

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

681B0300

SENATE BILL NO. 145

Introduced by: Senator Aker and Representatives Crisp and Duniphan

1 FOR AN ACT ENTITLED, An Act to revise the procedure for serving lienholders.

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

3 Section 1. That § 10-25-5 be amended to read as follows:

4 10-25-5. ~~Personal~~ Any person defined in §§ 10-25-3 and 10-25-4 shall be served by personal
5 service of the notice in the manner provided by law for the service of summons ~~shall be made~~
6 ~~upon the persons mentioned in §§ 10-25-3 and 10-25-4 as reside within the state. However, if~~
7 ~~any of the persons are nonresidents of the state, or~~ the notice may be served upon the
8 ~~nonresidents~~ by publishing the notice once a week for at least two successive weeks in some a
9 newspaper printed in the county where the real property is situated, and if no newspaper is
10 printed in the county, in the nearest legal newspaper printed in the state. In addition to the
11 service by publication, ~~the holder of the certificate shall cause to be sent to the persons so~~ send
12 to any person ~~served a true copy of such the~~ notice through the United States mails, properly
13 addressed, to the last known address of each of the persons ~~person~~. The notice to the mortgagee
14 ~~or his~~ the mortgagee's ~~assignee shall be directed to such the~~ mortgagee or assignee to his the
15 ~~address as the same appears~~ appearing in the mortgage of record, or in the assignment thereof.
16 The notice to a lienholder or to any other interested person as may appear from the records in

1 the office of the register of deeds, the county treasurer, or the clerk of courts shall be sent to the
2 last known address of each person. The notice shall be sent by registered or certified mail, return
3 receipt requested, with all proper postage prepaid. ~~Personal service of such notice, as above~~
4 ~~specified, may be made upon persons outside of the state, in which case service by publication~~
5 ~~and mailing may be dispensed with.~~