

Bond Case Briefs

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SPECIAL ASSESSMENTS - SOUTH DAKOTA

Bingham Farms Trust v. City of Belle Fourche

Supreme Court of South Dakota - August 14, 2019 - N.W.2d - 2019 WL 3819850 - 2019 S.D. 50

Landowner brought declaratory judgment action against city, challenging special assessment lien levied on property by city and asserting claims including slander of title and abatement of false lien.

The Circuit Court granted city's motion to dismiss but denied city's motion for attorney's fees. Landowner and city both appealed.

The Supreme Court held that:

- Slander of title claim fell within circuit court's general jurisdiction;
- Claim for abatement of false lien also fell within general jurisdiction;
- Declaratory judgment claim fell within circuit court's jurisdiction under Uniform Declaratory Judgment Act; and
- Statute preventing actions "attacking the validity of the proceedings for special assessments" did not preclude landowner's action.

Statute preventing actions "attacking the validity of the proceedings for special assessments" did not preclude landowner's declaratory judgment action alleging city's special assessment lien was unenforceable; statute only applied to challenges up to and including the approval of assessment roll, and heart of landowner's claims was that irregularities and instances of statutory non-compliance after roll was approved resulted in a failure to register the lien, which in turn prevented city's effort to enforce it.