

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

358D0600

SENATE ENGROSSED NO. **SB154** - 1/27/00

Introduced by: Senators Madden, Daugaard, and Moore and Representatives Hunt and Wilson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to notice to parties
2 in estate litigation.

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

4 Section 1. That § 29A-1-401 be amended to read as follows:

5 29A-1-401. (a) If notice of a hearing on any petition is required and except for specific notice
6 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
7 hearing of any petition, together with a copy of the petition, to be given to any interested person
8 or the person's attorney if the person has appeared by attorney or requested that notice be sent
9 to an attorney. Notice shall be given:

10 (1) By mailing a copy of the notice of hearing and of the petition at least fourteen days
11 before the time set for the hearing by certified, registered, or ordinary first class mail
12 addressed to the person being notified at the post office address given in the person's
13 demand for notice, if any, or at the person's place of residence, if known;

14 (2) By delivering a copy of the notice of hearing and of the petition to the person being
15 notified personally at least fourteen days before the time set for the hearing; or

16 (3) If the address or identity of any person is not known and cannot be ascertained with
17 reasonable diligence, by publishing at least once a week for three consecutive weeks,

1 a copy of the notice of hearing in a legal newspaper in the county where the hearing
2 is to be held, the last publication of which is to be at least fourteen days before the
3 time set for the hearing; or

4 (4) If any person entitled to notice is a resident of a foreign country and does not have a
5 place of residence in any state, and if the address of the person is not known and
6 cannot be ascertained with reasonable diligence, by mailing a copy of the notice of
7 hearing and a copy of the petition to the legation of the foreign country at
8 Washington, D.C. at least fourteen days prior to the date fixed for hearing.

9 (b) The court for good cause shown may provide for a different method or time of giving
10 notice for any hearing.

11 (c) Proof of the giving of notice shall be made on or before the hearing and filed in the
12 proceeding.

1 **BILL HISTORY**

2 1/20/00 First read in Senate and referred to Judiciary. S.J. 128

3 1/24/00 Scheduled for Committee hearing on this date.

4 1/24/00 Judiciary Do Pass, Passed, AYES 6, NAYS 1. S.J. 174

5 1/25/00 Senate Deferred to another day. S.J. 196

6 1/26/00 Motion to Amend, Passed. S.J. 209

7 1/26/00 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 209