

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

805E0616

SENATE BILL NO. 188

Introduced by: Senators Bogue, Greenfield, Moore, and Olson (Ed) and Representatives
Brown (Jarvis), Heineman, and Olson (Mel)

1 FOR AN ACT ENTITLED, An Act to revise the time period when a garnishee summons and
2 affidavit is served on the defendant.

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

4 Section 1. That § 21-18-10 be amended to read as follows:

5 21-18-10. The garnishee summons and affidavit shall also be served on the defendant to the
6 action, either before or within ~~ten~~ thirty days after service on a garnishee, except when service
7 of the summons in the action is made without the state or by publication. ~~When~~ If the defendant
8 ~~shall have appeared~~ appears in the action by attorney, such service may be made upon such
9 attorney or upon the defendant. Unless the garnishee summons is ~~so~~ served on the defendant or
10 ~~his~~ the defendant's attorney in accordance with the provisions of this section, the service on the
11 garnishee ~~shall become~~ is void and of no effect from the beginning.