

2020 South Dakota Legislature
House Bill 1067

AMENDMENT 1067E FOR THE INTRODUCED BILL

1 **An Act to modify certain provisions regarding notice, service, and execution of**
2 **judgments.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **15-9-7.1. Service--Publication--Exemption.**

6 A plaintiff may initiate service by publication under § 15-9-7 on the same day as
7 the first attempt at service under § 21-16-6 without prior approval from the court.

8 **Section 2.** That § 21-16-6 be AMENDED:

9 **21-16-6. Verified Complaint--Service with Summons--Procedure.**

10 The complaint ~~must~~ shall be in writing and verified by the plaintiff or ~~his~~ the
11 plaintiff's agent or signed by ~~his~~ the plaintiff's attorney, and served with a summons, ~~and~~
12 ~~the procedure, except as otherwise provided, shall be the same as in other actions in the~~
13 ~~court where the action is pending. A sheriff, any person legally authorized to effect service~~
14 under § 15-6-4(c), or constable of the county shall attempt to serve a lessee, subtenant,
15 or party in possession with a minimum of ~~four~~ two service attempts. Each attempt shall
16 be at least ~~six hours~~ one week apart and ~~all four~~ both attempts shall be within thirty days.

17 On the ~~fourth~~ second service attempt, the summons may be posted in a
18 conspicuous place on the property and delivered to a person there residing, if such person
19 can be found, and also sent by first class mail addressed to the tenant at the place where
20 the property is situated.

21 **Section 3.** That § 21-16-7 be AMENDED:

1 **21-16-7. Appearance--Defendant.**

2 The time for appearance and pleading shall be four days from the time of service
3 on the defendant ~~and no~~ or thirty days after the first publication of service under § 15-9-
4 7, whichever occurs sooner. No adjournment or continuance shall be made for more than
5 ~~five-fourteen~~ days, unless the defendant applying therefor shall give an undertaking to
6 the plaintiff with good and sufficient surety to be approved by the court, conditioned for
7 the payment of the rent that may accrue, together with costs if judgment be rendered
8 against the defendant.

9 **Section 4.** That § 21-16-10 be AMENDED:

10 **21-16-10. Judgment--Plaintiff.**

11 If the finding of the court or the verdict of the jury be in favor of the plaintiff, the
12 judgment shall be for the delivery of possession to the plaintiff, and for rents and profits
13 or damages, including those authorized by § 21-3-8, where the same are claimed in the
14 complaint, and for costs.

15 ~~**Section 5. That § 21-16-12 be AMENDED:**~~

16 ~~21-16-12. Possession--Execution.~~

17 ~~An execution for possession shall occur within five days of a judgment for a plaintiff under~~
18 ~~§ 21-16-10. If a lessee, subtenant, or party in possession fails to answer or appear, an~~
19 ~~execution of possession shall occur within two days. No execution for possession can be~~
20 ~~served except in the daytime.~~