

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)

SDCL 15-39-76.1

)

RULE 05-08

-----  
A hearing was held on February 17, 2005, at Pierre, South Dakota, relating to the amendment of SDCL 15-39-76.1, 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 15-39-76.1 be and it is hereby amended to read in its entirety as follows:

**15-39-76.1. Notice of payment of judgment**

The lienholder shall notify the clerk upon full payment of the judgment, and the clerk shall satisfy the judgment at no charge to the parties involved. Upon receipt of a claim by the debtor that the judgment has been paid in full but has not been satisfied by the lienholder, the court shall issue an order to show cause requiring the lienholder appear and show cause why the judgment should not be satisfied.

IT FURTHER ORDERED that this rule shall become effective immediately.


DATED at Pierre, South Dakota, this 25th day of February, 2005.

BY THE COURT:



David Gilbertson, Chief Justice  
SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

ATTEST.

  
Clerk of the Supreme Court  
(SEAL)

FEB 25 2005

  
Clerk

IN CIRCUIT COURT  
JUDICIAL CIRCUIT  
SMALL CLAIMS COURT  
SC Docket No. \_\_\_\_\_

AFFIDAVIT  
CLAIMING PAYMENT  
OF SMALL CLAIMS  
JUDGMENT

\_\_\_\_\_, being first duly sworn on oath deposes and states that he/she is the defendant in the above entitled small claims case which resulted in a judgment against him/her in the sum of \$\_\_\_\_\_ entered on \_\_\_\_\_ and that he/she has paid the judgment and any applicable costs or interest awarded against him/her in full but that the plaintiff has failed or refused to satisfy the judgment of record despite request.

---

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public  
My Commission Expires:

ORDER TO SHOW CAUSE

TO: \_\_\_\_\_, The Plaintiff in this action:

Based upon the foregoing affidavit it appears that this judgment may have been paid in full but that you have failed or refused to satisfy it of record in violation of SDCL § 15-39-76.1;

Now therefore, YOU ARE HEREBY ORDERED to satisfy this judgment of record with the clerk of this court or to appear before this court in the court room of the courthouse in the City of \_\_\_\_\_ at \_\_\_\_ o'clock \_\_ m. on the \_\_\_\_ day of \_\_\_\_\_, 2- \_\_\_\_ to show cause if any you have why the said judgment should not be ordered satisfied of record by this court.

BY THE COURT

ATTEST \_\_\_\_\_  
Clerk of Courts

\_\_\_\_\_  
Judge

AFFIDAVIT OF MAILING

Being first duly sworn on oath, I swear or affirm that on the \_\_\_\_ day of \_\_\_\_\_, 2- \_\_\_\_, I served a true and correct copy of the "Affidavit Claiming Payment of Small Claims Judgment" and "Order to Show Cause" in the above captioned matter, by United States mail, first class, postage prepaid, upon:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
2- \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_