

2020 South Dakota Legislature
House Bill 1067

AMENDMENT 1067F FOR THE HOUSE JUDICIARY 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. A
8 plaintiff shall only be required to provide service by publication once under this section.

9 Publication under this section shall be made in a newspaper printed in the county
10 where the subject property or some part of the property is situated. If no paper meets
11 that criteria, service shall be provided in a newspaper published nearest to the county seat
12 of such county.

13 A plaintiff who provides notice by publication under this section is exempt from the
14 requirements of § 15-9-17.

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

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

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

1 On the second service attempt, the summons may be posted in a conspicuous place
2 on the property and delivered to a person there residing, if such person can be found, and
3 also sent by first class mail addressed to the tenant at the place where the property is
4 situated.

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

6 **21-16-7. Appearance--Defendant.**

7 The time for appearance and pleading shall be four days from the time of service
8 on the defendant ~~and no~~ or thirty days after the first publication of service under ~~§ 15-9-~~
9 7 § 15-9-7.1, whichever occurs sooner. No adjournment or continuance shall be made for
10 more than ~~five~~ fourteen days, unless the defendant applying therefor shall give an
11 undertaking to the plaintiff with good and sufficient surety to be approved by the court,
12 conditioned for the payment of the rent that may accrue, together with costs if judgment
13 be rendered against the defendant.

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

15 **21-16-10. Judgment--Plaintiff.**

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