

BANKRUPTCY ^{UP}DATE

August 11, 2026

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LKA Decision

Use the link in the "Links" section below to view this decision:

In re Olson

Issue: Whether the chapter 7 debtor may claim a homestead exemption under S.D.C.L. §§ 43-31-1, 43-31-4, and 43-45-3(1) in property which the debtor owned and lived on in the past but did not reside on the date of filing nor intend to return to in the future because it was uninhabitable?

Ruling: Yes. In construing S.D.C.L. §§ 43-31-1 and 43-45-3 liberally in the debtor's favor as it relates to her homestead, the Court found the debtor had preserved her homestead interest since the debtor owned and maintained the property on the date of filing bankruptcy and embraced it as her home, she stated she would have remained on the property until after the sale had it been habitable, she claimed no other property as her homestead, and the chapter 7 trustee failed to prove the debtor intended to voluntarily abandon the property as her homestead.

State Bar Bankruptcy Seminar September 18

The State Bar of South Dakota and our Court will host a continuing legal education bankruptcy seminar on Friday, September 18, 2026, at the Hilton Garden Inn at 201 East 8th Street in Sioux Falls. The seminar will cover a wide range of bankruptcy topics for seasoned bankruptcy attorneys, young lawyers, paralegals, support staff, and those just beginning to explore insolvency issues. The speakers will include debtors' attorneys, creditors' attorneys, government attorneys, trustees, and judges. Click on the link below to view the agenda and to register for the seminar.

[Agenda and Registration](#)

Links

[*In re Olson*](#)

[Previous Bankruptcy ^{UP}dates](#)

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.