

AN ACT

ENTITLED, An Act to provide for the cancellation of expired mechanic's and materialman's liens.

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

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

44-9-24. No lien may be enforced in any case unless the holder of the lien asserts the lien, either by complaint or answer, within six years after the date of the last item of the lien holder's claim as set forth in the filed and entered lien statement. No person is bound by the judgment in the action unless the person is made a party to the action within the six-year period.

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

An Act to provide for the cancellation of expired mechanic's and materialman's liens.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1073

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1073

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State