

**Rule 1009-1. ~~Amended Petition;~~ Amendment to of a Petition.**

~~(a) Amended petition. If a petition is filed without all required signatures or without all appropriate boxes checked in sections that require the debtor to make a declaration, the debtor shall immediately file an amended petition by using the appropriate Official Form and checking the "amended filing" box at the top right of the first page of the petition. The amended petition shall be fully completed and contain new signatures and a new date reflecting when the new signatures were affixed. Unless otherwise directed by the Court or the Bankruptcy Clerk, no notice or service of the amended petition shall be made except as will be made electronically.~~

~~(b) Amendment to petition.~~

~~(1) Required content. Except as provided in paragraph (a) above, if a petition contains information that is incorrect or incomplete as of the petition date, excluding a Social Security number, the debtor shall file a combined amendment ~~to~~ the petition (not an amended petition) and notice of amendment that conforms to Appendix 1G. The amendment to the petition shall specifically state each change from the original petition that is being made. The amendment shall *not* include an amended petition as an attachment.~~

~~(2) Service. If the amendment to the petition is filed before the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the combined amendment and notice of amendment on any party in interest not electronically served. If the amendment to the petition is filed after the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the combined amendment and notice of amendment on all creditors and other parties in interest not electronically served.~~

(a) Required documents. If a petition contains information that is incorrect or incomplete as of the petition date, excluding a Social Security number, the debtor shall file:

(1) an amended petition, using the appropriate official form, and checking the "amended filing" box at the top right of the first page; and

(2) a notice of amendment that conforms to Appendix 1G that states each change from the original petition that is being made in the amended petition.

(b) Service. If the amended petition is filed before the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the notice of amendment on any parties in interest not electronically served. If the amended petition is filed after the Clerk generates the notice of bankruptcy case filing, the debtor shall serve the notice of amendment on all creditors and other parties in interest not electronically served.

REFERENCE: Fed.R.Bankr.P. 1009.

**Practice Pointer:** An amendment of a list (other than a mailing list of creditors), schedule, or statement (other than a Statement About Your Social Security Numbers, Official Form 121) is governed by Bankr. D.S.D. R. 1009-2. An amendment of a Social Security number is governed by Bankr. D.S.D. R. 1009-3. An amendment of a mailing list of creditors is governed by Bankr. D.S.D. R. 1009-4.

**Rule 1009-2. ~~Amendment to List, Schedule, or Statement (other than Statement About Your Social Security Numbers).~~**

~~(a) **Required content.** If a list, schedule, or statement (other than the Statement About Your Social Security Numbers, Official Form 121) contains information that is incorrect or incomplete as of the petition date, the debtor shall file a combined amendment and notice of amendment that conforms to Appendix 1H, Appendix 1I, or Appendix 1J. The amendment shall state each change from the original document that is being made, including any change in the description, value, amount, or total, and shall include, as an attachment, the amended list, schedule, or statement that incorporates all the changes using the appropriate Official Form and checking the "amended filing" box at the top right of the first page of the list, schedule, or statement, if such a box is provided. If the list, schedule, or statement to be amended does not have a box by which its amended nature may be designated, the document should be labeled "AMENDED" at the top of the first page.~~

~~(b) **Service.** The debtor shall serve a copy of the combined amendment and notice of amendment and the attachment(s) on parties in interest not electronically served, including any affected party. Whenever a schedule C is amended, all creditors and other parties in interest are affected parties who shall be served. Whenever a schedule D or a schedule E/F is amended, any creditor being added or deleted by the amendment or whose claim is being modified by the amendment is an affected party who shall be served.~~**Amendment of a List (other than a mailing list of creditors), Schedule, or Statement (other than a Statement About Your Social Security Numbers).**

(a) **Required documents.** If a list (other than a mailing list of creditors), schedule, or statement (other than a Statement About Your Social Security Numbers, Official Form 121) contains information that is incorrect or incomplete as of the petition date, the debtor shall file:

(1) the amended list, schedule, or statement, using the appropriate official form, if any, and checking the "amended filing" box at the top right of the first page of the list, schedule, or statement, if such a box is provided. If the list, schedule, or statement to be amended does not have a box by which its amended nature may be designated, the document shall be labeled "AMENDED" in the title of the document. If the official form for the list, schedule, or statement to be amended does not include a signature page, the debtor shall include, as the last page of the amended list, schedule, or statement, a fully completed Declaration About an Individual Debtor's Schedules (Official Form 106Dec), or a fully completed Declaration Under Penalty of Perjury for Non-Individual Debtors (Official Form 202).

(2) a notice of amendment that conforms to Appendix 1H or Appendix 1I and that states each change from the original document that is being made in the amended document.

(b) Service of the notice. The debtor shall serve a copy of the notice of amendment on any party in interest not electronically served, including any creditor being added or deleted by the amendment or whose claim is being modified by the amendment, except when a schedule C is amended, the debtor shall serve the notice of amendment on all creditors and other parties in interest not electronically served.

REFERENCES: Fed.Rs.Bankr.P. 1007, 1008, and 1009.

**Practice Pointers:** An amendment of a Social Security number is governed by Bankr. D.S.D. R. 1009-3. An amendment of a mailing list of creditors is governed by Bankr. D.S.D. R. 1009-4.

A debtor does not need to amend both ~~his~~the mailing list of creditors and a schedule. If a creditor was omitted from a schedule or if the claim information on a schedule for a particular creditor is incorrect, the debtor should file an amendment ~~to ed~~ to the schedule and the Clerk will update the case mailing list, if necessary. If the creditor and the creditor's claim were correctly included on the appropriate schedule but the creditor's name or address was missing from the mailing list or if the address was listed incorrectly on the mailing list, the debtor should amend only the mailing list.

~~While amendments to different schedules and lists may be combined, a debtor may wish to file separate amendments when the service requirements for particular amendments are different. For example, since an amendment to schedule C has to be served on all creditors and other parties in interest, it should not be combined with an amendment to schedule A/B, which is served only on parties in interest. If the amendments to schedules A/B and C are combined, the debtor will have to serve the entire document, including both attached amended schedules, on all creditors and other parties in interest not electronically served.~~

**Rule 1009-4. Amendment of a Mailing List of Creditors.**

**(a) Required document.** If a debtor needs to correct the mailing list of creditors that was either electronically uploaded when the case was commenced or filed pursuant to Bankr. D.S.D. R. 1007-2, the debtor shall file a combined amendment and notice of amendment that conforms to Appendix 1J. The amendment shall specifically state each change being made.

**(b) Service.** The debtor shall serve the combined amendment and notice of amendment on any parties in interest not electronically served.

**REFERENCES:** 11 U.S.C. § 521(a)(1)(A); Fed.Rs.Bankr.P. 1007(a)(1) and 1009(a).

**Practice Pointers:** A debtor does not need to amend both the mailing list of creditors and a schedule. If a creditor was omitted from a schedule or if the claim information on a schedule for a particular creditor is incorrect, the debtor should file an amended schedule and the Clerk will update the case mailing list, if necessary. If the creditor and the creditor's claim were correctly included on the appropriate schedule but the creditor's name or address was missing from the mailing list or if the address was listed incorrectly on the mailing list, the debtor should amend only the mailing list.

A debtor does not need to amend the mailing list of creditors or a schedule when an undeliverable document is returned to the debtor or the debtor's attorney or when the debtor or the debtor's attorney receives a notice from the Bankruptcy Noticing Center that a document is undeliverable. When a document is undeliverable, the debtor should instead comply with Bankr. D.S.D. R. 2002-4(a).

**Rule 1009-5. Supplement Schedule I or J.** If a debtor in a chapter 12 or a chapter 13 case wants to show or is directed by the Court to show a change in post-petition income or post-petition expenses in support of a proposed plan, a motion, or a response, the debtor shall file the fully completed schedule I or schedule J using the appropriate official form, checking the box at the top right of the first page of the schedule indicating it is a supplement showing post-petition income or expenses, inserting the date on which the information in the supplement schedule was determined, and attaching as the last page of the supplement schedule a fully completed Declaration About an Individual Debtor's Schedules (Official Form 106Dec). The debtor shall serve the supplement schedule I or the supplement schedule J on parties in interest not electronically served and on any party requesting a copy.

**REFERENCES:** Official Forms 106I and 106J.

**Practice Pointers:** A debtor should file an amended schedule I or an amended schedule J if information in the original schedule was incorrect *as of the petition date*. An amendment of a schedule is governed by Bankr. D.S.D. R. 1009-2. If information in a schedule I or a schedule J has *changed post-petition*, a chapter 12 or a chapter 13 debtor may file a supplement schedule I or a supplement schedule J to reflect those changes.

Although Official Forms 106I and 106J only reference a chapter 13 case with the check box for a supplement schedule, the official forms may be used to file a supplement schedule I or a supplement schedule J in either a chapter 12 or a chapter 13 case.

A chapter 12 or a chapter 13 debtor may reference a supplement schedule I or a supplement schedule J in a proposed plan, a motion, or a response but is not required to attach the supplement schedule to the proposed plan, the motion, or the response. However, if a debtor references a supplement schedule I or a supplement schedule J in a proposed plan, a motion, or a response, the debtor should have already filed the supplement schedule or the debtor must file the supplement schedule at the same time the proposed plan, the motion, or the response is filed.

**Rule 2002-1. Notices: General and Particular.**

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**(b) Notice of ~~hearing on~~ an objection to the allowance of a claim.** A notice of ~~hearing on~~ an objection to the allowance of a claim shall conform to Appendix 2B (~~telephonic hearing~~) or ~~2C (in-court hearing)~~ and shall include:

~~(1) a last date (month, day, year) by which a response must be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) that is 30 days after service of the motion;objection. and~~

~~(2) the date, time, and place of the hearing on the objection as provided by the Scheduling Deputy Clerk.~~

**(c) Notice of a chapter 12 or a chapter 13 confirmation hearing.** A notice of a confirmation hearing in ~~any~~ chapter 12 case or in a chapter 13 case ~~when required by Bankr. D.S.D. R. 3015-3B or 3015-4B~~ will be prepared and filed by the Clerk, shall conform to Appendix 2D, ~~(telephonic hearing) or 2E (in-court hearing)~~ and shall include:

(1) a last date (month, day, year) by which an objection or other response must be filed with the Court and served in compliance with Bankr. D.S.D. R. 9014-1(b) that is 21 days after service of the plan ~~in a chapter 12 case and 28 days after service of the plan in a chapter 13 case~~ but not fewer than seven days before the date of the confirmation hearing;

(2) the date, time, and place of the telephonic confirmation hearing as provided by the Scheduling Deputy Clerk; and

(3) if requested by the case trustee, the date, time, and place of any pre-confirmation meeting.

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**Rule 3015-3A. Chapter 12 or Chapter 13 Confirmation of Plan.**

(a) **Service of plan and notice of confirmation hearing.** ~~A~~The debtor's proposed chapter 12 ~~plan~~or chapter 13 plan and ~~a~~the Clerk's notice of confirmation hearing shall be served by the debtor on all creditors and other parties in interest not electronically served. The notice shall conform to Bankr. D.S.D. R. 2002-1(c) and Appendix 2D ~~(telephonic hearing) or Appendix 2E (in-court hearing) and contain a last date (month, day, year) for filing an objection or other response to the plan that is 21 days after service of the plan but not fewer than three business~~ seven days before the date of the confirmation hearing obtained from the Scheduling Deputy Clerk. ~~The notice for a telephonic hearing should be used unless otherwise directed by the Scheduling Deputy Clerk.~~

**(b) Confirmation hearing not held.**

(1) Notice of confirmation hearing on modified plan. If a debtor in good faith ~~files and~~ serves a notice of a confirmation hearing on a modified plan pursuant to Bankr. D.S.D. R. 3015-4A, the ~~previously~~ scheduled confirmation hearing on the previously filed plan shall be deemed cancelled without further notice, unless otherwise ordered.

(2) No objection. If, following appropriate notice and service, no objection to a plan or a modified plan is timely filed with the Court or all objections to a plan or a modified plan are withdrawn and the plan or the modified plan is confirmable as filed, the Court may, in its discretion, cancel the confirmation hearing and enter a confirmation order.

~~(c) **Content of a confirmation order.** The debtor shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order confirming the chapter 12 plan that conforms to either Appendix 3B or Appendix 3C, as is appropriate.~~

REFERENCES: 11 U.S.C. §§ 1222, 1224, and 1225; Fed.Rs.Bankr.P. 2002(a)(8) and 3015.

**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).

See *also* Bankr. D.S.D. R. 3015-4A (modification of a plan before confirmation) and Bankr. D.S.D. R. 3015-5 (modification of a plan after confirmation).



~~Rule 3015-3B. Chapter 13 Confirmation of Plan.~~

~~(a) Service of plan and notice of confirmation hearing.~~ A proposed chapter 13 plan, including all attachments, and, if required by paragraph (b) below, a notice of rescheduled confirmation hearing shall be served on all creditors and other parties in interest not electronically served.

~~(b) Notice of rescheduled confirmation hearing.~~ If a chapter 13 debtor does not file and serve a proposed plan at least 31 days before the last date for objections set forth in the Clerk's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines, the debtor shall, after consultation with the chapter 13 trustee and the Scheduling Deputy Clerk, file and serve with the plan a notice of rescheduled confirmation hearing. The notice shall conform to Bankr. D.S.D. R. 2002-1(c) and Appendix 2D (telephonic hearing) or Appendix 2E (in-court hearing) and include:

~~(1) a new last date (month, day, year) for filing an objection to the plan that is 28 days after service of the plan but not fewer than three business days before the date of the confirmation hearing;~~

~~(2) if the confirmation hearing date originally set forth in the Clerk's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines is fewer than three business days after the new last date for objections, a new date, time, and place of the confirmation hearing obtained from the Scheduling Deputy Clerk;~~

~~(3) if requested by the trustee, the date, time, and place of any rescheduled or continued meeting of creditors under 11 U.S.C. § 341(a); and~~

~~(4) if requested by the trustee, the date, time, and place of any pre-confirmation meeting.~~

~~(c) Confirmation hearing not held.~~

~~(1) Notice of rescheduled confirmation hearing or notice of modified plan.~~ If a debtor in good faith files and serves a notice of rescheduled confirmation hearing pursuant to paragraph (b) above or a notice of confirmation hearing on a modified plan pursuant to Bankr. D.S.D. R. 3015-4B, the previously scheduled confirmation hearing shall be deemed cancelled without further notice, unless otherwise ordered.

~~(2) No objection.~~ If, following appropriate notice and service, no objection to a plan or modified plan is timely filed with the Court or all objections to a plan or modified plan are withdrawn and the plan is confirmable as filed, the Court may, in its discretion, cancel the confirmation hearing and enter a confirmation order.

~~(3) **No plan timely filed.** If a debtor fails to timely file a plan, the confirmation hearing set forth in the Clerk's Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines will be cancelled.~~

~~(d) **Content of a confirmation order.** The debtor shall submit pursuant to Bankr. D.S.D. R. 9072-1(a) a proposed order confirming the chapter 13 plan that conforms to either Appendix 3B or Appendix 3C, as is appropriate.~~

~~REFERENCES: 11 U.S.C. §§ 1322, 1324, and 1325; Fed.Rs.Bankr.P. 2002(b) and 3015.~~

~~**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).~~

~~See *also* Bankr. D.S.D. R. 3015-4B (modification of a plan before confirmation) and Bankr. D.S.D. R. 3015-5 (modification of a plan after confirmation).~~

**Rule 3015-4A. Chapter 12 or Chapter 13 Modification of Plan Before Confirmation.**

**(a) Content and notice.** A proposed chapter 12 or chapter 13 plan that is modified before confirmation shall:

(1) comply with Bankr. D.S.D. R. 3015-2; and

(2) be entitled "MODIFIED PLAN DATED [insert the date the debtor signs the modified plan]."; ~~and~~

~~(3) be filed with a notice of confirmation hearing that complies with conforms to Bankr. D.S.D. R. 2002-1(c). If at least 24 days remain between the date the modified chapter 12 plan is served and the last date for objections to the previously filed plan, the notice may incorporate the previously set last date for objections and the previously scheduled date and time for the confirmation hearing. If fewer than 24 days remain between the date the modified chapter 12 plan is served and the last date for objections to the previously filed plan, the notice shall incorporate a new last date for objections that is 24 days after service of the notice and a new date and time for the confirmation hearing, which the debtor shall obtain from the Scheduling Deputy Clerk before preparing the notice and Appendix 2D and contains a last date (month, day, year) for filing an objection or other response to the modified plan that is 21 days after service of the modified plan but not fewer than seven days before the date of the confirmation hearing obtained from the Scheduling Deputy Clerk.~~

**(b) Service.** The debtor's modified plan and the Clerk's notice of confirmation hearing shall be served ~~in compliance with Bankr. D.S.D. R. 3015-3A(a)~~ by the debtor 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, any party who has filed an objection to a previously filed plan, and any party who has filed a notice of appearance.

**(c) Effect of filing and serving a modified plan.** If a debtor in good faith ~~properly files,~~ serves, and gives notice of a confirmation hearing on a modified plan as provided by these rules, the previously filed plan and any objection to the previously filed plan shall be deemed moot and any previously scheduled confirmation hearing will be cancelled without further notice, unless otherwise ordered.

REFERENCES: 11 U.S.C. §§ 1222, 1223, 1224, and 1225; Fed.Rs.Bankr.P. 2002(a)(8) and 3015.

**Practice Pointers:** ~~The notice period stated above already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).~~ 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 modified 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. 3015-5 (modification of a plan after confirmation).

~~Rule 3015-4B. Chapter 13 Modification of Plan Before Confirmation.~~

~~(a) Content and notice. A proposed chapter 13 plan that is modified before confirmation shall:~~

~~(1) comply with Bankr. D.S.D. R. 3015-2;~~

~~(2) be entitled "MODIFIED PLAN DATED [insert the date the debtor signs the modified plan]"; and~~

~~(3) be filed with a notice of confirmation hearing that complies with Bankr. D.S.D. R. 2002-1(c). If at least 31 days remain between the date the modified chapter 13 plan is served and the last date for objections to the previously filed plan, the notice may incorporate the previously set last date for objections and the previously scheduled date and time for the confirmation hearing. If fewer than 31 days remain between the date the modified chapter 13 plan is served and the last date for objections to the previously filed plan, the notice shall incorporate a new last date for objections that is 31 days after service of the notice and a new date and time for the confirmation hearing, which the debtor shall obtain from the Scheduling Deputy Clerk before preparing the notice.~~

~~(b) Service. The modified plan and the notice shall be served in compliance with Bankr. D.S.D. R. 3015-3B 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, any party who has filed an objection to a previously filed plan, and any party who has filed a notice of appearance.~~

~~(c) Effect of filing and serving a modified plan. If a debtor in good faith properly files, serves, and gives notice of a hearing on a modified plan as provided by these rules, the previously filed plan and any objection to the previously filed plan shall be deemed moot and any previously scheduled confirmation hearing will be cancelled without further notice, unless otherwise ordered.~~

~~REFERENCES: 11 U.S.C. § 1323; Fed.R.Bankr.P. 2002(a)(5).~~

~~Practice Pointers: The notice period stated above already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).~~

~~Most often, a debtor will need to serve a modified 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. 3015-5 (modification of a plan after confirmation).~~

**Rule 3016-1. Chapter 11 Plan Required Content.** A proposed chapter 11 plan shall:

(1) if the debtor is a small business debtor, conform to Official Form 25A or Appendix 3A and, if a separate disclosure statement will not be filed, also incorporate relevant portions of paragraphs A through E from part II and paragraphs D, E, and G from part III of Official Form 25B;

(2) be entitled "[insert name of proponent]'S PLAN DATED [insert the date the proponent signs the plan]," e.g., "DEBTOR'S PLAN DATED DECEMBER 19, 2018-";

(3) if the debtor is an individual, set forth in the opening paragraph the date of the last payment being made under the plan; and

(4) not include repetitive descriptions of claims or claim treatment or unnecessarily repeat information from any attendant disclosure statement.

**Rule 3016-3. Chapter 11 Reductions or Extensions of Time.** A motion for a reduction or an extension of the time within which only the debtor may file a chapter 11 plan or obtain confirmation of a chapter 11 plan shall be filed with the Court before the expiration of the original exclusivity period and any previous extension, shall contain the information required by 11 U.S.C. § 1121, shall state the specific reduction or extension requested, and shall state the cause for the relief sought. The motion ~~and a notice of motion~~ shall be served on parties in interest not electronically served. A notice of the motion shall be served on all creditors and other parties in interest not electronically served. The notice 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 seven days after service of the motion and notice of motion.

**Rule 3072-1B. Chapter 13 Discharge and Closing Case.**

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**(d) Debtor's request for discharge before completion of all plan payments ("hardship" discharge).** A debtor seeking a discharge prior to completion of all plan payments shall file ~~and serve on all creditors and other parties in interest not electronically served:~~

(1) a motion for hardship discharge that:

(A) describes the circumstances for which the debtor should not justly be held accountable that render the debtor unable to complete payments under the plan;

(B) includes a liquidation analysis showing the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the bankruptcy estate had been liquidated under chapter 7 on such date; and

(C) explains why modification of the confirmed plan is not practicable;  
~~and~~

(2) a notice of the motion for hardship discharge. ~~The notice shall conform that conforms~~ to Bankr. D.S.D. R. 2002-1(a) ~~and Appendix 2A~~ and ~~shall~~ sets forth a last date (month, day, year) for filing an objection or other response that is 14 days after service of the motion and notice of motion; ~~and~~

(3) a Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) (Director's Form 2830).

The debtor shall serve the motion on parties in interest not electronically served and shall serve the notice on all creditors and other parties in interest not electronically served.

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**Rule 5010-1. Reopening a Case.**

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**(b) Reopening not required.** A case need *not* be reopened to:

(1) commence an action related to a discharge, including an action under 11 U.S.C. § 523(a)(3) to determine the dischargeability of a claim that was neither listed nor scheduled;

(2) obtain a writ of execution pursuant to Fed.R.Bankr.P. 7069 to enforce a judgment determined to be nondischargeable;~~or~~

(3) amend or withdraw a proof of claim~~;~~

(4) file a motion for a protective order under Fed.R.Bankr.P. 9037(d);

(5) file a notice or a motion regarding the redaction of certain information from a transcript under Bankr. D.S.D. R. 5077-1(e); or

(6) file a motion to substitute a redacted document under Bankr. D.S.D. R. 9037-1.

## Rule 5070-1. Scheduling a Hearing.

**(a) Hearings scheduled by a party.** A party shall obtain a hearing date from the Scheduling Deputy Clerk prior to filing:

~~(1) a chapter 12 plan and a notice of the confirmation hearing pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-3A;~~

~~(2) a modified chapter 12 plan and a notice of the confirmation hearing pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-4A;~~

~~(3) a chapter 13 plan and a notice of the confirmation hearing, if the confirmation hearing must be rescheduled pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-3B(b);~~

~~(4) a modified chapter 13 plan and a notice of the confirmation hearing, if the confirmation hearing must be rescheduled pursuant to Bankr. D.S.D. Rs. 2002-1(c) and 3015-4B;~~

~~(5) an objection to the allowance of a claim and a notice of the hearing on the objection pursuant to Bankr. D.S.D. R. 2002-1(b);~~

~~(6) a motion to withdraw as attorney for a debtor and a notice of the hearing on the motion pursuant to Bankr. D.S.D. R. 2091-1(b); or~~

~~(7)~~(2) a motion to dismiss a chapter 12 case for failure to complete plan payments and a notice of the hearing on the motion pursuant to Bankr. D.S.D. R. 3072-1A(a)(4).

**(b) Hearings scheduled by the Court.** Except as provided in paragraph (a) above, the Court will, by order, set any necessary hearing on a contested matter following the expiration of the deadline for filing an objection or other response to the underlying motion, application, or other request for relief, and the Clerk will prepare and file the notice of the confirmation hearing on a chapter 12 or a chapter 13 plan or modified plan.

REFERENCE: Fed.R.Bankr.P. 9014.

**Rule 5077-1. Recordings and Transcripts of Hearings or Trials; Filing Transcripts of Hearings, Trials, [Meetings of Creditors](#), Examinations under Rule 2004, or Depositions; Redacting Certain Information from Transcripts.**

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**(c) Filing and access to a transcript of a meeting of creditors, a Rule 2004 examination, or a deposition.**

(1) Filing. If a [certified](#) transcript of a meeting of creditors, an examination under Fed.R.Bankr.P. 2004, or a deposition is prepared, the [certified](#) transcriptionist or the court reporter shall electronically file ~~at~~[the](#) certified transcript in the case or adversary proceeding designated by the caption of the transcript. The transcript shall be in single page format.

(2) Access. Unless otherwise ordered, the transcript will be available for viewing only at the Clerk's public access computer terminals[s](#).

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**Practice Pointers:**

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Pursuant to Bankr. D.S.D. R. 2003-1(e), a transcript of a meeting of creditors is brought under this rule ~~and shall be electronically filed~~. [If a party wishes to file a transcript of a meeting of creditors for use as an exhibit at a hearing or a trial, the party must first obtain the audio recording of the meeting from the case trustee or the United States Trustee who presided over the meeting. The party must then arrange for a court reporter or a certified transcriptionist to prepare a certified transcript from the audio recording. The court reporter or the certified transcriptionist must then electronically file the certified transcript as provided by Bankr. D.S.D. R. 5077-1\(c\)\(1\).](#)

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**Rule 9037-1. Substituting a Redacted Document or a Redacted Proof of Claim.**

- (a) Substituting a redacted document for an unredacted document.** If a party mistakenly files a document containing one or more personal identifiers as described in Fed.R.Bankr.P. 9037(a), the filer shall promptly file a motion to substitute a redacted document. The motion shall include, as a separate attachment, a complete redacted document, not just the page or pages on which the redactions were made. The filer shall serve the motion and the attached redacted document on parties in interest not electronically served. A notice of the motion is not required.
- (b) Substituting a redacted proof of claim for an unredacted proof of claim.** If a party mistakenly files a proof of claim containing one or more personal identifiers as described in Fed.R.Bankr.P. 9037(a), the filer shall promptly file a motion to substitute a redacted proof of claim. The motion shall include, as a separate attachment, a complete redacted proof of claim, not just the page or pages on which the redactions were made. If the original proof of claim was filed using ePOC, the filer shall print the ePOC proof of claim, redact the personal identifiers by blacking that information, and attach a copy of the redacted proof of claim to the motion. The filer shall serve the motion and the attached redacted proof of claim on parties in interest not electronically served. A notice of the motion is not required.

## Rule 9074-1. Telephonic Hearings or Conferences.

(a) **Telephonic hearings or conferences set by order or notice.** ~~If~~When an order or a notice sets a hearing on a contested matter or a plan or sets a pre-trial conference in an adversary proceeding and states the hearing or conference will be conducted by telephone, the Court will initiate the call to the following parties or their attorney: the movant, the plan proponent, ~~or~~ each plaintiff, each ~~respondent~~party filing an objection or other response regarding the contested matter or the plan or each defendant who has filed an answer, and the case trustee, if the case trustee is a party to the action. Other parties may request to appear by contacting the Courtroom Deputy Clerk at least one business day before the scheduled hearing or conference. If the number of parties attending a telephonic hearing or conference will exceed the number of parties the Court's telephone system will support, the Courtroom Deputy Clerk will advise the attendees and provide each with a telephone number to use to join a conference call shortly before the scheduled time for the hearing or conference.

~~(b) **Request to appear by telephone at an in-court hearing.** If a hearing on a contested matter or a pre-trial conference in an adversary proceeding is set by order or notice to be conducted in the courtroom, and if none of the participating parties will offer any evidence, out-of-town parties or their attorneys may request to appear by telephone. The request shall be made to the Courtroom Deputy Clerk at least one business day before the scheduled hearing or conference. Before requesting to appear by telephone, the party making the request is responsible for consulting with the other parties and ascertaining whether they will be offering evidence.~~

~~(c) Receipt of evidence at telephonic hearing. Witnesses may not testify at a telephonic hearing, ~~irrespective~~regardless of any agreement among the parties. Exhibits will not be received at a telephonic hearing, unless prior to the hearing the parties in interest advise the Court they have stipulated ~~that~~ certain exhibits may be admitted into evidence.~~

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

*The full appendix is not set forth here due to its length. There are two proposed substantive amendments:*

(1) For the checklists for "Chapter 7 Individual (Voluntary)," "Chapter 11 Individual that is also a Small Business . . . (Voluntary)," "Chapter 11 Individual that is Not a Small Business . . . (Voluntary)," "Chapter 12 Individual (Voluntary)," and "Chapter 13 (Voluntary)," amend the following item in the "Due on First Day of Filing" category:

- **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. ~~Filed only by a~~ A debtor not represented by an attorney shall submit a mailing list of creditors with the petition conforming to the ~~See~~-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).

(2) For the checklists for "Chapter 7 Non-Individual (*aka* a Business) (Voluntary)," "Chapter 11 Non-Individual that is also a Small Business . . . (Voluntary)," "Chapter 11 Non-Individual that is Not a Small Business . . . (Voluntary)," "Chapter 12 Non-Individual (*aka* a Business) (Voluntary)," add the following item in the "Due on First Day of Filing" category:

- **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).

*In the Appendix 1A checklists, the Bankruptcy Clerk will also update the numerous internal citations to the Federal Rules of Bankruptcy Procedure and the local bankruptcy rules and appendices to reflect the December 1, 2017 amendments.*

Appendix 1G. Notice of Amendment to ~~of~~ Petition ~~and Notice of Amendment to~~ Petition ~~(combined)~~.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) ~~AMENDMENT TO PETITION~~  
SSN/ITIN xxx-xx-0000 ) ~~AND NOTICE OF AMENDMENT~~  
) OF PETITION  
Debtor. )

~~AMENDMENT~~

- ~~(a) For Part 1, question 2, add an "other name" used by Debtor: Janie Anonymous.~~
- ~~(b) For Part 1, question 4, add the Employer Identification Number (EIN) for Jane's Flower Shop: 00-0000001.~~
- ~~(c) For Part 1, question 5, correct the "County" of "Where you live" from Perkins to Dennys.~~

~~I declare under penalty of perjury the information contained in this amendment is true and correct.~~

~~Dated: March 9, 2018.~~

~~/s/  
Jane Anne Anonymous~~

~~NOTICE OF AMENDMENT~~

Debtor has amended the petition. Your rights may be affected by this amendment. You should discuss this amendment with your attorney. If you do not have an attorney, you may wish to consult one.

In the amended petition, the following changes were made:

- (a) Debtor added her middle name "Anne" in several places; and
- (b) Debtor corrected the spelling of the street name in her address from "Truffle Lane" to "Triffle Lane" in several places.

Dated: March 9, 2018.

/s/  
Joseph J. Carson, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [jjclaw@legalline.net](mailto:jjclaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**



## Committee Notes

Fully explain each change from the original petition. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

If the case is a joint case, be sure to clearly explain, when necessary, any change that is tied to only one of the two joint debtors. For example, if you add a sole proprietorship as a former "other name" used, clearly specify which joint debtor formerly used that particular business name.

~~The debtor shall sign the amendment portion of the Amendment to Petition and Notice of Amendment.~~—The debtor, if not represented by an attorney, or the debtor's attorney shall sign the notice ~~portion~~.

Do not use this form to correct a Social Security number. Use the form at Appendix 1K instead. The form at Appendix 1K and its special docketing event help ensure a debtor's full Social Security number is not visible on the public docket.

Appendix 1H. Notice of Amendment ~~toof~~ ~~Schedule~~ ~~and Notice of Amendment~~ ~~(combined)~~.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) ~~AMENDMENT TO SCHEDULE C~~  
SSN/ITIN xxx-xx-0000 ) ~~AND NOTICE OF AMENDMENT~~  
) OF SCHEDULE C  
Debtor. )

~~AMENDMENT TO SCHEDULE C~~

~~(a) Add the following property claimed exempt:~~

~~1994 Honda ATV  
value \$150.00 amount exempted \$75.00  
applicable exemption statute S.D.C.L. § 43-45-4~~

~~(b) Correct the value of property in which an exemption is claimed, change the amount declared exempt, and correct the statute under which the exemption is claimed, as follows:~~

~~2002 Chevy Lumina  
original value \$2,200.00 amended value \$1,570.00  
original amount exempted \$2,200.00 amended amount exempted \$1,570.00  
original statute S.D.C.L. § 43-45-2 amended statute S.D.C.L. § 43-45-4~~

~~After these amendments, the total value of personal property Debtor has declared exempt under S.D.C.L. § 43-45-4 is \$4,000.00, and the total of all property declared exempt is \$38,494.00. An Amended Schedule C is attached.~~

~~I declare under penalty of perjury the information contained in this amendment is true and correct.~~

~~Dated: March 9, 2018.~~

~~-/s/  
Jane Anne Anonymous  
Debtor~~

~~NOTICE OF AMENDMENT~~

Debtor has amended Schedule C: The Property You Claim as Exempt. Your rights may be affected by this amendment. You should discuss this amendment with your attorney. If you do not have an attorney, you may wish to consult one.

In the amended schedule, the following changes were made:

(a) Added the following property claimed as exempt:

1994 Honda ATV

value \$150.00

applicable exemption statute

amount exempted \$75.00

S.D.C.L. § 43-45-4

(b) Corrected the value of property in which an exemption is claimed, changed the amount claimed exempt, and corrected the statute under which the exemption is claimed, as follows:

2002 Chevy Lumina

original value \$2,200.00

original amount exempted \$2,200.00

original statute S.D.C.L. § 43-45-2

amended value \$1,570.00

amended amount exempted \$1,570.00

amended statute S.D.C.L. § 43-45-4

After these amendments, the total value of personal property claimed exempt under S.D.C.L. § 43-45-4 is \$4,000.00, and the total of all property claimed exempt is \$38,494.00.

Dated: March 9, 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

Fully explain each change from the original schedule. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

~~The debtor shall sign the amendment portion of the Amendment to Schedule and Notice of Amendment. The debtor, if not represented by an attorney, or the debtor's attorney shall sign the notice portion.~~

~~Attach a complete amended schedule to the Amendment to Schedule and Notice of Amendment. Indicate the attached schedule is amended by checking the box in the upper right hand corner on the first page of the form or, if there is no check box available, by labeling the schedule "AMENDED."~~

~~Because an Amendment to Schedule C and Notice of Amendment must be served on all creditors and other parties in interest who are not electronically served, while an amendment to any other schedule needs to be served only on parties in interest who are not electronically served, a debtor may not want to combine an amendment to schedule C with an amendment to another schedule.~~

Appendix 11. ~~Notice of Amendment toof Statement and Notice of Amendment (combined).~~

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) NOTICE OF AMENDMENT OF  
SSN/ITIN xxx-xx-0000 ) STATEMENT OF FINANCIAL AFFAIRS  
) ~~AND NOTICE OF AMENDMENT~~  
Debtor. )

~~AMENDMENT~~

~~(a) Add at question 23 regarding property held that someone else owns:~~

~~Greeting cards and wrapping paper (15 boxes) being sold by Girl Scouts with a value of \$289.00.~~

~~(b) Correct the answer to question 4 regarding income from employment or from operating a business: \_\_\_\_\_~~

~~2016 flower shop, correct gross income from \$34,562.00 to \$37,562.00.~~

~~I declare under penalty of perjury the information contained in this amendment is true and correct.~~

~~Dated: March 9, 2018.~~

~~/s/  
Jane Anne Anonymous  
Debtor~~

~~NOTICE OF AMENDMENT~~

Debtor has amended her Statement of Financial Affairs for Individuals Filing for Bankruptcy. Your rights may be affected by this amendment. You should discuss this amendment with your attorney. If you do not have an attorney, you may wish to consult one.

In the amended statement, the following changes were made:

(a) in the answer to question 4 regarding income from employment or from operating a business, corrected the 2016 flower shop gross income from \$34,562.00 to \$37,922.00; and

(b) in the answer to question 23 regarding property held or controlled for someone else, added greeting cards and wrapping paper (15 boxes) being sold by Girl Scouts with a value of \$289.00.

Dated: March 9, 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

Fully explain each change from the original statement. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

~~The debtor shall sign the amendment portion of the Amendment to Statement and Notice of Amendment.~~ The debtor, if not represented by an attorney, or the debtor's attorney shall sign the notice ~~portion~~.

~~Attach a complete revised statement to the Amendment to Statement and Notice of Amendment. Indicate the attached statement is an amended statement by checking the box in the upper right hand corner on the first page of the form or, if there is no check box available, by labeling the statement "AMENDED."~~

**Appendix 1J. Amendment ~~to~~of Mailing List and Notice of Amendment (combined).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) AMENDMENT ~~TO~~OF MAILING LIST  
SSN/ITIN xxx-xx-0000 ) AND NOTICE OF AMENDMENT  
)  
Debtor. )

AMENDMENT

Debtor hereby amends the mailing list of creditors required by 11 U.S.C. § 521(a)(1)(A) and Fed.R.Bankr.P. 1007(a) as follows:

Add the following address(es):

Hazel's Dry Clean  
602 Spotty Lane  
Justice, SD 57000

Correct the following address(es):

Incorrect: Bud's Bar  
211 Frontier Road  
Justice, SD 57000

Correct: Bud's Bar  
711 Frontage Road  
Justice, SD 57000

I declare under penalty of perjury the information contained in this amendment is true and correct.

Dated: March 9, 2018.

/s/  
Joseph J. Carson, Esq.

NOTICE OF AMENDMENT

Your rights may be affected by this amendment. You should discuss this [amendment](#) with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: March 9, 2018.



/s/  
Joseph J. Carson, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [jjclaw@legalline.net](mailto:jjclaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

Fully explain each change from the original mailing list. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

A debtor represented by an attorney need not sign the Amendment ~~to~~of Mailing List and Notice of Amendment; the debtor's attorney alone may sign it. A debtor not represented by an attorney shall sign both the Amendment ~~to~~of Mailing List and the Notice of Amendment.

**Appendix 2A. General Notice.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) NOTICE OF MOTION  
SSN/ITIN xxx-xx-0000 ) FOR RELIEF FROM STAY  
)  
Debtor. )

Easy Finance Co., Inc. has filed ~~papers~~[certain documents](#) asking the Court to grant it relief from the automatic stay. Your rights may be affected. You should read ~~these papers~~ [documents](#) carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before March 26, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, [a](#) partnership, or [an](#) other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to ~~any~~ parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in ~~Rule~~[local bankruptcy rule 9001-1\(7\)\(B\) through \(H\)](#) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the motion may be set by separate order if ~~an objection or other~~ [a response is filed on or before the deadline stated above. If you or your attorney files a response to the relief requested on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.](#)

If no one files ~~and serves an objection or other~~ [a](#) response on or before the deadline [stated above](#), the Court may enter an order granting the relief requested

without a hearing.

Dated: March 9, 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

Describe the relief sought in general terms in the opening sentence of the first paragraph.

To determine the date by which a response to a particular type of motion, application, etc., must be filed, refer to the Federal Rules of Bankruptcy Procedure, these local rules, including Bankr. D.S.D. R. 2002-1(f), and the Notice and Service Requirements checklist available on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov) under Practice Pointers.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

Do *not* use this general notice form for the notice of a hearing on an objection to a claim, a confirmation hearing in a chapter 12 or chapter 13 case, a motion to sell property of the estate, or an application for fees over \$1,000.00. Each of those matters has a special notice form. See Appendices 2B and 2C (objection to a claim), 2D and 2E (confirmation hearing), 2F (motion to sell property of the estate), and 2G (application for fees).

Appendix 2B. Notice of ~~a Telephonic Hearing on~~an Objection to Claim.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF <del>TELEPHONIC</del>
SSN/ITIN xxx-xx-0000	)	<del>HEARING ON</del> TRUSTEE'S
	)	OBJECTION TO CLAIM
Debtor.	)	

Trustee Samuel S. Smith has filed an objection to Badlands Credit, Inc.'s claim in this bankruptcy case, [proof of claim 14-1](#). This claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to ~~grant the relief requested~~[sustain the objection to the claim](#), you or your attorney must file with the Bankruptcy Clerk, on or before April 3, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, a partnership, or an other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in ~~Rule~~[local bankruptcy rule 9001-1\(7\)\(B\) through \(H\)](#) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

~~The Court will hold a telephonic hearing at 9:00 a.m. (Central) on April 19, 2018 to decide whether to reduce, modify, or disallow the subject claim. If you or your attorney files a timely response and includes a telephone number in the response, the Court will call you or your attorney at the scheduled time. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. If you or your attorney files a response on or before the deadline stated above, the Court will enter an order setting the date and time for a~~

telephonic hearing on the objection and serve you or your attorney with a copy of the scheduling order. The Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may appear at a hearing (telephonic or evidentiary) on behalf of a corporation, a partnership, or another formal legal entity.

If you or your attorney does not file ~~and serve~~ a response on or before the deadline stated above, ~~the Court may decide you do not oppose the relief requested and may enter an order granting the relief requested following the hearing~~no hearing will be held, and the Court may enter an order that reduces, modifies, or disallows the claim.

Dated: March 1, 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

~~A hearing must be scheduled on an objection to a claim *before* the objection and notice are filed. Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain a date and time for the hearing.~~

~~Use this sample if the Scheduling Deputy Clerk has given you a date and time for a telephonic hearing. Use the sample at Appendix 2C if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing.~~

Identify the subject claim by its full proof of claim number, *e.g.*, 13-1 or 13-2, if the claim has been amended, not just 13.

For the date by which a response must be filed, use a business date that is 33 days after service of the objection and the notice ~~and at least three days before the scheduled hearing.~~

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460



~~Appendix 2C. Notice of In-court Hearing on Objection to Claim. REPEALED~~

~~UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA~~

~~In re: } Bankr. No. 18-90000  
 } Chapter 7  
JANE ANNE ANONYMOUS }  
 fdba Jane's Flower Shop }  
SSN/ITIN xxx-xx-0000 } NOTICE OF HEARING  
 } ON TRUSTEE'S  
 } OBJECTION TO CLAIM  
Debtor. }~~

~~Trustee Samuel S. Smith has filed an objection to Badlands Credit, Inc.'s claim in this bankruptcy case. This claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.~~

~~If you do not want the Court to grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before April 11, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.~~

~~If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Courthouse, 400 S. Phillips Ave., Rm. 104, Sioux Falls, SD 57104-6851. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.~~

~~If you or your attorney files a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in Rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 357-2400.~~

~~The Court will hold a hearing at 9:00 a.m. (Central) on April 26, 2018 in the assigned courtroom, United States Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota, to decide whether to reduce, modify, or disallow the subject claim.~~

~~If you or your attorney does not file and serve a response on or before the deadline stated above, the Court may decide you do not oppose the relief requested and may enter an order granting the relief requested.~~

~~Dated: March 9, 2018.~~

~~ts/  
Joseph J. Carson, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [jjclaw@legalline.net](mailto:jjclaw@legalline.net)~~

~~SEE COMMITTEE NOTES ON FOLLOWING PAGE~~

## ~~Committee Notes~~

~~A hearing must be scheduled on an objection to a claim before the objection and notice are filed. Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain a date and time for the hearing.~~

~~Use this sample if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing. Use the sample at Appendix 2B if the Scheduling Deputy Clerk has given you a date and time for a telephonic hearing.~~

~~For the date by which a response must be filed, use a business date that is 33 days after service of the objection and notice and at least three days before the scheduled hearing.~~

~~In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.~~

~~Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400~~

~~Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460~~

**Appendix 2D. Notice of Telephonic Confirmation Hearing  
on Chapter 12 or Chapter 13 Plan.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90004
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TELEPHONIC
SSN/ITIN xxx-xx-0000	)	CONFIRMATION HEARING ON
	)	PLAN DATED MARCH 9, 2018
Debtor.	)	AND RELATED DEADLINES

Debtor has filed a Plan Dated March 9, 2018. Your rights may be affected. You should read ~~these papers~~ [the plan and this notice](#) carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

~~If you do not want the Court to confirm (approve) Debtor's plan~~ [If you oppose the plan's treatment of your claim or you oppose any other provision of the plan](#), you or your attorney must file with the Bankruptcy Clerk, on or before April 9, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, a partnership, or another formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to ~~any~~ parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in [Rule local bankruptcy rule 9001-1\(7\)\(B\) through \(H\)](#) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

The Court will hold a telephonic hearing at 9:00 a.m. (Central) on April 26, 2018 to decide whether to confirm the proposed plan. ~~If you or your attorney timely files a response and includes a telephone number in the response, the Court will call you or your attorney at the scheduled time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for it during the telephonic hearing.~~ [If you or your attorney files a response to the plan on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for the evidentiary](#)

confirmation hearing during the telephonic hearing. ~~Only an attorney may appear at a hearing (telephonic or evidentiary) on behalf of a corporation, a partnership, or another formal legal entity.~~ Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.

If you or your attorney does not file ~~and serve~~ a response on or before the deadline stated above, the Court may decide you are satisfied with the proposed plan and may enter an order confirming it. ~~If no objections are timely filed, the confirmation hearing may be cancelled pursuant to~~ without a hearing, as provided by local bankruptcy rule ~~3015-3B9c)(2)~~ 3015-3(b)(2). Further, pursuant to section 1327(a), title 11 of the United States Code, if Debtor's plan is confirmed, the provisions of the confirmed plan will bind Debtor and each creditor, whether or not the claim of such creditor is provided for by the plan and whether or not such creditor objected to, has accepted, or has rejected the plan.

In addition to timely filing any response you have to Debtor's plan, you may also need to timely file a proof of claim to be paid under any confirmed plan. See Federal Rule of Bankruptcy Procedure 3002 and the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines that was served by the undersigned on creditors and other parties in interest when Debtor's case was commenced.

Dated: March 9, 2018.

~~/s/  
Joseph J. Carson, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: jjclaw@legalline.net  
Frederick M. Entwistle  
Clerk, United States Bankruptcy Court~~

/s/ Deputy Clerk

SEE COMMITTEE NOTES ON FOLLOWING PAGE

### **Committee Notes**

This notice is for either a chapter 12 or a chapter 13 case. Upon a debtor's filing of a plan or a modified plan, the Bankruptcy Clerk will prepare the notice and file it. The debtor or the attorney for the debtor must then serve a copy of the plan or the modified plan and a copy of the notice on all creditors and other parties in interest and file a certificate of service.

~~Appendix 2E: Notice of In-court Confirmation Hearing REPEALED  
on Chapter 12 or Chapter 13 Plan.~~

~~UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA~~

~~In re: } Bankr. No. 18-90004  
} Chapter 13  
JANE ANNE ANONYMOUS }  
} fdba Jane's Flower Shop } NOTICE OF CONFIRMATION  
} SSN/ITIN xxx-xx-0000 } HEARING ON PLAN  
} DATED MARCH 9, 2018  
Debtor. } AND RELATED DEADLINES~~

~~Debtor has filed a Plan Dated March 9, 2018. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.~~

~~If you do not want the Court to confirm (approve) Debtor's plan, you or your attorney must file with the Bankruptcy Clerk, on or before April 9, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.~~

~~If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Courthouse, 400 S. Phillips Ave., Rm. 104, Sioux Falls, SD 57104-6851. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.~~

~~If you or your attorney files a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 357-2400.~~

~~The Court will hold a confirmation hearing at 9:00 a.m. (Central) on May 3, 2018 in the assigned courtroom, United States Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota, to decide whether to confirm the proposed plan.~~

~~If you or your attorney does not file and serve a response on or before the deadline stated above, the Court may decide you are satisfied with the proposed plan and may enter an order confirming it. If no objections are timely filed, the confirmation hearing will be cancelled pursuant to local bankruptcy rule 3015-3B(c)(2).~~

~~Dated: March 9, 2018.~~

~~/s/  
Joseph J. Carson, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [jjclaw@legalline.net](mailto:jjclaw@legalline.net)~~

~~SEE COMMITTEE NOTES ON FOLLOWING PAGE~~

## **Committee Notes**

~~This notice may be used in either a chapter 12 or a chapter 13 case. In a chapter 12 case, change the rule reference in the last line of the final paragraph to Bankr. D.S.D. R. 3015-3A(b)(2).~~

~~When referring to the plan in the notice, use the exact title found in the caption of the plan. The title of the plan should comply with Bankr. D.S.D. R. 3015-2(a)(2).~~

~~A confirmation hearing must be scheduled with the Scheduling Deputy Clerk on all chapter 12 plans before the notice is filed. A confirmation hearing must be scheduled in a chapter 13 case only if the original plan is not filed timely or if the debtor files a modified plan. See Bankr. D.S.D. R. 3015-3B(b). Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain the date and time.~~

~~Use this sample if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court confirmation hearing. Use the sample at Appendix 2D if the Scheduling Deputy Clerk has given you a date and time for a telephonic confirmation hearing.~~

~~For the date by which a response must be filed in a chapter 12 case, use a business date that is 24 days after service of the notice and plan and at least three days before the scheduled confirmation hearing.~~

~~In a chapter 13 case, the notice of the first confirmation hearing and the date by which a response must be filed will be given by the Clerk in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines. Prepare, file, and serve this notice in a chapter 13 case only if the original plan was not timely filed, see Bankr. D.S.D. R. 3015-3B(b), or if a modified plan is being filed. See Bankr. D.S.D. R. 3015-4B. For the date by which a response must be filed, use a business date that is 31 days after service of the notice and plan and at least three days before the scheduled confirmation hearing.~~

~~In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.~~

~~Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400~~

~~Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460~~

**Appendix 2F. Notice of Motion to Sell Property of the Estate.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) NOTICE OF TRUSTEE'S MOTION  
SSN/ITIN xxx-xx-0000 ) TO SELL CERTAIN VEHICLES  
)  
Debtor. )

Trustee Samuel S. Smith has filed a Motion to Sell Certain Vehicles. Pursuant to the motion, he proposes to sell at public auction on April 21, 2018 a 2012 Pontiac Grand Prix, VIN: 11AA11111111AAA11, (43,000 miles), valued at \$6,000.00 (Blue Book appraisal), and a 1963 Ford Mustang, VIN: 11BB11111111BBB11, (fully restored), valued at \$23,000.00 (professional appraisal). The auction will be conducted by Big Carl's Car-azy Auction House in Justice, South Dakota. Your rights may be affected. You should read ~~these papers~~ [the motion and this notice](#) carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the sale as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, [a partnership, or another formal legal entity.](#)

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to ~~any~~ parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in ~~Rule~~ [local bankruptcy rule 9001-1\(7\)\(B\) through \(H\)](#) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the motion may be set by separate order if ~~an objection or other~~ [a response is filed on or before the deadline stated above. If you or your attorney files a response to the motion on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the](#)



date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.

If no one files ~~and serves an objection or other a~~ response on or before the deadline stated above, the Court may enter an order granting the motion without a hearing.

Dated: March 9, 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

Use this notice (with a motion to sell) only if the aggregate gross value of the nonexempt property in the estate is \$2,500.00 or more. If the aggregate gross value of the nonexempt property in the estate is less than \$2,500.00, the sale may be proposed by notice only. See Fed.R.Bankr.P. 6004(d) and Bankr. D.S.D. R. Appendix 6A.

When describing the proposed sale, include a general description of the property to be sold. If the property being sold is real property, include [its](#) legal description [and any street address](#). If a vehicle, motorcycle, or boat is being sold, include the make, model, year, and identification number. Also include the time and place of any public sale or the terms and conditions of any private sale, as required by Fed.R.Bankr.P. 2002(c)(1) and Bankr. D.S.D. R. 2002-1(d).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

Serve the motion to sell on parties in interest, as defined by Bankr. D.S.D. R. 9001-1(7), who are not electronically served. Serve this notice on all creditors and other parties in interest who are not electronically served.

**Appendix 2G. Notice of Application for Fees.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

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

Joseph J. Carson, attorney for Trustee Samuel S. Smith, has filed an application to be paid from the bankruptcy estate \$1,800.00 for compensation for services, \$108.00 for sales tax, and \$381.90 for reimbursement of expenses, for a total of \$2,289.90 in fees. Your rights may be affected. You should read ~~these papers~~ [the application and this notice](#) carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the application, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, [a](#) partnership, or [an](#) other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to ~~any~~ parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in ~~Rule~~ [local bankruptcy rule 9001-1\(7\)\(B\) through \(H\)](#) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the application may be set by separate order if ~~an objection or other~~ [a](#) response is filed on or before the deadline stated above. [If you or your attorney files a response to the application on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.](#)

If no one files ~~and serves an objection or other~~ [a](#) response on or before the deadline [stated above](#), the Court may enter an order granting the application without

a hearing.

Dated: March 9, 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

This notice is required only if the applicant is seeking fees totaling more than \$1,000.00, excluding sales tax. See Fed.R.Bankr.P. 2002(a)(6). Serve this notice on all creditors and other parties in interest not electronically served. Serve the application only on the debtor, if the debtor is not electronically served. The United States Trustee, any case trustee, and any party who has filed a notice of appearance will receive electronic service.

In the opening sentence of the first paragraph, identify the applicant requesting the fees and the amount sought, as required by Fed.R.Bankr.P. 2002(c)(2) and Bankr. D.S.D. R. 2002-1(e)(2).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

If fees of \$1,000.00 or less are requested, the applicant need only file the application (no notice) and serve it on the debtor (the United States Trustee, any case trustee, and any party who has filed a notice of appearance will receive electronic service).

**Appendix 2R. Notice of Hearing on Motion by Debtor's Attorney to Withdraw from Representation.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdba Jane's Flower Shop ) NOTICE OF HEARING ON  
SSN/ITIN xxx-xx-0000 ) MOTION TO WITHDRAW  
) AS ATTORNEY FOR DEBTOR  
Debtor. )

Attorney Joseph J. Carson has filed a motion asking the Court to allow him to withdraw as the attorney for Debtor Jane Anne Anonymous. A telephonic hearing on the motion will be held at 9:00 a.m. (Central) on May 24, 2018. Debtor must appear at the hearing by telephone so the Court can review the motion with her. The Court will initiate the telephone call.

On or before May 18, 2018, Debtor ~~shall~~must contact Nita Sarvis, Courtroom Deputy, at (605) 945-446077, and give Deputy Sarvis a telephone number where Debtor may be reached for the hearing.

Debtor or any other party in interest may, but is not required to, file a typewritten response to Attorney Carson's motion to withdraw as counsel for Debtor. Any response must include the case name and case number and be signed and dated by the responder or the responder's attorney. Any response should be filed before the hearing. Only an attorney may file a response for a corporation, a partnership, or another formal legal entity ~~or appear at the hearing on behalf of~~ or represent a corporation, a partnership, or another formal legal entity at the hearing.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, U.S. Post Office & Federal Bldg., 225 S. Pierre Street, Room 203, Pierre, ~~South Dakota~~SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it before the hearing.

Dated: May 10, 2018.

/s/  
Joseph J. Carson, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [jjclaw@legalline.net](mailto:jjclaw@legalline.net)

**SEE COMMITTEE NOTE ON FOLLOWING PAGE**

### **Committee Note**

In the last paragraph, use the Clerk's Sioux Falls office address for Southern Division cases or the Clerk's Pierre office address for Northern, Central, or Western Division cases:

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

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

~~Appendix 3B: Order Confirming Chapter 12 or Chapter 13 REPEALED  
Plan with Plan as Confirmed to be Filed.~~

~~UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA~~

~~In re: } Bankr. No. 18-90000  
} Chapter 13  
WADE JOEL EARNER }  
} aka W.J. Earner }  
} SSN/ITIN xxx-xx-0000 }  
} and } ORDER CONFIRMING PLAN  
} }  
WANDA GAIL EARNER }  
} SSN/ITIN xxx-xx-0001 }  
} }  
} Debtors: }~~

~~A hearing on Debtors' Modified Plan Dated March 1, 2018 (doc. 37) 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 Debtors' Modified Plan Dated March 1, 2018 is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed to be filed following the entry of this order.~~

~~So ordered:~~



~~Appendix 3C. Order Confirming Chapter 12 or Chapter 13 Plan REPEALED  
with Clarification Set Forth in the Confirmation Order.~~

~~UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA~~

<del>In re:</del>	<del>}</del>	<del>Bankr. No. 18-90000</del>
	<del>}</del>	<del>Chapter 13</del>
<del>WADE JOEL EARNER</del>	<del>}</del>	
<del>aka W.J. Earner</del>	<del>}</del>	
<del>SSN/ITIN xxx-xx-0000</del>	<del>}</del>	
	<del>}</del>	
<del>and</del>	<del>}</del>	<del>ORDER CONFIRMING PLAN</del>
	<del>}</del>	
<del>WANDA GAIL EARNER</del>	<del>}</del>	
<del>SSN/ITIN xxx-xx-0001</del>	<del>}</del>	
	<del>}</del>	
	<del>}</del>	
<del>Debtors.</del>	<del>}</del>	

~~A hearing on Debtors' Modified Plan Dated March 1, 2018 (doc. 37) 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 Debtors' Modified Plan Dated March 1, 2018 is confirmed as filed, except the last plan payment date shall be June 19, 2020 rather than July 15, 2020.~~

~~So ordered:~~

~~SEE COMMITTEE NOTE ON FOLLOWING PAGE~~

### **Committee Note**

~~Rather than directing the filing of a Plan as Confirmed to set forth necessary but small changes to a plan to make it confirmable or to resolve objections, the Court will occasionally direct the small change in the plan to be set forth in the confirmation order. When so directed, separately set forth each change the Court has directed in the last paragraph of the confirmation order.~~

**Appendix 6A. Notice of Proposed Sale of Property under \$2,500.00.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 18-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TRUSTEE'S PROPOSED
SSN/ITIN xxx-xx-0000	)	SALE OF PROPERTY UNDER \$2,500.00
	)	
Debtor.	)	

Trustee Samuel S. Smith hereby gives notice under Federal Rule of Bankruptcy Procedure 6004(d) that he intends to sell the following property at public auction or via newspaper advertisement:

one tan sofa, 6 feet, very good condition;  
two swivel rockers (older);  
one Magnavox L74 27-inch television (not a flat screen); and  
one Hi-Vac push mower (runs).

The total value of this property, according to Debtor's schedules, the auctioneer's estimate, and the trustee's estimate, is less than \$2,500.00, and it constitutes all the nonexempt property of the estate. There are no known encumbrances on the property. For those items to be sold at auction, the auction sale will be held at the next regularly scheduled auction held by Wimp's Auction House, Justice, South Dakota, after the objection period to this notice has run.

Your rights may be affected. You should read ~~these papers~~[this document](#) carefully and discuss ~~them~~[it](#) with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the property to be sold as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before March 26, 2018, a typewritten response explaining your position. Your response must include the case name and case number and be signed and dated by you or your attorney. [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, [a](#) partnership, or [an](#) other formal legal entity.

If you are an attorney, you must file any response electronically. See the

July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney ~~shall~~must also mail a copy of the response to ~~any~~ parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in ~~Rule~~local bankruptcy rule 9001-1(7)(~~B~~) through (H) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the proposed sale may be set by separate order if ~~an objection or other~~a response is filed on or before the deadline stated above. If you or your attorney files a response to the proposed sale on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.

If no ~~party in interest~~one files ~~and serves~~ a response on or before the deadline stated above, the proposed sale may be deemed uncontested, and the trustee may proceed to sell this property in the manner proposed.

Dated: March 9, 2018.

/s/  
Trustee Samuel S. Smith  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [ssslaw@legalline.net](mailto:ssslaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

Use this notice only if the aggregate gross value of the nonexempt property in the estate is less than \$2,500.00. If the aggregate gross value of the nonexempt property in the estate equals or exceeds \$2,500.00, the sale will need to be proposed by a motion to sell and a notice. *See* Fed.Rs.Bankr.P. 2002(c)(1) and 6004 and Bankr. D.S.D. R. 2002-1(d) and Appendix 2F.

For the date by which a response must be filed, use a business date that is 17 days after service of the notice. This notice period already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

In the fourth and fifth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

Serve the notice on all creditors and other parties in interest not electronically served, including   , but not limited to    any auctioneer conducting the sale.

**Appendix 6C. Notice of Proposed Abandonment.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 18-90000  
) Chapter 7  
JANE ANNE ANONYMOUS )  
fdbba Jane's Flower Shop ) TRUSTEE'S NOTICE OF  
SSN/ITIN xxx-xx-0000 ) PROPOSED ABANDONMENT  
) OF CERTAIN REAL PROPERTY  
Debtor. )

Trustee Samuel S. Smith hereby gives notice of his intention to abandon from the bankruptcy estate the following described real property:

Northeast Quarter (NE1/4) of Section Twelve (12), Township One Hundred Twenty-five (125) North, Range Sixty-seven (67) West of the 5<sup>th</sup> P.M., except the North 938 feet of the West 850 feet; and except the portion deeded to the township of Future for roadway purposes, Justice County, South Dakota.

The property was offered at public auction on October 13, 2018, as previously ordered (doc. 77), but a bid sufficient to cover even the first mortgage was not received. Accordingly, the property is of no or inconsequential value to the bankruptcy estate, and Trustee Smith proposes to abandon it pursuant to 11 U.S.C. §§ 554(a) and 725 and Federal Rule of Bankruptcy Procedure 6007(a).

Your rights may be affected. You should read ~~these papers~~[this document](#) carefully and discuss ~~them~~[it](#) with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the abandonment to take place as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before November 5, 2018, a typewritten response explaining your position. Your response must include the case name and case number and be signed and dated by you [or your attorney](#). [The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number.](#) Only an attorney may file a response ~~or appear at a hearing~~ on behalf of a corporation, [a](#) partnership, or [an](#) other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing

(CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney ~~shall~~must also mail a copy of the response to ~~any~~ parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in ~~Rule~~local bankruptcy rule 9001-1(7)(B) through (H) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the proposed abandonment may be set by separate order if ~~an objection or other~~a response is filed on or before the deadline stated above. If you or your attorney files a response to the proposed abandonment on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.

If no ~~party in interest~~one files ~~and serves~~ a response on or before the deadline stated above, the proposed abandonment may be deemed uncontested, and the trustee may proceed to abandon this property in the manner proposed.

Dated: October 19, 2018.

/s/  
Trustee Samuel S. Smith  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605) 555-5555  
e-mail: [ssslaw@legalline.net](mailto:ssslaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

For the date by which a response must be filed, use a business date that is 17 days after service of the notice. This notice period already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

In the fourth and fifth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

Serve the notice on all creditors and other parties in interest not electronically served.



## Appendix 9I.

### Orders Prepared by the Court

Parties do not need to submit the following proposed orders unless specifically directed to do so by the Court:

Order Allowing Administrative Expenses Following Chapter 7 Trustee's Final Report and Application for Compensation.\*

Order Authorizing Debtor to Pay Filing Fee in Installments.

Order Authorizing Employment of Estate Professional (including an attorney for a trustee or a chapter 11 or a chapter 12 debtor).\*

Order Confirming Plan (chapter 12 or chapter 13 ~~and no objections have been filed or all filed objections have been withdrawn~~).\*

[Order Converting Case \(from and to any chapter\)](#)

Order Deferring Discharge.\*

Order Dismissing Chapter 13 Case (when no objections have been filed or all filed objections have been withdrawn).\*

Order Extending Deadline to File Plan, Schedules, or Statements.\*

Order Limiting Notice.

Order Reducing (shortening) Notice.

Order Refunding Certain Fees.\*

Order Rescheduling Hearing or Trial.\*

Order Reopening Case or Adversary Proceeding.\*

[Order Scheduling Conference](#)

Order Scheduling Evidentiary Hearing or Trial.

Order Striking Certain Document.\*

Order Substituting Redacted Document (including a redacted proof of claim).\*

Order Waiving Filing Fee or Other Fees for Indigent Debtor.

Order Waiving Notice of Need to File a Proof of Claim.\*

Those orders marked above with an asterisk will often be entered only as a docket text order; *i.e.*, the entire order is set forth in a docket entry.