

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

FEB 21 2008

*Shirley A. Janson Leif*  
Clerk

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)  
SDCL 15-39-55 )

RULE 08-03

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A hearing was held on February 13, 2008 at Pierre, South Dakota, relating to the amendment of SDCL 15-39-55, 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 15-39-55 be and it is hereby amended to read in its entirety as follows:

**SDCL 15-39-55. Notice valid though refused by defendant- Further notice on failure of delivery.** Notice shall be valid although refused by the defendant and, therefore, not delivered. If the notice is returned undelivered, without refusal by the defendant, or if in any other way it appears that notice has not reached the defendant, the clerk shall issue, at the request of the plaintiff and at the expense of the plaintiff, such other or further notice as the court may order. If plaintiff elects not to pursue further notification of the defendant or if the further notification is unsuccessful after ninety days, the clerk may dismiss the action without prejudice.

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 Gilbertson*

David Gilbertson, Chief Justice

ATTEST:

*[Signature]*  
Clerk of the Supreme Court  
(SEAL)