

AN ACT

ENTITLED, An Act to revise certain fees charged by sheriffs.

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

Section 1. That § 7-12-18 be amended to read as follows:

7-12-18. The sheriff shall charge and remit the following:

- (1) For serving an order of arrest with commitment or bail bond and return, twenty-five dollars;
- (2) For serving summons, complaint, warrant of attachment, affidavit, notice and undertaking in claim and delivery, or injunction, order to show cause, citation, or other process, and return of the instrument, twenty-five dollars for all such process or instruments served at the same time upon the same person regardless of the capacities in which such person is served. However, for all such process or instruments served upon another such person at approximately the same time at the same place, five dollars;
- (3) For serving subpoena for witness, each person, ten dollars;
- (4) For traveling expenses in a motor vehicle, a minimum mileage allowance of at least three cents over and above the rate set for state employees by the State Board of Finance but not more than six cents above the rate set for state employees by the State Board of Finance, as determined by the board of county commissioners, for each mile actually and necessarily traveled by motor vehicle. For traveling expenses in a private plane, a mileage allowance of ten cents above the rate set for state employees by the State Board of Finance for each mile actually and necessarily traveled by private plane. However, actual cost may be paid for travel by train, bus, plane, or other commercial vehicle;
- (5) For serving writ of execution and return of the instrument, whether satisfied or unsatisfied, thirty-five dollars;

- (6) For levying writ of possession, twenty-five dollars. However, if the sale of the property levied upon is not subsequently held, the actual costs or expenses associated with levying writ of possession shall be paid;
- (7) For advertisement of sale in newspaper, in addition to printing, twenty-five dollars;
- (8) For posting notices of sale of real property, twenty-five dollars, and mileage;
- (9) For executing writ or order of partition, twenty-five dollars;
- (10) For making deed for land sold on execution or order of sale, fifty dollars except no fee is charged when the deed only requires the sheriff's signature;
- (11) In addition to the applicable fees and expenses, a commission on all money received and disbursed by the sheriff on execution or order of sale, order of attachment, decree or on sale of real property or personal property, for each dollar not exceeding four hundred dollars, eleven cents; for each dollar above four hundred dollars, and not exceeding one thousand dollars, seven cents; for each dollar above one thousand dollars, and not exceeding fifteen thousand dollars, five cents; for each dollar above fifteen thousand dollars, and not exceeding twenty-five thousand dollars, three cents. However, in no case may the commission be less than twenty-five dollars. The commissions shall be included as a part of the cost of execution, order of sale, order of attachment, decree, or on sale of real or personal property, which shall be paid by the debtor out of the proceeds. However, in all cases of redemption prior to the sale, the sheriff is entitled to the commission as stated above, to be paid by the redemptioner as a cost of the redemption;
- (12) For cases in the circuit court, if persons, in whose favor an execution or order of sale is issued, bid in the property sold on execution or decree, the sheriff or officer making the sale shall receive the following compensation: If the amount for which the property is bid in is one thousand dollars or less, the sum of twenty dollars. If the amount for which the

property is bid in is more than one thousand dollars, the sum of fifty dollars;

- (13) For making a sale of real property under a foreclosure of mortgage by advertisement, the same fees as for the sale of real property under a judgment of foreclosure and sale of real property; and
- (14) If personal property is taken by the sheriff on execution or warrant of attachment and applied in the satisfaction of the debt without sale, the same percentage on the appraised value of the property as in the case of a sale and all additional reasonable and necessary costs and expenses incurred in executing the duties of sheriff including expenses associated with the removal of property from the premises.

No fee may be charged in any action under § 25-10-3, 25-10-6, 22-19A-8, or 22-19A-12.

The fees established pursuant to this section shall be used for law enforcement purposes.

An Act to revise certain fees charged by sheriffs.

I certify that the attached Act
originated in the

SENATE as Bill No. 82

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 82

File No. _____

Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State