

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

681B0300

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB145** - 2/2/98

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 service of the notice shall be served upon the owner of record of the real
5 property, upon the person in possession of the real property, and upon the person in whose name
6 the real property is taxed in the manner provided by law for the service of summons ~~shall be~~
7 ~~made upon the~~. All other persons mentioned in §§ 10-25-3 and 10-25-4 ~~as reside within the~~
8 ~~state. However, if any of the persons are nonresidents of the state,~~ may be served in the manner
9 provided by law for the service of summons or the notice may be served ~~upon the nonresidents~~
10 by publishing the notice once a week for at least two successive weeks in ~~some~~ a newspaper
11 printed in the county where the real property is situated, and if no newspaper is printed in the
12 county, in the nearest legal newspaper printed in the state. In addition to the service by
13 publication, the holder of the tax certificate shall ~~cause to be sent to the persons so~~ send to any
14 person served by publication a true copy of ~~such~~ the notice through the United States mails,
15 properly addressed, to the last known address of ~~each of the persons~~ the person. The notice to

1 the mortgagee or ~~his~~ the mortgagee's assignee shall be directed to ~~such~~ the mortgagee or
2 assignee to ~~his~~ the address ~~as the same appears~~ appearing in the mortgage of record, or in the
3 assignment thereof. The notice to a lienholder or to any other interested person as may appear
4 from the records in the office of the register of deeds, the county treasurer, or the clerk of courts
5 shall be sent to the last known address of ~~each~~ the person. The notice shall be sent by registered
6 or certified mail, return receipt requested, with all proper postage prepaid. ~~Personal service of~~
7 ~~such notice, as above specified, may be made upon persons outside of the state, in which case~~
8 ~~service by publication and mailing may be dispensed with.~~

1 **BILL HISTORY**

2 1/21/98 First read in Senate and referred to Judiciary. S.J. 141

3 1/30/98 Scheduled for Committee hearing on this date.

4 1/30/98 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 257