AN ACT

ENTITLED, An Act to provide for the cancellation of expired mechanic's and materialman's liens.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 44-9-24 be amended to read as follows:

44-9-24. No lien may be enforced in any case unless the holder of the lien asserts the lien, either by complaint or answer, within six years after the date of the last item of the lien holder's claim as set forth in the filed and entered lien statement. No person is bound by the judgment in the action unless the person is made a party to the action within the six-year period.

If no action or suit has been commenced to enforce the lien during the six-year period, the owner of the property, the owner's agent, or contractor may file an affidavit with the register of deeds stating that the lien holder has not commenced suit to enforce the lien within the six-year period and requesting that the lien be cancelled. The register of deeds shall cancel the lien of record within thirty days of the filing of the affidavit.

An Act to provide for the cancellation of expired mechanic's and materialman's liens.

I certify that the attached Act originated in the

HOUSE as Bill No. 1073

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1073
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State