STATE OF SOUTH DAKOTA

FIFTH JUDICIAL CIRCUIT

PRESIDING JUDGE
Jack R. Von Wald
CIRCUIT JUDGES
Larry H. Lovrien
Jon S. Flemmer
Scott P. Myren
MAGISTRATE JUDGE
Tony L. Portra

JACK R. VON WALD
Presiding Circuit Court Judge

Sara Van De Walle
Official Court Reporter

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July 29, 2004

ATTORNEY FEES ON DEFAULT JUDGMENTS

On this date, the Judges of the Fifth Circuit agreed to adopt a Fifth Judicial Circuit Court policy that provides that no attorney fees will be awarded to a party plaintiff who may be entitled thereto on a default judgment basis unless the complaint specifically requested attorney fees or unless the Court specifically approved attorney fees after a hearing thereon at which the defendant was properly served notice of the same.

Jack R. Von Wald, Presiding Judge

Larry H. Lovrien, Circuit Court Judge

Jon S. Flemmer, Circuit Court Judge

Scott P. Myren, Circuit Court Judge