

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

IN THE SUPREME COURT

FEB 21 2023

OF THE

STATE OF SOUTH DAKOTA

\* \* \* \*

*Shirley A. Johnson-Lund*  
Clerk

TOWN OF TABOR, A SOUTH  
DAKOTA MUNICIPALITY,  
Plaintiff and Appellant,

ORDER DIRECTING ISSUANCE OF  
JUDGMENT OF AFFIRMANCE

vs.

#29966

STEVEN J. PETERSEN and  
KRISTI L. PETERSEN,  
Defendants and Appellees.

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The Court having, pursuant to SDCL 15-26A-87.1(A),  
considered all of the briefs filed in the above-entitled matter,  
together with the appeal record, and having concluded that it is  
manifest on the face of the briefs and the record that the  
appeal is without merit on the ground that the issues on appeal are  
factual and there clearly is sufficient evidence to support the  
findings of fact and conclusions of law below (SDCL  
15-26A-87.1(A)(2)), now, therefore, it is

ORDERED that a judgment affirming the Order of the lower  
court be entered forthwith.

The motion for appellate attorney fees fails to set forth a  
legal basis for attorney fees. The motion is denied.

DATED at Pierre, South Dakota, this 21st day of February,  
2023.

BY THE COURT:

ATTEST:

*Steven R. Jensen*  
\_\_\_\_\_  
Steven R. Jensen, Chief Justice

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

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern,  
Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.