IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 2 1 2008

Shij A Jauson Ley
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-6   )   RULE 08-02

- -

A hearing was held on February 13, 2008 at Pierre, South Dakota, relating to the amendment of SDCL 15-26A-6, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-26A-6 be and it is hereby amended to read in its entirety as follows:

SDCL 15-26A-6. Appellate procedure – Appeals - When taken. Except as provided in § 15-26A-6.1, an appeal from a judgment or order must be taken within thirty days after the judgment or order shall be signed, attested, filed and written notice of entry thereof shall have been given to the adverse party.

A written notice of appeal filed before the attestation and filing of such signed judgment or order shall be deemed as filed on the date of the attestation and filing of the judgment or order.

The running of the time for filing a notice of appeal is terminated as to all parties by a timely motion filed in the circuit court by any party pursuant to § 15-6-59 or § 15-6-50(b), or both, and the full time for appeal fixed by this section commences to run after the order made pursuant to such motion shall be signed, attested, filed and written notice of entry thereof shall have been given to the adverse party or if the circuit court fails to take action on such motion or fails to enter an order extending the time for taking action on such motion within the time prescribed, then the date shall be computed from the date on which the time for action by the circuit court expires.

IT IS FURTHER ORDERED that the rule shall become effective July 1, 2008.

DATED at Pierre, South Dakota, this 21st day of February, 2008.

BY THE COURT:

David Gilberth

David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)