

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

507V0040

## HOUSE BILL NO. 1073

Introduced by: Representatives Gosch, Cronin, Johns, Kopp, Stevens, Westra, and Wink and  
Senators Solano, Holien, Kirkeby, and White

1 FOR AN ACT ENTITLED, An Act to provide for the cancellation of expired mechanic's and  
2 materialman's liens.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 44-9-24 be amended to read as follows:

5 44-9-24. No lien ~~shall~~ may be enforced in any case unless the holder ~~thereof shall assert the~~  
6 ~~same~~ of the lien asserts the lien, either by complaint or answer, within six years after the date  
7 of the last item of ~~his~~ the lien holder's claim as set forth in the filed and entered lien statement;  
8 ~~nor shall any person be.~~ No person is bound by the judgment in ~~such~~ the action unless ~~he~~ the  
9 person is made a party ~~thereto within said six years~~ to the action within the six-year period.

10 If no action or suit has been commenced to enforce the lien during the six-year period, the  
11 owner of the property, the owner's agent, or contractor may file an affidavit with the register of  
12 deeds stating that the lien holder has not commenced suit to enforce the lien within the six-year  
13 period and requesting that the lien be cancelled. The register of deeds shall cancel the lien of  
14 record within thirty days of the filing of the affidavit.

