

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

951N0146

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1119 - 02/12/2007

Introduced by: Representatives Lust, Cutler, Dreyer, Elliott, Feinstein, Kirkeby, McLaughlin, Nygaard, Peters, and Rausch and Senators McCracken, Hoerth, Katus, Knudson, McNenny, and Schmidt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning mechanics' or
2 materialmen's liens.

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

4 Section 1. That § 44-9-26 be amended to read as follows:

5 44-9-26. Upon written demand ~~of~~by the owner, ~~his~~the owner's agent, or contractor, served
6 on any person holding a lien, requiring ~~him~~the person to commence suit to enforce ~~such~~the
7 lien, ~~such suit shall be commenced~~the person shall commence suit within thirty days after such
8 service; or the lien ~~shall be~~is forfeited. The register of deeds shall cancel the lien of record, if
9 the owner, the owner's agent, or contractor files no sooner than the fortieth day following service
10 of the written demand:

11 (1) An affidavit stating that the person holding the lien has not commenced suit to
12 enforce the lien within thirty days after the service of the written demand;

13 (2) A copy of the written demand that was served on the person holding the lien; and

14 (3) Proof of service on the person holding the lien.

