

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

529U0333

HOUSE BILL NO. 1071

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise the contents of the application for the discharge
2 of a civil judgment debt discharged in bankruptcy.

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

4 Section 1. That § 15-16-38 be amended to read as follows:

5 15-16-38. An application under § 15-16-37 shall be sworn under oath and identify each
6 judgment to be discharged, shall state that each judgment sought to be discharged was listed on
7 the debtor's bankruptcy schedules, that no judgment sought to be discharged is nondischargeable
8 under 11 USC § 523 or no order was entered by the bankruptcy court declaring any of the
9 judgments nondischargeable, shall be accompanied by a certified copy of the judgment debtor's
10 bankruptcy discharge, shall state the time the judgment creditor has to object as specified in
11 § 15-16-39 and the grounds for objection as specified in § 15-16-40 and shall be served at the
12 expense of the applicant on each judgment creditor either:

- 13 (1) In the manner provided for the service of a summons in a civil action accompanied
14 by an affidavit of service; or
- 15 (2) By certified mail to the judgment creditor's last known address as it appears in the



1 court record accompanied by an affidavit of mailing.