an attorney in a chapter 13 case who represents a debtor after confirmation in any of the following matters may request an order awarding compensation by simplified application for legal fees, costs, and expenses, and the Court may issue the requested order without a hearing, if the total amount of requested legal fees, costs, and expenses does not exceed \$1,000.00 per application for any of the following matters:

(1) resolving motion(s) for relief from stay;

(2) resolving motion(s) to dismiss;

(3) filing motion(s) for the sale of real estate;

(4) assisting the debtor in responding to requests for information made in connection with an audit conducted pursuant to 28 U.S.C. § 586(f); and

(5) filing motion(s) for hardship discharge.

An attorney who represents a debtor in modifying a plan post-confirmation may also request an order awarding compensation and/or reimbursement of costs and expenses by simplified application if the total amount of requested legal fees, costs, and expenses does not exceed \$1,500.00 per application. The application shall be served on parties in interest not electronically served and the notice on all creditors not electronically served. The notice shall conform to Fed.R.Bankr.P. 2002(a)(6),

Bankr. D.S.D. R. 2002-1(e), and Appendix 2G and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the application and the notice of the application. The Court may issue the requested order without a hearing if no objections are filed.

(c) Objections to total claim. The simplified process set forth in paragraphs (a) and (b) above does not limit the case trustee, the United States Trustee, creditors, or any interested party from questioning the reasonableness of the total claim requested in the simplified application. In addition, the Court is not limited in reviewing the amount of fees paid to or agreed to be paid to a debtor's attorney or to enter any orders allowing, disallowing, or reducing the attorney's total claim. If an objection is filed, the attorney may be required to submit an application for compensation and an itemization of costs and expenses under Bankr. D.S.D. R. 2016-2(a).

(d) Total claim-standard application. The simplified application process described herein is optional. An attorney may elect to file a standard application described in Bankr. D.S.D. R. 2016-2(a) instead of the simplified process for any amount.

(e) Legal costs and expenses. The costs and expenses included in the total claim must be actual, reasonable, and necessary.

(f) Fee application-time for filing in a chapter 13 case. An attorney for the debtor shall, within 30 days after a plan is confirmed, file an application for fees incurred through the date of confirmation.

(g) Proposed order awarding fees. The applicant shall submit, to proposed_orders@sdb.uscourts.gov, a proposed order awarding fees from the estate that conforms to Bankr. D.S.D. R. 9072-1(a) and (b)(1) and the sample at Appendix 2P-2.

REFERENCES: 11 U.S.C. §§ 328, 329, and 330; Fed.Rs.Bankr.P. 2002(a) and 2016(a).

Practice Pointer: The debtor's attorney should keep an itemization of the fees, costs, and expenses incurred during the case in anticipation of any questioning by a party or review by the Court that may occur under this rule.

Appendix 20-2. Application for Total Legal Fees, Costs, and Expenses for Debtor's Attorneys in Chapter 13 Cases-Simplified Application.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	ATTORNEY CARSON'S SIMPLIFIED
SSN/ITIN xxx-xx-0000	)	APPLICATION FOR COMPENSATION
	)	AND REIMBURSEMENT
Debtor.)	

I, Joseph J. Carson, pursuant to Bankr. D.S.D. R. 2016-3, hereby make application for the payment of certain fees, costs, and expenses, and in support of this application, I state:

1. The applicant is the attorney for Debtor. My employment was approved by order entered January 11, 2018 (doc. 52) following an application filed on January 2, 2018 (doc. 48). Under the terms of the employment order, I was to be paid \$200.00 per hour, plus actual expenses, to represent Debtor.

2. My services were rendered, and the expenses were incurred, between January 2, 2018, and May 29, 2018. All services have been rendered and all expenses have been incurred.

3. The status of the case is as follows:

☐ A plan was confirmed on _____; or
☐ No plan has been confirmed and the case is pending.

4. The applicant seeks allowance of legal fees and reimbursement of costs and expenses as follows:

Legal fees:

Pre-petition and pre-confirmation services	\$
Plus sales tax based on an applicable rate of %	\$

Post-confirmation services under Rule 2016-3(a)	\$
Plus sales tax based on an applicable rate of %	\$

Other post-confirmation services under Rule 2016-3(b)	\$
Plus sales tax based on an applicable rate of %	\$

Costs and expenses incurred:

Filing fee	\$
------------	----

Copies	(#) @ \$	=	\$
Postage	(#) @ \$	=	\$
Other (itemize)			\$
Total costs and expenses			\$
Total legal fees, costs, and expenses			\$

5. Applicant agrees to provide a detailed statement of time expended and costs and expenses incurred upon request.

6. The requested legal fees, costs, and expenses constitute reasonable compensation for actual, necessary services rendered by the applicant and actual, necessary costs and expenses incurred on behalf of Debtor. The services provided consist of the following:

☐ Pre-petition services under Bankr. D.S.D. R. 2016-3(a)(1)(A), including, but not limited to:

- analyzing Debtor's financial situation and rendering advice to Debtor to determine whether to file a petition in bankruptcy and, if so, under what chapter;
- explaining the terms of representation, filing fees, and plan payment requirements;
- reviewing information provided by Debtor and preparing and revising Debtor's petition, schedules, statements, plan, and other necessary documents and forms;
- performing due diligence tasks;
- consulting and communicating with Debtor to gather information;
- advising Debtor of his or her requirements and responsibilities;
- advising Debtor of the requirements to obtain prepetition credit counseling, to file all income and other tax returns, and to maintain appropriate insurance;
- advising Debtor of the requirements to complete a financial management course after filing and the steps necessary to obtain a discharge; and
- reviewing the completed petition, schedules, and statements with Debtor, obtaining Debtor's signature, and filing the documents.

Total time expended = _____ hours

☐ Post-petition and pre-confirmation services under Bankr. D.S.D. R. 2016-3(a)(1)(B) including, but not limited to:

- advising and representing Debtor at the meeting of creditors;
- representing Debtor at the confirmation hearings, if necessary;
- ensuring bank statements, tax returns, and other records are timely submitted to the trustee;
- initiating and responding to correspondence and calls to and from the trustee, the United States Trustee, creditors, and other interested parties as necessary for the timely administration of the case;
- timely preparing, filing, and serving a plan and any modifications, along with any necessary documents or amended and supplemental schedules and statements;
- timely responding to objections to plan confirmation and negotiating with such parties on Debtor's behalf;
- reviewing proofs of claim;
- monitoring all incoming case information;
- timely responding to pleadings filed in Debtor's case to obtain plan confirmation; and
- advising Debtor on the case, as necessary.

_____ Total time expended = _____ hours

☐ Post-confirmation services under Bankr. D.S.D. R. 2016-3(a)(1)(C) including, but not limited to:

- reviewing claims, determining the necessity of objecting to filed claims, and advising Debtor regarding those claims;
- preparing and filing a fee application after confirmation;
- upon completion of plan payments, preparing and filing the documents necessary for Debtor to obtain a discharge;
- responding to Debtor's questions regarding the bankruptcy throughout the term of the plan;
- monitoring all incoming case information; and
- preparing and filing a final fee application, if necessary.

Total time expended = _____ hours

☐ Post-confirmation services under Bankr. D.S.D. R. 2016-3(b) consisting of the following:

- resolving motion(s) for relief from stay;
- resolving motion(s) to dismiss;
- filing motion(s) for the sale of real estate;
- assisting Debtor in responding to requests for information made in connection with an audit conducted pursuant to 28 U.S.C. § 586(f); and
- filing motion(s) for hardship discharge.

Total time expended = _____ hours

7. As authorized by the Court, Debtor paid the applicant a retainer of \$500.00 on January 2, 2018. Debtor also paid the applicant the sum of \$ _____ as of _____ [insert date]. No other payments have been received. Debtor owes the applicant the sum of \$ _____ for the unpaid balance.

8. I have no agreement or understanding with anyone to share the fees requested.

Wherefore, I, Joseph J. Carson, respectfully request, as a chapter 13 administrative expense, a fee award from the bankruptcy estate for \$2,000.00 in compensation for services, \$120.00 for sales tax, and \$380.00 for expenses incurred, for a total fee award of \$2,500.00; that I be authorized to draw down and apply my retainer of \$1,000.00; and that the balance of \$1,500.00 be paid by Trustee Smith pursuant to the terms of Debtor's confirmed plan.

Dated: May 30, 2018.

/s/

Joseph J. Carson, Esq.

101 E. Legal Lane

Justice, SD 57000-0000

tele: (605)555-5555

e-mail: jjclaw@legalline.net

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

In the first paragraph, summarize the basis for the employment, the employment terms, and when the employment was authorized, if court approval for it was required.

In the second paragraph, summarize the work done.

In the third paragraph, set forth whether a plan has been confirmed and, if so, when.

In the fourth paragraph, set forth the fees sought. Separately set forth the amounts sought for compensation for services, applicable sales tax and the sales tax rate, and expenses to be reimbursed. Include any filing fee in the expenses. Do not deduct any retainer or other payments here.

In the sixth paragraph, specifically identify what services are included in the application by checking the appropriate box and by filing in the total hours expended for each category. Debtor's attorney should keep a detailed itemization of the legal fees, costs, and expenses incurred during the case in anticipation of any questioning by a party or review by the Court that may occur under this rule.

In the seventh paragraph, list any retainer or other payments received, who paid each, and the date each was received. The information in this paragraph should match the information contained in the attorney's Disclosure of Compensation and any Supplemental Disclosure of Compensation.

In the eighth paragraph, set forth the terms, as required in Fed.R.Bankr.P. 2016(a), of any fee sharing agreement.

Set forth any retainers or other payments received and the date received. If the professional is waiving any fees, state how much is waived and why. For example, "I waive \$642.35 in compensation based on my agreement with Debtor that total fees would not exceed \$2,650.00." Be sure the sales tax figure is based on the *actual* compensation to be paid.

The applicant must date and sign the application and notice. The application must be mailed to parties in interest not electronically served and the notice to all creditors not electronically served using a current case mailing list.

REFERENCES: Bankr. D.S.D. R. 2016-3; 11 U.S.C. §§ 328, 329, and 330; Fed.Rs.Bankr.P. 2002(a) and 2016(a).

Appendix 2P-2. Order Awarding Fees, Costs, Expenses-Simplified Application.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 13
JANE ANNE ANONYMOUS)	
fdba Jane's Flower Shop	)	ORDER AWARDING FEES
SSN/ITIN xxx-xx-0000	)	TO ATTORNEY CARSON
)	
Debtor.)	

Upon consideration of Attorney Joseph J. Carson's Simplified Application for Compensation and Reimbursement (doc. 42) and the record before the Court; and it appearing the application complies with Bankr. D.S.D. R. 2016-3; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Attorney Carson's application is granted, and he is awarded as a chapter 13 administrative expense \$2,000.00 for compensation for services, \$120.00 for applicable sales tax, and \$380.00 for reimbursement of expenses, for a total award of \$2,500.00. Attorney Carson shall draw down and apply his \$1,000.00 retainer. Trustee Smith shall pay Attorney Carson the remaining \$1,500.00 pursuant to the terms of Debtor's confirmed plan.

So ordered:

REFERENCES: Bankr. D.S.D. R. 2016-3; 11 U.S.C. §§ 328, 329, and 330; Fed.Rs.Bankr.P. 2002(a) and 2016(a).

Rule 3011-1. ~~Payment of Unclaimed Funds.~~Trustee's Responsibility Prior to Depositing Unclaimed Funds. Prior to depositing with the Court under Fed.R.Bankr.P. 3011 and 11 U.S.C. §347(a) any unclaimed funds exceeding the total amount of \$500.00 in a case, a trustee shall file, along with the list required by Fed.R.Bankr.P. 3011, an affidavit or verified statement describing the efforts the trustee made to attempt to locate claimants who did not cash their checks or whose checks were returned undeliverable, or otherwise explain why the funds are being deposited.

Practice Pointer: The trustee should make considerable efforts to locate the claimants before filing the affidavit or verified statement and should set forth those efforts in detail in the affidavit or verified statement.

Application. ~~An applicant shall fully complete, sign, date, and file an application for payment of unclaimed funds that substantially conforms to Appendix 3H, which is a fillable version of Director's Form 1340.~~

~~(b) **Supporting documents.**—The applicant shall provide supporting documents establishing the claimant's entitlement to the funds. Any personal identifying information, such as a Social Security number, a date of birth, or a full account number, must be redacted from the supporting documents before they are filed. The applicant may provide the supporting documents by referencing a specific proof of claim that contains the supporting documents or by filing the supporting documents, as described below based on the classification of the claimant, as an attachment to the application:~~

~~(1) **Individual.**—Documents establishing the individual's entitlement to the funds, including, if the individual is a successor claimant, documents establishing the transfer of the claim from the owner of record to the individual.~~

~~(2) **Business entity.**—Documents establishing the business entity's entitlement to the funds, including, if the business entity is a successor claimant, documents establishing the transfer of the claim from the owner of record to the business entity.~~

~~——(3) **Decedent's estate:**~~

~~(A) Documents establishing the decedent's identity and entitlement to the funds, including, if the decedent is a successor claimant, documents establishing the transfer of the claim from the owner of record to the decedent; and~~

~~(B) A certified copy of the document establishing the decedent's administrator's, executor's, or representative's right to act on behalf of the decedent.~~

~~(4) **Claimant's representative, including an attorney, a funds locator service, or other agent:**~~

~~(A) A notarized power of attorney signed by the claimant on whose behalf the agent or the funds locator service is acting; and~~

~~(B) Documents establishing the claimant's entitlement to the funds, including, if the claimant is a successor claimant, documents establishing the transfer of the claim from the owner of record to the claimant.~~

~~(c) **Required identifying information.**—The applicant shall provide the required identifying information described below. The Clerk or an attorney electronically filing the required identifying information shall use the CM/ECF event "Unclaimed Funds Identifying Information" found under "Bankruptcy Other," so the identifying information is not viewable on the public docket.~~

~~(1) A completed Vendor Information/TIN Certification (AO Form 213) or an Internal Revenue Service W-9 form or, for a foreign claimant, a completed Request to Determine Foreign Vendor Tax Payments (AO Form 215) and an Internal Revenue Service W-8 form; and~~

~~(2) For each claimant, agent for a claimant, or applicant who is an individual, a copy of a current government-issued identification that includes a photograph and a current address, such as a driver's license or a passport.~~

~~(d) **Service.**—The applicant shall serve a copy of the application, the supporting documents, and the required identifying information on the United States Attorney for the District of South Dakota at Post Office Box 2638, Sioux Falls, SD 57101-2638, and shall serve a copy of the application on the current and any prior holder or owner of the claim.~~

~~(e) **Notice.**—The Court will enter and serve on parties in interest an order that sets a last date for objections that is 24 days after service of the order. The order will constitute the notice of the application.~~

~~(f) **Payment of funds.**—If an order is entered authorizing the payment of unclaimed funds, the Clerk will pay the funds only after the order is final. Any payment of funds by the Clerk involving a claimant and a funds locator service shall be issued jointly payable to the claimant and the funds locator service.~~

~~REFERENCES: 11 U.S.C. § 347(a); 28 U.S.C. § 2042; Fed.R.Bankr.P. 3011.~~

~~**Practice Pointers:** Unclaimed funds may be located at ucf.uscourts.gov. Select "SDB—South Dakota" for the United States Bankruptcy Court for the District of South Dakota from the drop-down list and then enter the applicable search criteria. A link is also available on the Court's website at www.sdb.uscourts.gov.~~

~~Instructions for the unclaimed funds process and Appendix 3H, which is a fillable version of Director's Form 1340, are located under "Links and Resources Unclaimed Funds Information" on the Court's website at www.sdb.uscourts.gov.~~

~~The Internal Revenue Service forms may be located at www.irs.gov. The federal court's Administrative Office (AO) forms may be obtained from www.uscourts.gov/services/forms.~~

~~A business entity may, through an authorized agent, file an application for payment of unclaimed funds. The business entity is not required to utilize an attorney for this particular application. If an attorney files an application, however, it must be filed electronically.~~

~~A closed bankruptcy case does not need to be reopened for an application for payment of unclaimed funds to be filed.~~

~~The Court will prepare the order setting the objection deadline and the order granting or denying the application.~~

~~If the Court grants the application, the Clerk will not disburse the funds until the 14-day appeal time on the order has expired.~~

~~Unclaimed funds are subject to the Treasury Offset Program administered by the Bureau of the Fiscal Service's Debt Management Services. Under it, the bureau will collect delinquent debts owed to federal agencies and states in accordance with, for example, 26 U.S.C. § 6402(d) and 31 U.S.C. § 3720A.~~

~~Unclaimed Funds Information~~
~~Unclaimed Funds Locator~~

Rule 3011-~~24~~. Payment of Unclaimed Funds.

(a) Application. An applicant shall fully complete, sign, date, and file an application for payment of unclaimed funds that substantially conforms to [Appendix 3H](#), which is a fillable version of Director's Form 1340.

(b) Supporting documents. The applicant shall provide supporting documents establishing the claimant's entitlement to the funds. Any personal identifying information, such as a Social Security number, a date of birth, or a full account number, must be redacted from the supporting documents before they are filed. The applicant may provide the supporting documents by referencing a specific proof of claim that contains the supporting documents or by filing the supporting documents, as described below based on the classification of the claimant, as an attachment to the application:

(1) Individual. Documents establishing the individual's entitlement to the funds, including, if the individual is a successor claimant, documents establishing the transfer of the claim from the owner of record to the individual and a certificate of service showing the application for payment of unclaimed funds was mailed to previous owner(s) of the claim at their current address or include a statement explaining why service on the previous owner(s) is not possible or necessary.

(2) Business entity. Documents establishing the business entity's entitlement to the funds, including, if the business entity is a successor claimant, documents establishing the transfer of the claim from the owner of record to the business entity and a certificate of service showing the application for payment of unclaimed funds was mailed to previous owner(s) of the claim at their current address or include a statement explaining why service on the previous owner(s) is not possible or necessary.

(3) Decedent's estate:

(A) Documents establishing the decedent's identity and entitlement to the funds, including, if the decedent is a successor claimant, documents establishing the transfer of the claim from the owner of record to the decedent and a certificate of service showing the application for payment of unclaimed funds was mailed to previous owner(s) of the claim at their current address or include a statement explaining why service on the previous owner(s) is not possible or necessary; and

(B) A certified copy of the document establishing the decedent's administrator's, executor's, or representative's right to act on behalf of the decedent.

(4) Claimant's representative, including an attorney, a funds locator service, or other agent:

(A) A notarized power of attorney signed by the claimant on whose behalf the agent or the funds locator service is acting; and

(B) Documents establishing the claimant's entitlement to the funds, including, if the claimant is a successor claimant, documents establishing the transfer of the claim from the owner of record to the claimant.

(c) Required identifying information. The applicant shall provide the required identifying information described below. The Clerk or an attorney electronically filing the required identifying information shall use the CM/ECF event "Unclaimed Funds Identifying Information" found under "Bankruptcy-Other," so the identifying information is not viewable on the public docket.

(1) A completed Vendor Information/TIN Certification (AO Form 213) or an Internal Revenue Service W-9 form or, for a foreign claimant, a completed Request to Determine Foreign Vendor Tax Payments (AO Form 215) and an Internal Revenue Service W-8 form; and

(2) For each claimant, agent for a claimant, or applicant who is an individual, a copy of a current government-issued identification that includes a photograph and a current address, such as a driver's license or a passport.

(d) Service. The applicant shall serve a copy of the application, the supporting documents, and the required identifying information on the United States Attorney for the District of South Dakota at Post Office Box 2638, Sioux Falls, SD 57101-2638, and shall serve a copy of the application on the current and any prior holder or owner of the claim.

(e) Notice. The Court will enter and serve on parties in interest an order that sets a last date for objections that is 24 days after service of the order. The order will constitute the notice of the application.

(f) Payment of funds. If an order is entered authorizing the payment of unclaimed funds, the Clerk will pay the funds only after the order is final. Any payment of funds by the Clerk involving a claimant and a funds locator service shall be issued jointly payable to the claimant and the funds locator service.

REFERENCES: 11 U.S.C. § 347(a); 28 U.S.C. § 2042; Fed.R.Bankr.P. 3011.

Practice Pointers: Unclaimed funds may be located at ucf.uscourts.gov. Select "SDB - South Dakota" for the United States Bankruptcy Court for the District of South Dakota from the drop-down list and then enter the applicable search criteria. A link is also available on the Court's website at www.sdb.uscourts.gov.

Instructions for the unclaimed funds process and Appendix 3H, which is a fillable version of Director's Form 1340, are located under "Links and Resources-Unclaimed Funds Information" on the Court's website at www.sdb.uscourts.gov.

The Internal Revenue Service forms may be located at www.irs.gov. The federal court's Administrative Office (AO) forms may be obtained from www.uscourts.gov/services-forms.

A business entity may, through an authorized agent, file an application for payment of unclaimed funds. The business entity is not required to utilize an attorney for this particular application. If an attorney files an application, however, it must be filed electronically.

A closed bankruptcy case does not need to be reopened for an application for payment of unclaimed funds to be filed.

The Court will prepare the order setting the objection deadline and the order granting or denying the application.

If the Court grants the application, the Clerk will not disburse the funds until the 14-day appeal time on the order has expired.

Unclaimed funds are subject to the Treasury Offset Program administered by the Bureau of the Fiscal Service's Debt Management Services. Under it, the bureau will collect delinquent debts owed to federal agencies and states in accordance with, for example, 26 U.S.C. § 6402(d) and 31 U.S.C. § 3720A.

[Unclaimed Funds Information](#)
[Unclaimed Funds Locator](#)

Rule 3015-5. Chapter 12 or Chapter 13 Modification of Plan After Confirmation.

(a) Modified Plan Post-Confirmation. A party seeking to modify a plan post-confirmation shall file a Modified Plan Post-Confirmation that is titled "MODIFIED PLAN POST-CONFIRMATION DATED [insert the date the debtor signs the modified plan post-confirmation], that complies with the chapter 12 or chapter 13 plan form at Appendix 3A, and that incorporates the requested changes consistent with 11 U.S.C. §§ 1225 and 1229 or §§ 1325 and 1329. Then file the motion and notice to modify confirmed plan as directed below.

(b) Content of motion. A motion to modify a confirmed chapter 12 or chapter 13 plan shall be filed on the same day as the Modified Plan Post-Confirmation and shall include:

- (1) the name of each affected creditor or class of creditors;
- (2) a detailed description of each proposed change to the confirmed plan or a redline version of the Modified Plan Post-Confirmation, attached to the motion as an exhibit, showing each proposed change;
- (3) statements of the debtor's current and prior years' actual income and expenses;
- (4) a statement of the debtor's projected income and expenses for the remaining term of the plan;
- (5) a current liquidation analysis; and
- (6) a statement of any change to the first plan payment date or the last plan payment date.

(cb) Notice. The notice of a motion to modify a confirmed chapter 12 or chapter 13 plan shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion.

(de) Service. The motion to modify a confirmed plan and the notice shall be served on parties in interest not electronically served, including, but not limited to, any creditor or other party in interest that may be adversely affected by the modification and any party who has filed a notice of appearance.

(ed) Confirmed Modified Plan Post-Confirmation. If the Court approves the motion, it will enter an order granting the motion and deeming the Modified Plan Post-Confirmation as the confirmed plan.

(f) Required content of a proposed order. A proposed order granting a motion to modify a confirmed chapter 12 or chapter 13 plan shall conform to [Appendix 3D](#) and shall include a statement of any change in the date of the last payment under the plan.

REFERENCES: 11 U.S.C. § 1229 or § 1329; Fed.Rs.Bankr.P. 2002(a)(5) and 3015(g).

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Most often, a debtor will need to serve a motion to modify a confirmed plan on *all* creditors and other parties in interest not electronically served because the effect of the modification is difficult to ascertain or because the modification affects feasibility of the plan, which makes every creditor a party adversely affected by the modification.

Compare Bankr. D.S.D. R. 3015-4 (modification of a plan before confirmation).

Rule 3019-2. Chapter 11 Modification of Plan After Confirmation.

(a) Modified Plan Post-Confirmation. A party seeking to modify a plan post-confirmation shall file a Modified Plan Post-Confirmation that is titled "MODIFIED PLAN POST-CONFIRMATION DATED [insert the date the debtor signs the modified plan post-confirmation] and that incorporates the requested changes consistent with 11 U.S.C. §§ 1127 and 1129 or §§ 1129, 1191, and 1193. Then file the motion and notice to modify confirmed plan as directed below.

(b) Content of motion. A motion to modify a confirmed chapter 11 plan shall be filed the same day as the Modified Plan Post-Confirmation and shall include:

- (1) the name of each affected creditor or class of creditors;
- (2) a detailed description of each proposed change to the confirmed plan or a redline version of the Modified Plan Post-Confirmation, attached to the motion as an exhibit, showing each proposed change;
- (3) statements of the debtor's current and prior years' actual income and expenses;
- (4) a statement of the debtor's projected income and expenses for the remaining term of the plan;
- (5) a current liquidation analysis; and
- (6) a statement of any change to the last plan payment date.

(cb) Notice. The notice of a motion to modify a confirmed chapter 11 plan shall conform to Bankr. D.S.D. R. 2002-1(a) and shall set forth a last date (month, day, year) for filing an objection or other response that is 21 days after service of the motion and the notice of motion.

(de) Service. The motion to modify a confirmed plan and the notice shall be served on parties in interest not electronically served, including, but not limited to, any creditor or other party in interest that may be adversely affected by the modification and any party who has filed a notice of appearance.

(ed) Confirmed Modified Plan Post-Confirmation. If the Court approves the motion, it will enter an order granting the motion and deeming the Modified Plan Post-Confirmation as the confirmed plan.

(f) Required content of a proposed order. A proposed order granting a motion to modify a confirmed chapter 11 plan shall conform to [Appendix 3D](#) and shall include a statement of any change in the date of the last payment under the plan.

REFERENCES: 11 U.S.C. § 1127 or § 1193; Fed.Rs.Bankr.P. 2002(a)(5) and 3019(b).

Practice Pointers: If any party is served by mail or under the provisions of Fed.R.Civ.P. 5(b)(2)(D) [leave with clerk] or (F) [other means consented to], the

notice period stated above shall be increased three days pursuant to Fed.R.Bankr.P. 9006(f).

Most often, the movant will need to serve a motion to modify a confirmed plan on *all* creditors and other parties in interest not electronically served because the effect of the modification is difficult to ascertain or because the modification affects feasibility of the plan, which makes every creditor a party adversely affected by the modification.

Compare Bankr. D.S.D. R. 3019-1 (modification of a chapter 11 plan before confirmation).

Appendix 3D. Order Modifying Confirmed Chapter 11, Chapter 12, or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 12
JANE ANNE ANONYMOUS)	
fdba Jane's Fancy Chickens	)	ORDER <u>GRANTING MOTION</u>
SSN/ITIN xxx-xx-0000	)	<u>TO MODIFY CONFIRMED PLAN</u>
)	
Debtor.)	

A hearing on Debtor's Motion to Modify Confirmed Plan (doc. 51) was held April 19, 2018, with appearances as noted in the hearing minutes. Pursuant thereto, and in recognition of and compliance with the findings and conclusions entered on the record; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Bob's Bank's objection is overruled, ~~in part and sustained in part, and~~ Debtor's motion is granted, and Debtor's Modified Plan Post-Confirmation (doc. 98) is deemed the confirmed plan. The last plan payment date remains March 18, 2022. ~~to the extent her confirmed plan (doc. 48) is modified as follows:~~

~~1. Debtor's monthly payment to Trustee Dale A. Wein is decreased from \$522.00 to \$472.00;~~

~~2. The plan term is extended six months with the last plan payment date now being May 23, 2020; and~~

~~3. If Debtor should default on her monthly plan payments as provided by this order and if such default remains uncured for at least 30 days, Trustee Wein may file an affidavit of default and this case will be converted to chapter 7, without further notice or hearing.~~

So ordered:

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

~~In the "IT IS HEREBY ORDERED" paragraph, set forth each change to the debtor's confirmed plan that the Court authorized.~~

If no objections to a motion to modify a confirmed plan are filed, the body of the order should read as follows, with the final sentence stating whether the final plan payment date has or has not changed, and if it has changed, the new last plan payment date:

Upon consideration of Debtor's Motion to Modify Confirmed Plan (doc. 51) and the record before the Court; and it appearing no objections to the motion were timely filed after appropriate notice; and it further appearing the Modified Plan Post-Confirmation filed on March 1, 2018, meets the requirements of 11 U.S.C. §§ 1225 and 1229 [or §§ 1325 and 1329, or §§ 1127 and 1129, or §§ 1129, 1191, and 1193]; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted, and her Modified Plan Post-Confirmation (doc. 98) is deemed the confirmed plan. ~~confirmed plan (doc. 48) is modified as set forth in the motion.~~ The last plan payment date remains March 18, 2022.

So ordered:

REFERENCES: [Bankr. D.S.D. Rs. 3015-5](#) and [3019-2](#).

Rule 5080-1. Fees: When Due.

(a) Fees due at filing. Unless otherwise ordered, any fee due under 28 U.S.C. § 1930 for the filing of a particular document is due when the document is filed.

(b) Unpaid fees when case dismissed. Unless otherwise ordered, any fee still owed to the Clerk by a debtor or debtor in possession when a case is dismissed shall be paid by the debtor or debtor in possession within 14 days after the order dismissing the case is entered.

REFERENCES: 11 U.S.C. §§ 1129(a)(12), 1226(b)(1), 1228(a), 1326(b)(1), and 1328(a); and 28 U.S.C. § 1930. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments or Official Form 103B for the Application to Have the Chapter 7 Filing Fee Waived.

Practice Pointer: As provided in Bankr. D.S.D. R. 5081-1 below, an attorney for a debtor or creditor shall pay any fee ~~by credit card~~electronically in CM/ECF. See the Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor or other party not represented by an attorney shall pay any fee by cashier's check, money order, or—only if hand delivered—in cash. The payment shall be in the exact amount.

Rule 5081-1. Fees: Form of Payment.

(a) Payments by an attorney. An attorney, other than an attorney who represents a case trustee, shall pay any Clerk's fee, other than a fee for a transcript of a hearing or a trial, ~~by credit card~~ electronically in CM/ECF in accordance with the directives of the Clerk.

(b) Payments by a litigant not represented by an attorney. A party, other than a case trustee, who is not represented by an attorney shall pay any Clerk's fee by cashier's check or money order made payable to "Clerk, U.S. Bankruptcy Court" or, only if the funds are hand-delivered, in cash. The payment shall be tendered in the exact amount.

(c) Payments by a case trustee. A case trustee shall pay any Clerk's fee in accordance with the directives of the Clerk and the United States Trustee.

REFERENCES: 11 U.S.C. §§ 1129(a)(12), 1226(b)(1), 1228(a), 1326(b)(1), and 1328(a); and 28 U.S.C. § 1930. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments or Official Form 103B for the Application to Have the Chapter 7 Filing Fee Waived. See the Internet Payment Guide on the Court's website at *www.sdb.uscourts.gov*.

Practice Pointer: If a debtor makes application for waiver of the case filing fee under 28 U.S.C. § 1930(f)(1), the debtor should, when circumstances warrant, also request in the same application a waiver under 28 U.S.C. § 1930(f)(2) of the other fees prescribed by the Judicial Conference under 28 U.S.C. § 1930(b) and (c).

Appendix 1A. Filing Requirements for Voluntary Cases Filed Under Chapters 7, 11, 12, or 13.

Provided in this appendix are checklists for the various types of voluntary bankruptcy cases. A debtor, if not represented by an attorney, or an attorney for a debtor should use the appropriate checklist to ensure he or she files all required documents by the applicable deadlines. The following checklists are provided:

Chapter 7 Individual (Voluntary)

Chapter 7 Non-Individual (aka a Business) (Voluntary)

Chapter 11 Individual that is also a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 11 Subchapter V Individual, as Defined by 11 U.S.C. § 101(51C) and (51D) and § 1182 (Voluntary)

Chapter 11 Individual that is Not a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 11 Non-Individual that is also a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 11 Subchapter V Non-Individual, as Defined by 11 U.S.C. § 101(51C) and (51D) and § 1182 (Voluntary)

Chapter 11 Non-Individual that is Not a Small Business as Defined by 11 U.S.C. § 101(51C) and (51D) (Voluntary)

Chapter 12 Individual (Voluntary)

Chapter 12 Non-Individual (aka a Business) (Voluntary)

Chapter 13 (Voluntary)

An attorney for a debtor shall file all documents electronically. A debtor not represented by an attorney shall either mail documents to the Clerk or deliver them in person to the Clerk's office in either Pierre or Sioux Falls:

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Room 104
Sioux Falls, SD 57104-6851

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Room 203
Pierre, SD 57501-2463

If a debtor not represented by an attorney mails documents to the Clerk for filing, the debtor shall mail them sufficiently in advance of any deadline to ensure the Clerk *receives* the documents on or before the deadline. The Clerk cannot file any documents received either as a facsimile transmission (a "fax") or as an attachment to an e-mail.

Link to Electronic Filing Guide: www.sdb.uscourts.gov/electronic-filing-guide

Link to Official Forms: www.uscourts.gov/forms/bankruptcy-forms

REFERENCE: Practice Pointers of Bankr. D.S.D. R. 1002-1.

CHAPTER 7 INDIVIDUAL (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.
- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.
- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.
- ☐ **Certificate of Credit Counseling and copy of any debt repayment plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. §§ 109(h)(1) and 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.
- ☐ **Mailing list of creditors.** When a debtor is represented by an attorney, the attorney shall electronically upload a mailing list of creditors when the petition is filed. A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the local form at [Bankr. D.S.D. R. 1007-2](#) and [Appendix 1F](#). See *also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$338.00 paid in full, an Application for Individuals to Pay the Filing Fee in Installments, OR an Application to Have the Chapter 7 Filing Fee Waived.** An attorney for a debtor shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or—only if hand delivered—cash. The payment shall be in the exact amount. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments or Official Form 103B for the Application to Have the Chapter 7 Filing Fee Waived.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.
- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.
- ☐ **Declaration About an Individual Debtor's Schedules.** Official Form 106Dec.
- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy.** Official Form 107.
- ☐ **Chapter 7 Statement of Your Current Monthly Income.** Official Form 122A-1. If a debtor believes he or she is exempt from a presumption of abuse, the debtor shall also file a **Statement of Exemption from Presumption of Abuse Under § 707(b)(2).** Official Form 122A-1Supp.
- ☐ **Chapter 7 Means Test Calculation.** Official Form 122A-2.
- ☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. See local form at [Bankr. D.S.D. R. 1007-1\(a\)\(2\)](#) and [Appendix 1B](#). See *also* 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).
- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. See local form at [Bankr. D.S.D. R. 1007-1\(h\)](#) and [Appendix 1E](#). See *also* Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2L](#). See *also* 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists

for this disclosure, attorneys are strongly encouraged to use the local form instead.

Due Not More than 30 Days after Petition is Filed:

- ☐ **Statement About Payment of an Eviction Judgment Against You.** Official Form 101B. Filed only if the debtor filed with the petition an Initial Statement About an Eviction Judgment Against You, Official Form 101A.
- ☐ **Statement of Intention for Individuals Filing Under Chapter 7.** Official Form 108.

Due Not More than 60 Days after the First Date Set for the Meeting of Creditors under 11 U.S.C. § 341:

- ☐ ~~**Certification About a Financial Management Course**~~**Certificate of Debtor Education**. The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course, ~~will either file a certificate of completion directly or~~ the debtor, or the debtor's attorney shall, ~~after receiving the certificate of completion,~~ file a ~~completed Certification About a Financial Management Course (Official Form 423).~~Certificate of Debtor Education. A separate ~~certificate of completion or a Certification About a Financial Management Course~~Certificate of Debtor Education shall be filed for each joint debtor. See 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

CHAPTER 7 NON-INDIVIDUAL (AKA A BUSINESS) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.
- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. *See* local form at [Bankr. D.S.D. R. 1007-1\(f\)](#) and [Appendix 1C](#). *See also* Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.
- ☐ **Mailing list of creditors.** The debtor's attorney shall electronically upload a mailing list of creditors when the petition is filed. *See* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$338.00 paid in full.** The attorney for the debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at www.sdb.uscourts.gov.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.
- ☐ **Schedules A/B through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.
- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy.** Official Form 207.
- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors.** Official Form 202.
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2L](#). *See also* 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

**CHAPTER 11 INDIVIDUAL THAT IS ALSO A SMALL BUSINESS
AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)**

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.
- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.
- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.
- ☐ **Certificate of Credit Counseling and copy of any debt repayment plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. §§ 109(h)(1) and 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.
- ☐ **Statement Regarding Business Records Pursuant to 11 U.S.C. § 1116(1).** The debtor shall attach to the statement the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return for the debtor or disclose in the statement which of these records was not prepared or filed. See local form at [Bankr. D.S.D. R. 1007-1\(g\)](#) and [Appendix 1D](#).
- ☐ **Mailing list of creditors.** When a debtor is represented by an attorney, the attorney shall electronically upload a mailing list of creditors when the petition is filed. A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the local form at [Bankr. D.S.D. R. 1007-2](#) and [Appendix 1F](#). See also 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders.** Official Form 104. See Fed.R.Bankr.P. 1007(d).

- ☐ **Filing fee of \$1,738.00 paid in full OR an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or—only if hand delivered—cash. The payment shall be in the exact amount. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.
- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.
- ☐ **Declaration About an Individual Debtor's Schedules.** Official Form 106Dec.
- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy.** Official Form 107.
- ☐ **Chapter 11 Statement of Your Current Monthly Income.** Official Form 122B.
- ☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. See local form at [Bankr. D.S.D. R. 1007-1\(a\)\(2\)](#) and [Appendix 1B](#). See *also* 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).
- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. See local form at [Bankr. D.S.D. R. 1007-1\(h\)](#) and [Appendix 1E](#). See *also* Fed.R.Bankr.P. 1007(b)(1)(F).

- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not More than 180 Days after Petition is Filed:

- ☐ **Plan.** See 11 U.S.C. § 1121(e)(1), [Bankr. D.S.D. R. 3016-1](#) and [Appendix 3A](#), and Official Form 425A. The debtor should not file a disclosure statement unless the Court has ordered the debtor to file one. See [Bankr. D.S.D. R. 3016-2](#).

Due Not More than 300 Days after Petition is Filed:

- ☐ **Plan.** See 11 U.S.C. § 1121(e)(2). The debtor should not file a disclosure statement unless the Court has ordered the debtor to file one. See [Bankr. D.S.D. R. 3016-2](#).

Due Before the Last Payment under Debtor's Confirmed Plan OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(C):

- ☐ ~~**Certification About a Financial Management Course**~~**Certificate of Debtor Education.** The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course, ~~will either file a certificate of completion directly or~~ the debtor, or the debtor's attorney shall, ~~after receiving the certificate of completion,~~ file a ~~completed Certification About a Financial Management Course (Official Form 423)~~**Certificate of Debtor Education**. A separate ~~certificate of completion or a Certification About a Financial Management Course~~**Certificate of Debtor Education** shall be filed for each joint debtor. See 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

Due upon Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(B):

- ☐ **Certification and Request for Discharge.** See local form at [Bankr. D.S.D. R. 3022-1\(b\)\(1\)](#) and [Appendix 3F](#). See also 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1141(d)(5). If the debtor is seeking a hardship discharge, the debtor will need to modify some of the language in the local form to indicate plan payments were not completed.

**CHAPTER 11 SUBCHAPTER V INDIVIDUAL, AS DEFINED BY
11 U.S.C. § 101(51C) AND (51D) AND § 1182 (VOLUNTARY)**

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101 (with the last box in question 13 checked).
- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.
- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.
- ☐ **Certificate of Credit Counseling and copy of any debt repayment plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. See 11 U.S.C. §§ 109(h)(1) and 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.
- ☐ **Statement Regarding Business Records Pursuant to 11 U.S.C. §§ 1116(1) and 1187(a).** The debtor shall complete the form at [Appendix 1D](#) of the local bankruptcy rules and shall attach to the statement the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return for the debtor or disclose in the statement which of these records was not prepared or filed. See also [Bankr. D.S.D. R. 1007-1\(g\)](#).
- ☐ **Mailing list of creditors.** When a debtor is represented by an attorney, the attorney shall electronically upload a mailing list of creditors when the petition is filed. A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the local form at [Bankr. D.S.D. R. 1007-2](#) and [Appendix 1F](#). See also 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders.** Official Form 104. See Fed.R.Bankr.P. 1007(d).

- ☐ **Filing fee of \$1,738.00 paid in full OR an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or—only if hand delivered—cash. The payment shall be in the exact amount. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.
- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.
- ☐ **Declaration About an Individual Debtor's Schedules.** Official Form 106Dec.
- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy.** Official Form 107.
- ☐ **Statement Regarding Payment Advices.** If the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall prepare and file separate statements. See local form at [Bankr. D.S.D. R. 1007-1\(a\)\(2\)](#) and [Appendix 1B](#). See also 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).
- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. See local form at [Bankr. D.S.D. R. 1007-1\(h\)](#) and [Appendix 1E](#). See also Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030

exists for this disclosure, attorneys are strongly encouraged to use the local form instead.

- ☐ **Application(s) to Employ.** Filed by the debtor if the debtor wants to employ an attorney, an accountant, or other professional. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not Less than 14 Days Before Mandatory Status Conference:

- ☐ **Pre-conference Status Report** "that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization." See 11 U.S.C. § 1188(c).

Due Not More than 90 Days after Petition is Filed:

- ☐ **Plan.** See 11 U.S.C. §§ 1189 and 1190, [Bankr. D.S.D. R. 3016-1](#), and Official Form 425A. The debtor should not file a disclosure statement unless the Court has ordered the debtor to file one. See *also* 11 U.S.C. § 1187(c) and [Bankr. D.S.D. R. 3016-2](#).

Due Not More than 14 Days after Confirmed Plan is Substantially Consummated:

- ☐ **Notice of Substantial Consummation.** See 11 U.S.C. § 1183(c)(2).

Due Before the Last Payment under Debtor's Confirmed Plan:

- ☐ ~~**Certification About a Financial Management Course**~~**Certificate of Debtor Education.** The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course, ~~will either file a certificate of completion directly or~~ the debtor, or the debtor's attorney shall, ~~after receiving the certificate of completion,~~ file a completed **Certification About a Financial Management Course (Official Form 423)****Certificate of Debtor Education**. A separate ~~certificate of completion or a Certification About a Financial Management Course~~**Certificate of Debtor Education** shall be filed for each joint debtor. See 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

Due Not More than 30 Days after Confirmed Plan is Substantially Consummated, if Plan was Confirmed under 11 U.S.C. § 1191(a):

- ☐ **Motion for Entry of Final Decree.** Fed.R.Bankr.P. 3022 and [Bankr. D.S.D. R. 3022-1\(a\)](#).

Due upon Completion of Payments Required During the Plan Term Circumscribed by 11 U.S.C. § 1191(c)(2)(A) or (B), if Plan was Confirmed under 11 U.S.C. § 1191(b):

- ☐ **Certification and Request for Discharge.** See local form at [Bankr. D.S.D. R. 3022-1\(b\)\(1\)](#) and [Appendix 3F](#). See *also* 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1192.

Due after Entry of an Order of Discharge if Plan was Confirmed under 11 U.S.C. § 1191(b):

- ☐ **Motion for Entry of Final Decree.** Fed.R.Bankr.P. 3022 and [Bankr. D.S.D. R. 3022-1\(e\)](#).

**CHAPTER 11 INDIVIDUAL THAT IS NOT A SMALL BUSINESS
AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)**

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.
- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.
- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.
- ☐ **Certificate of Credit Counseling and copy of any debt repayment plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. §§ 109(h)(1) and 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.
- ☐ **Mailing list of creditors.** When a debtor is represented by an attorney, the attorney shall electronically upload a mailing list of creditors when the petition is filed. A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the local form at [Bankr. D.S.D. R. 1007-2](#) and [Appendix 1F](#). See also 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims Against You and Are Not Insiders.** Official Form 104. See Fed.R.Bankr.P. 1007(d).
- ☐ **Filing fee of \$1,738.00 paid in full OR an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or—only if hand delivered—cash. The payment shall be in the exact amount. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.
- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.
- ☐ **Declaration About an Individual Debtor's Schedules.** Official Form 106Dec.
- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy.** Official Form 107.
- ☐ **Chapter 11 Statement of Your Current Monthly Income.** Official Form 122B.
- ☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition, the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. See local form at [Bankr. D.S.D. R. 1007-1\(a\)\(2\)](#) and [Appendix 1B](#). See also 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).
- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. See local form at [Bankr. D.S.D. R. 1007-1\(h\)](#) and [Appendix 1E](#). See also Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if

any. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not More than 120 Days after Petition is Filed:

- ☐ **Plan and Disclosure Statement**, if the debtor wants to preserve the exclusive right to file a plan. See 11 U.S.C. § 1121(b).

Due Before the Last Payment under Debtor's Confirmed Plan OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(C):

- ☐ ~~**Certification About a Financial Management Course**~~**Certificate of Debtor Education**. The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course, ~~will either file a certificate of completion directly or~~ the debtor, or the debtor's attorney shall, ~~after receiving the certificate of completion,~~ file a ~~completed Certification About a Financial Management Course (Official Form 423)~~**Certificate of Debtor Education**. A separate ~~certificate of completion or a Certification About a Financial Management Course~~**Certificate of Debtor Education** shall be filed for each joint debtor. See 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

Due upon Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1141(d)(5)(B):

- ☐ **Certification and Request for Discharge**. See local form at [Bankr. D.S.D. R. 3022-1\(b\)\(1\)](#) and [Appendix 3F](#). See also 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1141(d)(5). If the debtor is seeking a hardship discharge, the debtor will need to modify some of the language in the local form to indicate plan payments were not completed.

**CHAPTER 11 NON-INDIVIDUAL THAT IS ALSO A SMALL BUSINESS
AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)**

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.
- ☐ **Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11.** Official Form 201A.
- ☐ **Statement of Authority to File.** Generally, this will be a copy of a signed and dated resolution or meeting minutes by the business entity's governing body authorizing the filing of the petition. The resolution or meeting minutes shall be attached to a captioned cover pleading signed and dated by the debtor's attorney.
- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. See local form at [Bankr. D.S.D. R. 1007-1\(f\)](#) and [Appendix 1C](#). See also Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.
- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders.** Official Form 204. If the debtor files this list separate from the debtor's schedules, the debtor will need to complete and sign a Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) that references only the list of creditors who have the 20 largest unsecured claims, attach it to the completed Official Form 204 as the last page, and file both forms as one document. See Fed.R.Bankr.P. 1007(d).
- ☐ **Mailing list of creditors.** The debtor's attorney shall electronically upload a mailing list of creditors when the petition is filed. See 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$1,738.00.** The debtor's attorney shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.
- ☐ **Schedules A/B and D through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.

- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy.** Official Form 207.
- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors.** Official Form 202.
- ☐ **List of Equity Security Holders.** See Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Statement Regarding Business Records Pursuant to 11 U.S.C. § 1116(1).** The debtor shall attach to the statement the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return for the debtor or disclose in the statement which of these records was not prepared or filed. See local form at [Bankr. D.S.D. R. 1007-1\(g\)](#) and [Appendix 1D](#).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not More than 180 Days after Petition is Filed:

- ☐ **Plan.** See 11 U.S.C. § 1121(e)(1). The debtor should not file a disclosure statement unless the Court has ordered the debtor to file one. See [Bankr. D.S.D. R. 3016-2](#).

Due Not More than 300 Days after Petition is Filed:

- ☐ **Plan.** See 11 U.S.C. § 1121(e)(2). The debtor should not file a disclosure statement unless the Court has ordered the debtor to file one. See [Bankr. D.S.D. R. 3016-2](#).

**CHAPTER 11 SUBCHAPTER V NON-INDIVIDUAL, AS DEFINED BY
11 U.S.C. § 101(51C) AND (51D) AND § 1182 (VOLUNTARY)**

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201 (with the appropriate box in question 8 checked). A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.
- ☐ **Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11.** Official Form 201A.
- ☐ **Statement of Authority to File.** Generally, this will be a copy of a signed and dated resolution or meeting minutes by the business entity's governing body authorizing the filing of the petition. The resolution or meeting minutes shall be attached to a captioned cover pleading signed and dated by the debtor's attorney.
- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. See local form at [Bankr. D.S.D. R. 1007-1\(f\)](#) and [Appendix 1C](#). See also Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.
- ☐ **Statement Regarding Business Records Pursuant to 11 U.S.C. §§ 1116(1) and 1187(a).** The debtor shall complete the form at [Appendix 1D](#) of the local bankruptcy rules and shall attach to the statement the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return for the debtor or disclose in the statement which of these records was not prepared or filed. See also [Bankr. D.S.D. R. 1007-1\(g\)](#).
- ☐ **Mailing list of creditors.** The debtor's attorney shall electronically upload a mailing list of creditors when the petition is filed. See 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders.** Official Form 204. If the debtor files this list separate from the debtor's schedules, the debtor will need to complete and sign a Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) that references only the list of creditors who have the 20 largest unsecured claims, attach it to the completed Official Form 204 as the last page, and file both forms as one document. See Fed.R.Bankr.P. 1007(d).
- ☐ **Filing fee of \$1,738.00.** The debtor's attorney shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.
- ☐ **Schedules A/B and D through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.
- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy.** Official Form 207.
- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors.** Official Form 202.
- ☐ **List of Equity Security Holders.** See Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Disclosure of Compensation.** Filed only by the attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor if the debtor wants to employ the attorney, an accountant, or other professional. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not Less than 14 Days Before Mandatory Status Conference:

- ☐ **Pre-conference Status Report** "that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization." See 11 U.S.C. § 1188(c).

Due Not More than 90 Days after Petition is Filed:

- ☐ **Plan.** See 11 U.S.C. §§ 1189 and 1190, [Bankr. D.S.D. R. 3016-1](#), and Official Form 425A. The debtor should not file a disclosure statement unless the Court has ordered the debtor to file one. See also 11 U.S.C. § 1187(c) and [Bankr. D.S.D. R. 3016-2](#).

Due Not More than 14 Days after Confirmed Plan is Substantially Consummated:

- ☐ **Notice of Substantial Consummation.** See 11 U.S.C. § 1183(c)(2).

Due Not More than 30 Days after Confirmed Plan is Substantially Consummated, if Plan was Confirmed under 11 U.S.C. § 1191(a):

- ☐ **Motion for Entry of Final Decree.** Fed.R.Bankr.P. 3022 and [Bankr. D.S.D. R. 3022-1\(a\)](#).

Due upon Completion of Payments Required During the Plan Term Circumscribed by 11 U.S.C. § 1191(c)(2)(A) or (B), if Plan was Confirmed under 11 U.S.C. § 1191(b):

- ☐ **Certification and Request for Discharge.** See local form at [Bankr. D.S.D. R. 3022-1\(b\)\(2\)](#) and [Appendix 3G](#). See also 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1192.

Due after Entry of an Order of Discharge if Plan was Confirmed under 11 U.S.C. § 1191(b):

- ☐ **Motion for Entry of Final Decree.** Fed.R.Bankr.P. 3022 and [Bankr. D.S.D. R. 3022-1\(e\)](#).

**CHAPTER 11 NON-INDIVIDUAL THAT IS NOT A SMALL BUSINESS
AS DEFINED BY 11 U.S.C. § 101(51C) AND (51D) (VOLUNTARY)**

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.
- ☐ **Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11.** Official Form 201A.
- ☐ **Statement of Authority to File.** Generally, this will be a copy of a signed and dated resolution or meeting minutes by the business entity's governing body authorizing the filing of the petition. The resolution or meeting minutes shall be attached to a captioned cover pleading signed and dated by the debtor's attorney.
- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. See local form at [Bankr. D.S.D. R. 1007-1\(f\)](#) and [Appendix 1C](#). See also Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.
- ☐ **List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders.** Official Form 204. If the debtor files this list separate from the debtor's schedules, the debtor will need to complete and sign a Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202) that references only the list of creditors who have the 20 largest unsecured claims, attach it to the completed Official Form 204 as the last page, and file both forms as one document. See Fed.R.Bankr.P. 1007(d).
- ☐ **Mailing list of creditors.** The debtor's attorney shall electronically upload a mailing list of creditors when the petition is filed. See 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$1,738.00.** The debtor's attorney shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.
- ☐ **Schedules A/B and D through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.

- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy.** Official Form 207.
- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors.** Official Form 202.
- ☐ **List of Equity Security Holders.** See Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not More than 120 Days after Petition is Filed:

- ☐ **Plan and Disclosure Statement.** See 11 U.S.C. § 1121(b).

CHAPTER 12 INDIVIDUAL (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.
- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.
- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.
- ☐ **Certificate of Credit Counseling and copy of any debt repayment plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. §§ 109(h)(1) and 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.
- ☐ **Mailing list of creditors.** When a debtor is represented by an attorney, the attorney shall electronically upload a mailing list of creditors when the petition is filed. A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the local form at [Bankr. D.S.D. R. 1007-2](#) and [Appendix 1F](#). See *also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$278.00 paid in full OR an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or—only if hand delivered—cash. The payment shall be in the exact amount. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.
- ☐ **Declaration About an Individual Debtor's Schedules.** Official Form 106Dec.
- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy.** Official Form 107.
- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. See local form at [Bankr. D.S.D. R. 1007-1\(h\)](#) and [Appendix 1E](#). See *also* Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See *also* 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not More than 90 Days after Petition is Filed:

- ☐ **Plan.** See local form at [Bankr. D.S.D. R. 3015-2\(1\)](#) and [Appendix 3A](#). See *also* 11 U.S.C. §§ 1221, 1222, and 1225, Fed.R.Bankr.P. 3015(a), and [Bankr. D.S.D. Rs. 3015-1A, 3015-2, and 3015-3](#).

Due 30 Days after Trustee's Notice of Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1228(b):

- ☐ **Certification and Request for Discharge.** See local form at [Bankr. D.S.D. R. 3072-1A\(a\)\(2\)\(A\)](#) and [Appendix 3F](#).

CHAPTER 12 NON-INDIVIDUAL (AKA A BUSINESS) (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Non-Individuals Filing for Bankruptcy.** Official Form 201. A corporation, partnership, or other formal legal entity may file a petition only with the assistance of an attorney.
- ☐ **Statement of Corporate Ownership.** Filed using the local form only if the debtor is a corporation as defined by 11 U.S.C. § 101(9)(A), which includes limited liability companies, business trusts, and other similar legal entities. *See* local form at [Bankr. D.S.D. R. 1007-1\(f\)](#) and [Appendix 1C](#). *See also* Fed.Rs.Bankr.P. 1007(a)(1) and 7007.1.
- ☐ **Mailing list of creditors.** The debtor's attorney shall electronically upload a mailing list of creditors when the petition is filed. *See* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$278.00 paid in full.** The attorney for the debtor shall pay the fee by credit card. *See* Internet Payment Guide on the Court's website at www.sdb.uscourts.gov.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Assets and Liabilities for Non-Individuals.** Official Form 206Sum.
- ☐ **Schedules A/B and D through H.** Official Forms 206A/B, 206D, 206E/F, 206G, and 206H.
- ☐ **Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy.** Official Form 207.
- ☐ **Declaration Under Penalty of Perjury for Non-Individual Debtors.** Official Form 202.
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. *See* local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). *See also* 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Application(s) to Employ.** Filed by the debtor or the debtor's attorney if the debtor wants to employ the attorney, an accountant, or other professional, if any. The application should be filed before any post-petition services are rendered by that particular professional. *See* 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and [Bankr. D.S.D. R. 2014-1\(a\)](#).

Due Not More than 90 Days after Petition is Filed:

- ☐ **Plan.** See local form at [Bankr. D.S.D. R. 3015-2\(1\)](#) and [Appendix 3A](#). See *also* 11 U.S.C. §§ 1221, 1222, and 1225, Fed.R.Bankr.P. 3015, and [Bankr. D.S.D. Rs. 3015-1A, 3015-2, and 3015-3](#).

Due 30 Days after Trustee's Notice of Completion of Plan Payments OR the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1228(b):

- ☐ **Certification and Request for Discharge.** See local form at [Bankr. D.S.D. R. 3072-1A\(a\)\(2\)\(B\)](#) and [Appendix 3G](#).

CHAPTER 13 (VOLUNTARY)

Due on First Day of Filing:

- ☐ **Voluntary Petition for Individuals Filing for Bankruptcy.** Official Form 101.
- ☐ **Initial Statement About an Eviction Judgment Against You.** Filed only if the debtor rents a residence and the landlord has obtained a judgment for possession or an eviction judgment against the debtor. Official Form 101A.
- ☐ **Statement About Your Social Security Numbers.** Filed only by a debtor not represented by an attorney. Official Form 121.
- ☐ **Certificate of Credit Counseling and copy of any debt repayment plan.** The certificate and, if one was prepared, a copy of a debt repayment plan will be provided to the debtor by the approved nonprofit budget and credit counseling agency giving the pre-petition credit counseling course. A separate certificate shall be filed for each joint debtor. 11 U.S.C. §§ 109(h)(1) and 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Bankruptcy Petition Preparer's Notice, Declaration, and Signature.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Official Form 119.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer.** Filed only if the debtor hired a nonattorney to assist the debtor in typing the petition and other required documents. Director's Form 2800.
- ☐ **Mailing list of creditors.** When a debtor is represented by an attorney, the attorney shall electronically upload a mailing list of creditors when the petition is filed. A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the local form at [Bankr. D.S.D. R. 1007-2](#) and [Appendix 1F](#). See *also* 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a)(1).
- ☐ **Filing fee of \$313.00 paid in full OR an Application for Individuals to Pay the Filing Fee in Installments.** An attorney for a debtor shall pay the fee by credit card. See Internet Payment Guide on the Court's website at www.sdb.uscourts.gov. A debtor not represented by an attorney shall pay the fee to the Clerk by cashier's check, money order, or—only if hand delivered—cash. The payment shall be in the exact amount. See Official Form 103A for the Application for Individuals to Pay the Filing Fee in Installments.

Due Not More than 14 Days after Petition is Filed:

- ☐ **Summary of Your Assets and Liabilities and Certain Statistical Information.** Official Form 106Sum.

- ☐ **Schedules A/B through J.** Official Forms 106A/B, 106C, 106D, 106E/F, 106G, 106H, 106I, 106J, and, if necessary, 106J-2.
- ☐ **Declaration About an Individual Debtor's Schedules.** Official Form 106Dec.
- ☐ **Statement of Financial Affairs for Individuals Filing for Bankruptcy.** Official Form 107.
- ☐ **Statement Regarding Payment Advices.** If the debtor's debts are primarily consumer debts and if the debtor received payments from an employer within 60 days before the date of the filing of the petition (this includes most chapter 13 debtors), the debtor shall file the statement using the local form, checking the first box thereon, and attaching to it a copy of each payment advice (also known as employee income records or wage statements) received by the debtor during that 60 days. Redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers. If the debtor's debts are primarily consumer debts but the debtor did *not* receive payments from any employer within 60 days before the date of the filing of the petition, the debtor shall still file the statement using the local form but shall check the second box thereon. Joint debtors shall each file a statement. See local form at [Bankr. D.S.D. R. 1007-1\(a\)\(2\)](#) and [Appendix 1B](#). See also 11 U.S.C. § 521(a)(1)(B)(iv) and Fed.R.Bankr.P. 1007(b)(1)(E).
- ☐ **Statement of Interest in an Education Individual Retirement Account, Qualified ABLE Program, or under a Qualified State Tuition Program Pursuant to 11 U.S.C. § 521(c).** If a debtor has an account as defined by 11 U.S.C. § 521(c), the debtor shall file the statement using the local form and attach to it a record of each such account. Redact from the account records all but the last four digits of the debtor's Social Security number or other personal identification numbers. See local form at [Bankr. D.S.D. R. 1007-1\(h\)](#) and [Appendix 1E](#). See also Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation.** Filed only by an attorney for the debtor. See local form at [Bankr. D.S.D. R. 2016-1\(a\)](#) and [Appendix 2M](#). See also 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). Though Director's Form 2030 exists for this disclosure, attorneys are strongly encouraged to use the local form instead.
- ☐ **Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period.** Official Form 122C-1.
- ☐ **Chapter 13 Calculation of Your Disposable Income.** Official Form 122C-2.

- ☐ **Plan.** See local form at [Bankr. D.S.D. R. 3015-2\(1\)](#) and [Appendix 3A](#). See *also* 11 U.S.C. § 1321, Fed.R.Bankr.P. 3015(b), and [Bankr. D.S.D. Rs. 3015-1B](#), [3015-2](#), and [3015-3](#).

Due Before the Last Payment under Debtor's Confirmed Plan OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1328(h):

- ☐ ~~**Certification About a Financial Management Course**~~**Certificate of Debtor Education.** The approved nonprofit budget and credit counseling agency that provides the post-petition financial management course, ~~will either file a certificate of completion directly or~~ the debtor, or the debtor's attorney shall, ~~after receiving the certificate of completion,~~ file a ~~completed Certification About a Financial Management Course (Official Form 423)~~**Certificate of Debtor Education**. A separate ~~certificate of completion or a Certification About a Financial Management Course~~**Certificate of Debtor Education** shall be filed for each joint debtor. See 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

Due 30 Days after Trustee's Notice of Completion of Plan Payments OR upon the Filing of a Motion for Hardship Discharge under 11 U.S.C. § 1328(h):

- ☐ **Certification and Request for Discharge.** Each joint debtor shall prepare and file a separate Certification and Request for Discharge. See local form at [Bankr. D.S.D. R. 3072-1B\(b\)](#) and [Appendix 3F](#). See *also* 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1328(h). A debtor who has completed all plan payments shall file the Certification and Request for Discharge within 30 days after the trustee files his Notice of Completion of Plan Payments. A debtor who has *not* completed all plan payments and is instead seeking a hardship discharge should file the Certification and Request for Discharge at the same time the debtor files the motion for hardship discharge. See [Bankr. D.S.D. R. 3072-1B\(b\)](#). A debtor seeking a hardship discharge will need to modify the language of the first sentence of paragraph "I" of the Certification and Request for Discharge to indicate the debtor has not completed all plan payments but is seeking a hardship discharge instead. The local form incorporates Director's Form 2830.

Appendix 3A. Chapter 12 or Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. No. 18-90000
) Chapter 13
JANE ANNE ANONYMOUS)
fdba Jane's Flower Shop)
SSN/ITIN xxx-xx-0000) PLAN DATED _____, 20____
)
Debtor.)

Part 1. Notice of Certain Items

The following items may be of particular importance to some creditors. Creditors and other parties in interest are given notice of them pursuant to Federal Rule of Bankruptcy Procedure 3015.1.

1.1	Nonstandard provisions.	<input type="checkbox"/> Included in Part 8	<input type="checkbox"/> Not Included
1.2	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included in Part 5.3	<input type="checkbox"/> Not Included
1.3	Avoidance of a judicial lien or a nonpossessory, nonpurchase money security interest on property claimed exempt.	<input type="checkbox"/> Included in Part ____	<input type="checkbox"/> Not Included

Part 2. Plan Term and Debtor's(s') Payments to Trustee

2.1 Plan term. Debtor(s) will make the first plan payment on or before _____, 20__ and the last plan payment on or before _____, 20__.

2.2 Debtor's(s') payments to the trustee. Debtor(s) will pay \$ _____ per month to the chapter 13 trustee for ____ months, for a total of \$ _____.

During the plan term, Debtor(s) will give the trustee a copy of each federal income tax return at the same time the return is filed. Debtor(s) will also turn over to the trustee any federal income tax refunds Debtor(s) receives(), after any statutory set-off by the Internal Revenue Service, for tax years 20__, 20__, 20__, 20__, and 20__.

Debtor(s) also commits() to the plan any disposable income, as defined by 11 U.S.C. § 1325(b)(2), that Debtor(s) receives() during the plan term.

Part 3. Treatment of Administrative Expenses and Other Priority Claims

3.1 Trustee fees. The trustee's fees will be paid from Debtor's(s') plan payments, including any tax refunds or disposable income committed to the plan, at the rate provided by 11 U.S.C. § 326(b) and 28 U.S.C. § 586(e).

3.2 Debtor's(s') attorney fees.

☐ *No fees owed.*

Debtor's(s') attorney and any other professional employed by the bankruptcy estate will file and give notice of a fee application. The Court will enter an order awarding the professional fees consistent with 11 U.S.C. § 330. The fees awarded will be paid as follows:

Estimated total fees paid through plan for Debtor's(s') attorney \$ _____

Payments
\$ _____ per month for ____ months
beginning _____, 20__.

Estimated total fees paid through plan for Debtor's(s') financial advisor \$ _____

Payments
\$ _____ per month for ____ months
beginning _____, 20__.

Estimated fees paid through plan for Debtor's(s') accountant \$ _____

Payments
\$ _____ per month for ____ months
beginning _____, 20__.

If the Court awards professional fees that total less than the estimates above, unsecured creditors may receive a distribution that is more than the estimate set forth in Part 6. If the Court awards professional fees that total more than the estimates above, Debtor(s) may file a motion to modify the confirmed plan to provide for those additional fees. If the Court approves the modification, unsecured creditors may receive a distribution that is less than the estimate set forth in Part 6. The actual amount of the monthly installment fee payments will be calculated by the trustee based on the Court's fee orders

3.3 Domestic support obligations to be paid in full.

☐ *No such claim owed.*

The allowed priority claims listed below are based on domestic support obligations that have *not* been assigned to a governmental unit or are *not* owed to a governmental unit. Debtor(s) is(are) current on these obligations, and Debtor(s) will continue to directly pay these claims in full as they become due.

Brief description of claim	Total claim	Amount to be paid during plan term	
_____	\$ _____	\$ _____	at \$ _____ per month.
_____	\$ _____	\$ _____	at \$ _____ per month.

3.4 Domestic support obligations assigned to or owed to a governmental unit and that may be paid less than the full amount.

☐ *No such claim owed.*

The allowed priority claims listed below are based on domestic support obligations that have been assigned to or are owed to a governmental unit. During the plan term, each may be paid less than the full amount of the claim pursuant to 11 U.S.C. § 1322(a)(4) through disbursements by the trustee.

Name of governmental unit	Total claim	Monthly payment	Number of payments and date payments begin
_____	\$ _____	\$ _____	_____ _____, 20__
_____	\$ _____	\$ _____	_____ _____, 20__

3.5 Other priority claims.

☐ *No such claim owed.*

The priority claims under 11 U.S.C. § 507 listed below will be paid in full during the plan term, without interest, through disbursements by the trustee:

Name of creditor	Priority claim	Monthly payment	Number of payments and date payments begin
_____	\$ _____	\$ _____	_____ _____, 20__
_____	\$ _____	\$ _____	_____ _____, 20__

Part 4. Executory Contracts and Unexpired Leases

4.1 Assumptions.

☐ *None to assume.*

Debtor(s) assumes() the executory contracts and unexpired leases listed below. The trustee will make any arrearage payments specified. Debtor(s) will make the remaining current installment payments.

Name of lessor or other party to contract	Description of leased property or subject of executory contract	Arrearage, if any, and payment terms	Current installment terms
_____	_____	\$ _____ total, at \$ _____ per month for ____ months	\$ _____ per month for ____ months
_____	_____	\$ _____ total, at \$ _____ per month for ____ months	\$ _____ per month for ____ months

4.2 Rejections.

☐ *None to reject.*

Debtor(s) rejects() the following executory contracts and unexpired leases. Any claim arising from a rejection will be treated as a general unsecured claim in Part 6.

Name of lessor or other party to contract	Description of leased property or subject of executory contract
_____	_____
_____	_____

Part 5. Treatment of Secured Claims

5.1 Claims secured only by Debtor's(s') principal residence.

☐ *No such claim owed.*

Description: [insert legal description and any street address of principal residence].

Any arrearage on the claim(s) listed below will be paid in full during the plan term through disbursements by the trustee, with interest, if any, at the rate stated. If there is no arrearage, "none" is inserted. Debtor(s) will make the current installment payments to the creditor(s) during the plan term and thereafter, as may be necessary. Unless otherwise stated, the balance owed and Debtor's(s') current installment payments, as to the amount, the rate of interest, and the length of the repayment term, will be consistent with the written agreement between Debtor(s) and the creditor and may occasionally change pursuant to the agreement's terms.

Unless otherwise ordered by the Court, the amount of the arrearage and the balance owed stated below are controlling and, if the value of the creditor's collateral exceeds the amount of its allowed claim, the balance owed includes interest and other

allowances provided by 11 U.S.C. § 506(b), unless the creditor has otherwise agreed.

A creditor listed below will retain its lien or other encumbrance on the collateral stated until the creditor's claim is paid in full pursuant to the written agreement between Debtor(s) and the creditor, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor. If the case is dismissed or converted to another chapter before the plan is completed, a creditor listed below will retain its lien to the extent recognized by applicable nonbankruptcy law.

If the Court grants a creditor listed below relief from the automatic stay regarding the Debtor's(s') principal residence, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor	Arrearage, if any, and payment terms ["none" inserted if no arrearage]	Balance, excluding any arrearage, and current installment terms
_____	\$ _____ at \$ _____ per month for ____ months, which includes interest at ____%.	\$ _____ at \$ _____ per month for ____ months, which Includes interest at agreement rate.
_____	\$ _____ at \$ _____ per month for ____ months, which includes interest at ____%.	\$ _____ at \$ _____ per month for ____ months, which includes interest at agreement rate.

5.2 Claims fully secured by real or personal property, excluding claims in Parts 5.1 and 5.4.

☐ *No such claim owed.*

Any arrearage on the claim(s) listed below will be paid in full during the plan term through disbursements by the trustee, with interest, if any, at the rate stated. If there is no arrearage, "none" is inserted. Debtor(s) will make the current installment payments to the creditor(s) during the plan term and thereafter, as may be necessary. Unless otherwise stated, the balance owed and Debtor's(s') current installment payments, as to the amount, the rate of interest, and the length of the repayment term, will be consistent with the written agreement between Debtor(s) and the creditor and may occasionally change pursuant to the agreement's terms.

Unless otherwise ordered by the Court, the amount of the arrearage and the balance owed stated below are controlling and, if the value of the creditor's collateral exceeds the amount of its allowed claim, the balance owed includes interest and other allowances provided by 11 U.S.C. § 506(b), unless the creditor has otherwise agreed.

A creditor listed below will retain its lien or other encumbrance on the collateral stated until the creditor's claim is paid in full pursuant to the written agreement

between Debtor(s) and the creditor, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor. If the case is dismissed or converted to another chapter before the plan is completed, a creditor listed below will retain its lien to the extent recognized by applicable nonbankruptcy law.

If the Court grants a creditor listed below relief from the automatic stay regarding the collateral described below, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor and description of collateral	Arrearage, if any, and payment terms ["none" inserted if no arrearage]	Balance, excluding any arrearage, and current installment terms
_____	\$ _____ at \$ _____ per	\$ _____ at \$ _____ per
_____	month for ____ months, which	month for ____ months, which
_____	includes interest at ____%.	includes interest at agreement rate.
_____	\$ _____ at \$ _____ per	\$ _____ at \$ _____ per
_____	month for ____ months, which	month for ____ months, which
_____	includes interest at ____%.	includes interest at agreement rate.

5.3 Claims partially secured by real or personal property as provided by 11 U.S.C. § 506(a).

☐ *No such claim owed.*

A creditor listed below will be paid, pursuant to 11 U.S.C. § 506(a), the secured portion of its claim to the extent of the value of its collateral. The secured portion will be paid through installment payments with interest, if any, at the rate stated. During the plan term, the installment payments will be made by the trustee. After the plan term, any remaining installment payments will be made by Debtor(s) directly to the creditor. A creditor listed below as having a secured claim will retain its lien or other encumbrance on the collateral stated to the extent provided under 11 U.S.C. § 1325(a)(5)(B)(i) ~~until the secured claim is paid in full, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor.~~ If the case is dismissed or converted to another chapter before the plan is completed, a creditor listed below will retain its lien to the extent recognized by applicable nonbankruptcy law.

The unsecured portion of a claim held by a creditor listed below will be paid by the trustee under Part 6. If the collateral securing a claim is valued at zero, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 6.

Unless otherwise ordered by the Court, the amount of the creditor's total claim and the value of the creditor's collateral stated below are controlling.

If the Court grants a creditor listed below relief from the automatic stay regarding the collateral described below, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor and description of collateral	Value of collateral	Total amount of senior encumbrance	Amount of unsecured claim	Amount of secured claim and payment terms
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month
_____				for ____ months, which
				includes interest at ____ %.
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month
_____				for ____ months, which
				includes interest at ____ %.
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____				at \$ _____ per month
_____				for ____ months, which
				includes interest at ____ %.

5.4 Secured claims excluded from 11 U.S.C. § 506.

☐ *No such claim owed.*

A creditor listed below holds a claim that either was incurred within 910 days before the petition date and is secured by a purchase money security interest in a motor vehicle acquired for personal use or was incurred within one year of the petition date and is secured by a purchase money security interest in any thing of value. These claims will be paid in full pursuant to the written agreement between Debtor(s) and the creditor. During the plan term, the installment payments will be made by the trustee. After the plan term, any remaining installment payments will be made by Debtor(s) directly to the creditor. A creditor listed below will retain its lien or other encumbrance on the collateral stated until the claim is paid in full, at which time the lien or other encumbrance will terminate and shall be promptly released by the creditor. Unless otherwise ordered by the Court, the claim amounts stated below are controlling.

If relief from the automatic stay is granted to a secured creditor listed below as to the collateral described below, then, unless otherwise ordered by the Court, the trustee's payments to that creditor under this part will cease.

Name of creditor and description of collateral	Total claim	Current installment term
_____	\$ _____	\$ _____ per month
_____		for _____ months.
_____	\$ _____	\$ _____ per month
_____		for _____ months.

5.5 Surrender of collateral and relief from stay; continuation of co-debtor stay.

☐ *No collateral to be surrendered.*

Debtor(s) elects() to surrender to the creditor(s) listed below the collateral that secures that particular creditor's claim. Pursuant to Debtor's(s') request, upon confirmation of this plan, a creditor listed below is given relief from the automatic stay imposed by 11 U.S.C. § 362(a) to exercise the creditor's nonbankruptcy law remedies regarding the collateral described below. The co-debtor stay will remain in place unless and until the creditor seeks and obtains relief from the co-debtor stay pursuant to 11 U.S.C. § 1301(c) and [Bankr. D.S.D. R. 4001-4](#). Unless otherwise ordered by the Court, any allowed unsecured claim resulting from the disposition of the collateral will be treated under Part 6 upon the creditor's filing of a proof of claim or an amended proof of claim setting forth the amount of the unsecured claim.

Name of creditor	Description of collateral being surrendered
_____	_____
_____	_____

Part 6. Treatment of Unsecured, Nonpriority Claims

☐ *No such claim owed.*

After making the disbursements described in Parts 3, 4.1, and 5, the trustee will distribute the balance of the plan payments and other funds received from Debtor(s), including any tax refunds and disposable income committed to the plan, to creditors holding unsecured, nonpriority claims who timely file a proof of claim on or before the deadline established by Federal Rule of Bankruptcy Procedure 3002(c). If a creditor holding an unsecured, nonpriority claim receives appropriate notice of the case but fails to timely file a proof of claim, that creditor's claim will be discharged to the extent set forth in 11 U.S.C. § 1328(a) when Debtor(s) completes() all plan payments. If all unsecured, nonpriority creditors known to Debtor(s) timely file proofs of claim, each creditor holding an unsecured, nonpriority claim will receive approximately _____ % of its allowed claim through the plan payments.

Attached to this plan as Exhibit B and incorporated by reference is Debtor's(s') liquidation analysis showing the total payments under this section to creditors holding unsecured, nonpriority claims will be at least as much as these creditors would receive if Debtor's(s') nonexempt assets were liquidated in a case under chapter 7 of the bankruptcy code.

Part 7. Other Provisions

7.1 Property of the estate. Unless otherwise ordered by the Court, property of the bankruptcy estate will vest with Debtor(s) upon confirmation of the plan.

7.2 Changes in Debtor's(s') income and expenses.

☐ *No post-petition changes in income or expenses.*

Since the petition date, Debtor's(s') income and expenses have changed. These changes are reflected in the proposed plan payments. Debtor(s) has (have) filed a Supplement Schedule I and a Supplement Schedule J reflecting these changes. A copy may be viewed on the Court's docket or obtained by request from Debtor's(s') attorney, whose contact information is provided below.

7.3 Taxes. During the plan term, Debtor(s) will timely file all tax returns required by any governmental entity and will provide a copy of each return to the trustee at the same time the return is filed. During the plan term, Debtor(s) will also pay when due any tax imposed by any governmental entity.

Part 8. Nonstandard Provisions

A nonstandard provision is a provision not otherwise included in Appendix 3A of the local bankruptcy rules for the District of South Dakota. Pursuant to Federal Rules of Bankruptcy Procedure 3015(c) and 3015.1(e)(1), nonstandard provisions are set forth in this part only. Any nonstandard provision set forth elsewhere in this plan is ineffective.

This plan includes the following nonstandard provisions:

Part 9. Signatures of Debtor(s) and Attorney for Debtor(s)

By signing and filing this plan, Debtor(s), if not represented by an attorney, or the attorney for Debtor(s) certifies(y) the plan does not contain any nonstandard provisions other than any set forth in Part 8.

Dated: _____, 20__.

X _____
Debtor's Signature

Debtor's Name (typed)

Dated: _____, 20__.

X _____
Joint Debtor's Signature

Joint Debtor's Name (typed)

Dated: _____, 20__.

X _____
Debtor's(s') Attorney's Signature

Debtor's(s) Attorney's Name
and Contact Information (typed)

Exhibit A. Summary of Debtor's(s') Payments to Trustee and Trustee's Disbursements

A.1 Debtor's(s') payments to trustee under plan.

\$ _____ per month for ____ months, for a total of \$ _____ (gross)

Less trustee's fee (approx. 9.091% of gross) \$ _____

Available for distribution \$ _____

Debtor(s) has(have) also committed tax refunds for tax years 20__, 20__, 20__, 20__, and 20__ and disposable income from _____, 20__ through _____, 20__ to plan payments, which may increase the funds available for distribution.

A.2 Trustee's total disbursements under plan.

Administrative expenses	attorney for Debtor(s)	\$ _____
		\$ _____
Other priority claims (listed by creditor)		\$ _____
		\$ _____
		\$ _____
Leases and executory contract arrearage payments (listed by lessor or other party to contract)		\$ _____
		\$ _____
		\$ _____
Secured claims arrearage payments (listed by creditor)		\$ _____
		\$ _____
		\$ _____
		\$ _____
Unsecured, nonpriority claims		\$ _____
Total disbursements by trustee under plan		\$ _____

Exhibit B. Debtor's(s') Liquidation Analysis

	Market Value	Total of Valid Encumbrances	Claimed Exemptions	Equity
Real Property Interests (by parcel, from Schedule A/B, Part 1)				
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
Vehicles, Trailers, Etc. (by item, from Schedule A/B, Part 2)				
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
Personal and Household Items (not itemized, from Schedule A/B, Part 3)				
	\$ _____	\$ _____	\$ _____	\$ _____
Financial Assets (not itemized, from Schedule A/B, Part 4)				
	\$ _____	\$ _____	\$ _____	\$ _____
Business-related Property (excluding farm/ranch property; not itemized, from Schedule A/B, Part 5)				
	\$ _____	\$ _____	\$ _____	\$ _____
Farm/Ranch-related Property (not itemized, from Schedule A/B, Part 6)				
	\$ _____	\$ _____	\$ _____	\$ _____
Other Property Interests (by item, from Schedule A/B, Part 7)				
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
Total equity:				\$ _____
Less ____ % liquidation costs				\$ _____
Less chapter 7 trustee fees per 11 U.S.C. § 326(a)				\$ _____
TOTAL AVAILABLE FOR DISTRIBUTION				\$ _____

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

In the caption, do not repeat in the title the chapter number or use the word "Debtor" or "Debtor's" (only a debtor may file a chapter 12 or a chapter 13 plan). If the plan has been modified, the proper title is "MODIFIED PLAN DATED [insert the date the debtor signs the modified plan]." Do *not* state, *e.g.*, "SECOND MODIFIED PLAN . . ."

If the "No . . ." or "None . . ." box is checked in a particular part or subpart, the remainder of that part or subpart may be deleted. The exception is Part 8. Both paragraphs in Part 8 must be included in each chapter 13 plan, even when the plan does not contain a "nonstandard provision," as that term is defined by Fed.R.Bankr.P. 3015(c).

The payment term in part 2.2 may be modified, as necessary, if the debtor will be making biweekly, semimonthly, semiannual, or annual plan payments rather than monthly plan payments. A debtor may also address pre-confirmation payments in Part 2.2, as may be necessary.

In Part 3.2, remove the fee provisions for a debtor's financial advisor or accountant if the debtor did not utilize such professionals pre-confirmation.

On Exhibit A, the figure for "Available for distribution" in A.1 should be the same as the figure for "Total disbursements by trustee under plan" in A.2.

When completing the liquidation analysis, use the debtor's most recent schedule A/B or amended schedule A/B.

When using this plan form in a chapter 12 case, omit Parts 1, 5.1, and 8 and renumber the remaining parts. The use of the remaining subparts in Part 5 is optional; the plan treatment for each fully or partially secured creditor instead may be set forth seriatim in Part 5. Remove all references to "nonstandard provisions." Convert all references to a chapter 13 statute to the applicable chapter 12 statute. On the signature page, omit the sentence referring to nonstandard provisions and instead use "Respectfully submitted:" above the signatures and dates.

[Farm Service Agency's Memo re: Preferred Plan Language](#)
[Internal Revenue Service's Memo re: Preferred Plan Language](#)

REFERENCES: [Bankr. D.S.D. Rs. 3015-2](#) and [3016-1](#).

Appendix 3F. Chapter 11, Chapter 12, or Chapter 13 Individual Debtor's Certification and Request for Discharge.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 11
WADE JOEL EARNER)	
aka W.J. Earner)	
SSN/ITIN xxx-xx-0000)	
	)	DEBTOR WADE JOEL EARNER'S
and	)	CERTIFICATION AND
	)	REQUEST FOR DISCHARGE
WANDA GAIL EARNER)	
SSN/ITIN xxx-xx-0001)	
)	
Debtors.)	

I, Wade Joel Earner, an above-named debtor, certify and request as follows:

I. Eligibility. I am asking the Court to enter a discharge order in this case because:

(a) I have completed all payments, including any disposable income payments, due through the end of the plan term, as provided by my confirmed plan and any subsequent modifications approved by the Court; and

(b) I have not received a prior discharge that would render me ineligible for a discharge in this case.

II. Personal financial management course. I have completed an instructional course concerning personal financial management and a certification of the same has been filed ~~by the course provider or I have completed and filed an Official Form 423.~~

III. Domestic Support Obligation (check A or B and, if B is checked, complete part B in full):

☐ **A. NO Support Debt.** I have not been required by a judicial or administrative order or by statute to pay any Domestic Support Obligation, as defined by 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or at any time thereafter.

OR ☐ **B. Support Debt.** I have been required to pay a Domestic Support Obligation, as defined by 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or at any time thereafter. I certify that prior to the date of this affidavit I have paid in full any Domestic Support Obligation payments required by a judicial or administrative order or by statute, including amounts due before or since this bankruptcy case was filed, to the extent provided by the confirmed plan and any subsequent modifications thereto.

The name and address of each holder of a Domestic Support Obligation is:

My most recent address is:

The name and address of my most recent employer(s) is/are:

IV. Application of 11 U.S.C. § 522(q). I certify [*check A or B*]:

☐ **A.** Section 522(q)(1) of Title 11 does not apply because I have not claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than the allowance provided in 11 U.S.C. § 522(p) on the date I filed my bankruptcy petition.

OR ☐ **B.** Although I have claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than the allowance under 11 U.S.C. § 522(p) on the date I filed my bankruptcy petition,

(1) Section § 522(q)(1)(A) of Title 11 does not apply because I have not been convicted of a felony, as defined by 18 U.S.C. § 3156, that under the circumstances demonstrates the filing of the case was an abuse of the provisions of Title 11 of the United States Code, and 11 U.S.C. § 522(q)(1)(B) does not apply because I do not owe a debt arising from:

(A) any violation of the federal securities laws, as defined in § 3(a)(47) of the Securities Exchange Act of 1934, any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;

(B) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or § 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;

(C) any civil remedy under 18 U.S.C. § 1964; or

(D) any criminal act, intentional tort or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years; and

(2) There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

I certify under penalty of perjury that the information provided in this certification is true and correct to the best of my knowledge and belief.

Dated: March 10, 2025.

/s/
Wade Joel Earner
Debtor

SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

This local form should be used in lieu of any Official Form.

The document shall be completed in full and filed with the Court to begin the discharge process. A chapter 12 debtor may exclude subpart I(b) and part II. Be sure to reflect the correct chapter in the caption.

Each debtor in a joint case shall complete a separate document.

When this document is filed, it is not viewable on the public docket because of the personal identifier information that may be included. The case trustee will be able to view it so the trustee can complete his or her case administration duties.

REFERENCES: [Bankr. D.S.D. Rs. 3022-1](#), [3072-1A](#), and [3072-1B](#).