

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

706A0771

HOUSE BILL NO. 1241

Introduced by: Representatives Rost, Collier, de Hueck, DeMersseman, and Wick and Senator Daugaard

1 FOR AN ACT ENTITLED, An Act to clarify the notice requirement in certain estate matters.

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

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

4 29A-1-401. (a) If notice of a hearing on any petition is required and except for specific
5 notice requirements as otherwise provided, the petitioner shall cause notice of the time and place
6 of hearing of any petition, together with a copy of the petition, to be given to any interested
7 person or the person's attorney if the person has appeared by attorney or requested that notice
8 be sent to an attorney. Notice shall be given:

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

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

15 (3) If the address; or identity of any person is not known and cannot be ascertained with

1 reasonable diligence, by publishing at least once a week for three consecutive weeks,
2 a copy ~~thereof~~ of the notice of hearing in a legal newspaper in the county where the
3 hearing is to be held, the last publication of which is to be at least fourteen days before
4 the time set for the hearing.

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

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