

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)

SDCL 15-12-27

)

RULE 08-05

- - - - -
A hearing was held on August 28, 2008, at Pierre, South Dakota, relating to the amendment of SDCL 15-12-27, and the Court having considered the proposed amendment and oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL be 15-12-27 and it is hereby amended to read in its entirety as follows:

SDCL 15-12-27. Time for filing affidavit against judge or magistrate presiding in ordinary course. An affidavit for change of judge or magistrate, if against the judge or magistrate who, in the ordinary course, would preside at the hearing or trial, must be filed within the following times:

(1) If there be any motion or application to be heard upon notice, the party resisting the same may file an affidavit not less than two days before the hearing; or if the matter is returnable in a shorter time, then before the commencement of such hearing;

(2) If there is no such motion or application:

(a) In actions triable without a jury, not less than five days before the date set for trial provided that if the time of trial has been set on less than five days notice, such affidavit shall be promptly filed thereafter and prior to the commencement of the trial;

(b) In actions triable by a jury at least fifteen days prior to the date said action is scheduled for trial; and

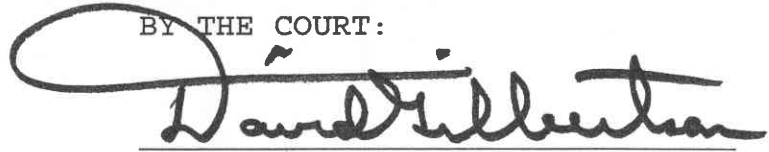
(3) If there has been a prior disqualification and substitution of a judge or magistrate a second or subsequent affidavit for change shall be filed with the clerk of courts of the county wherein such action is pending within two days after receiving

notice of the name of the judge or magistrate designated to preside at the trial of said action in place of the judge or magistrate previously disqualified.

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

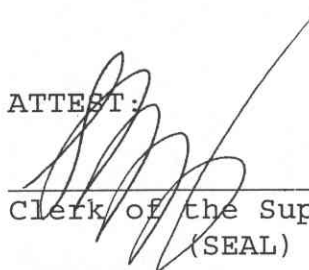
DATED at Pierre, South Dakota, this 17th day of September, 2008.

BY THE COURT:

A large, stylized handwritten signature in black ink, appearing to read "David Gilbertson".

David Gilbertson, Chief Justice

ATTEST:

A handwritten signature in black ink, appearing to be "Shirley A. Johnson".

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

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A handwritten signature in black ink, appearing to be "Shirley A. Johnson".
Clerk