

INSTRUCTION FOR ORDER ON MOTION TO WAIVE FILING & SERVICE OF PROCESS FEE FORM

This form references specific South Dakota Codified Laws (SDCL) and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can also contact the Legal Form Helpline at 1-855-784-0004 email UJS staff at ujssrlhelp@ujss.state.sd.us.

Important Notice:

A Motion to Waive Filing Fee & Service of Process Fee is a request to the Court asking that it not charge you the filing fee and to direct the Sheriff not to charge you for service of process. The Motion refers to your Financial Affidavit (Form UJS-023) to explain your financial situation to the Judge to decide whether to waive the fee in your case.

If you do not hear from the Clerk of Court in five business days, you should contact them and inquire whether the Judge signed your Order Waiving Filing Fee and Service of Process Fee. If the Judge did not sign the Order, you have thirty days to pay the filing fee, or your case will be dismissed.

To Complete this form, you will need to:

- Complete the caption of the Motion.
 - County (insert county name).
 - Judicial Circuit (insert circuit number). You may find your judicial circuit number at the following web address.
 - https://ujss.sd.gov/Circuit_Court/Default.aspx
 - Enter Plaintiff and Defendant name.
 - Case Number will be provided to you by the Clerk of Court at the time of filing if you don't already have one.

- Leave the remainder of the form blank and file the form along with UJS-022 Motion to Waiving Filing Fee and Service of Process Fee with the Clerk of Court. Remember to retain a copy for your records.

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff</p> <p style="text-align: center;">v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;">ORDER ON MOTION TO WAIVE FILING & SERVICE OF PROCESS FEE</p>
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The Plaintiff / Defendant (**check one**) named above having moved the Court to enter an Order to waiver certain fees and the Court having reviewed and considered said motion/application and the party's Financial Affidavit filed herein, based upon the evidence presented, the Court determines that it is hereby:

ORDERED that the **Plaintiff's** payment for the filing fee of the Summons and Complaint in the action herein is:

_____ Waived _____ Not Waived

AND IT IS FURTHER ORDERED that the **Plaintiff's** payment for the Sheriff's fee for service of the Summons and Complaint in the action herein is:

_____ Waived _____ Not Waived

ORDERED that the **Defendant's** payment for filing the Answer/Response to the Complaint in the Action herein is:

_____ Waived _____ Not Waived

Dated this _____ day of _____, 20_____ .

ATTEST:

BY THE COURT:

Clerk of Court

Circuit Court Judge

BY: _____
Deputy Clerk

(SEAL)