

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)  
SDCL 15-6-68 )

RULE 05-12

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A hearing was held on September 1, 2005, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-68, and the Court having considered the proposed amendment and correspondence relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-68 be and it is hereby amended to read in its entirety as follows:

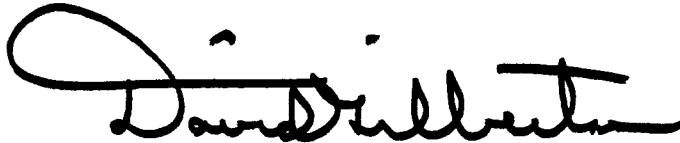
**SDCL 15-6-68. Offer of Judgment.** At any time more than ten days before the trial begins, any party may serve upon an adverse party an offer to allow judgment to be taken against the party for money or property or to the effect specified in the offer, with costs then accrued. If, within ten days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the clerk shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs. If the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer. The fact that an offer is made but not accepted does not preclude a subsequent offer. If the liability of one party to another

has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than ten days prior to the commencement of hearings to determine the amount or extent of liability.

IT FURTHER ORDERED that this rule shall become effective immediatley.

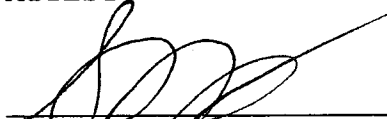
DATED at Pierre, South Dakota, this 2nd day of November, 2005.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:

  
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Clerk of the Supreme Court  
(SEAL)

**SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED**

NOV -2 2005

  
Clerk