

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

545B0488

SENATE BILL NO. 132

Introduced by: Senators Munson (David) and Hutmacher and Representatives Konold and Kredit

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the perfecting of liens
2 created by unpaid child support.

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

4 Section 1. That § 25-7-6.20 be amended to read as follows:

5 25-7-6.20. Any payment or installment of support under an order for support, as defined by
6 § 25-7A-1, whether entered by a court or an administrative entity of this state or any other state
7 or jurisdiction, which is unpaid after the date it is due, is a lien by operation of law, with the full
8 force and effect and attributes of a lien of this state, including enforceability, and is entitled, as
9 a lien, to full faith and credit in this state.

10 In order to preserve such lien, any Title IV-D agency may ~~give notice of the lien by filing~~
11 ~~with the register of deeds office a sworn statement or certificate showing the amount of unpaid~~
12 ~~child support. The sworn statement or certificate may be filed in any county in which property~~
13 ~~of the obligor is located, shall contain a description of the property, and shall attach to the~~
14 ~~property whether individually or jointly owned by the obligor. The register of deeds shall file and~~
15 ~~index the lien in the personal property index under the names of the property owner and the lien~~

1 ~~claimant, both alphabetically arranged~~ perfect and enforce a lien authorized by this section in the
2 same manner as liens are perfected for the specific type of real and personal property upon which
3 the lien is claimed. The priority of the lien shall be established as of its date of filing. The register
4 of deeds office is not entitled to any fee for registering or filing any lien under this section.

5 However, no lien is attached to any real or personal property which the obligor has
6 transferred to another person who has purchased the property in good faith, for value, prior to
7 the time that the Title IV-D agency's lien on the property has been perfected in the manner
8 provided by law.