

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 2006

Shirley A. Johnson-Lay
Clerk

IN THE MATTER OF THE ADOPTION)
OF A NEW RULE TO BE DESIGNATED)
AT SDCL 15-6-11(e))

RULE 06-09

A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the adoption of a new rule to be designated at SDCL 15-6-11(e), and the Court having considered the proposed adoption of a new rule, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-11(e) be and it is hereby adopted to read in its entirety as follows:

SDCL 15-6-11(e). Appeal to Supreme Court-Award of attorneys' fees and costs on appeal.

The Supreme Court shall consider all appeals pursuant to § 15-6-11(a) through § 15-6-11(d) without any presumption of the correctness of the trial court's findings of fact and conclusions of law. Reasonable attorneys' fees and costs shall be awarded to the successful party on appeal.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006.

DATED at Pierre, South Dakota, this 17th day of March 2006

BY THE COURT

David Gilbertson

David Gilbertson, Chief Justice

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)