

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL)
15-39-56)

RULE 97-13

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 15-39-56, 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 15-39-56 be and it is hereby amended to read in its entirety as follows:


15-39-56. Jury trial and appeal waived by plaintiff - Right to jury trial if action removed by defendant. A plaintiff beginning an action under the procedure shall be deemed to have waived a trial by jury and the right of appeal unless the action is removed, for formal hearing, to the regular civil docket of either circuit or magistrate court as hereinafter provided, in which case the plaintiff shall have the same right to claim a trial by jury and appeal as if the action had been begun in the circuit or magistrate court.

However, in the judicial circuit so designated by the Supreme Court under (insert statute law designation for HB 1068) and effective July 1, 1997 through July 1, 1998, absent removal, a defendant, within five days after receiving notice to appear or answer, may move for a trial by jury. Failure to make the request within the time provided shall be deemed a waiver of a trial by jury and the matter shall be tried to the court. The defendant shall file with the request for a trial by jury the sum of seventy-five dollars to secure the costs of the jury. There shall be no appeal by the defendant from a decision of either a judge or jury in a small claims action.

IT IS FURTHER ORDERED that this rule shall become effective
July 1, 1997.

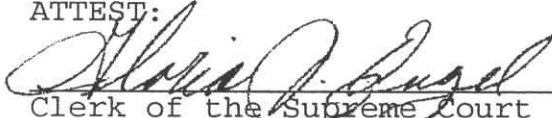
DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 1997


Clerk