

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 29 2003

* * * *

Shirley A. Johnson Long
Clerk

IN THE MATTER OF THE) RULE 03-13
AMENDMENT OF SDCL 15-26A-26)

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A hearing having been held on August 28, 2003, at Pierre, South Dakota, relating to the amendment of SDCL 15-26A-26, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

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

15-26A-26. Appellate procedure - Money judgment- Conditions of bond on appeal.

If the appeal is from a judgment directing the payment of money, the conditions of the bond required by §15-26A-25 shall be the payment of the judgment or that part of the judgment which is affirmed together with interest thereon from the date of the judgment. The amount of the bond required collectively of all appellants may not exceed twenty-five million dollars regardless of the amount of judgment. If the appellee proves by a preponderance of the evidence that an appellant whose bond has been so limited has been dissipating assets outside the ordinary course of business to avoid payment of a judgment, the court may require the appellant to execute a bond in an amount up to the full amount of judgment.

IT IS FURTHER ORDERED that this rule shall become effective January 1, 2004.

DATED at Pierre, South Dakota, this 29th day of September, 2003.

BY THE COURT:

David Gilbertson
David Gilbertson, Chief Justice

ATTEST:

Shirley A. Johnson Long
Clerk of the Supreme Court