
THE STATE OF SOUTH DAKOTA,	*	CIV08-41
	*	
Plaintiff,	*	
	*	
vs.	*	
	*	AFFIDAVIT IN SUPPORT
	*	OF APPLICATION FOR
	*	DEFAULT JUDGEMENT
MARK SEIFKES d/b/a S.P.O.T.,	*	
	*	
	*	
Defendant.	*	

Kara Semmler, Assistant Attorney General and attorney for the Plaintiff, the State of South Dakota, states the following pursuant to SDCL 15-6-55(a) in support of the Plaintiff's Application for Default Judgment:

1. Plaintiff, the state of South Dakota brings this action by and through the Public Utilities Commission ("Commission") an agency of the State of South Dakota.
2. The Commission commenced this action by personal service upon Defendant, Mark Seifkes d/b/a S.P.O.T. on May 28, 2008. The sheriff's return of service is attached as Exhibit A.
3. The Summons states: "You are. . . . required to answer the Complaint. . . .within 30 days after service of this Summons and Complaint upon you, exclusive of the date of such service. You are further notified that if you fail to answer the Complaint within the time aforesaid, judgment by default may be entered against you as requested in the Complaint."
4. To the knowledge of affiant, defendant has not served or filed an Answer or any other pleading in this case upon the Court or Commission.
5. Defendant has not paid anything to the Commission or One-Call in satisfaction of the \$1,000 in civil fines levied by One-Call nor given any indication to the Commission or One-Call that he intends to do so.

Dated this 14th day of August, 2008



Kara C. Semmler
Assistant Attorney General
South Dakota Public Utilities Commission
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Attorney for Plaintiff,
South Dakota Public Utilities Commission

**SHERIFF'S RETURN
AND DAY BOOK ENTRY**

7357

STATE OF SOUTH DAKOTA, COUNTY OF KINGSBURY, SS.

I, the undersigned, sheriff within and for the said County of Kingsbury, hereby certify and return; that on the 28th day of May, 2008, in said county and state, I did then and there serve the annexed Summons & Complaint

on Mark Seifkes d/b/a S.P.O.T. the party named therein, by then and there delivering to and leaving with him a full, true and correct copy thereof.

SHERIFF'S FEES	
Summons	\$ 25.00
Garnishee Summons	\$
Complaint	\$ X
Affidavit	\$
Warrant of Attachment	\$
Notice	\$
Order	\$
Petition	\$
Levy	\$
Subpoena	\$
Undertaking	\$
Demand	\$
Execution.....	\$
Other.....	\$
.....Copies	\$
Mileage.....	\$ 1.00
Total Fees	\$ 26.00 paid

ENTRY		
The State of South Dakota		
South Dakota Public Utilities		
Plaintiff.		
-vs-		
Mark Seifkes d/b/a S.P.O.T.		
Defendant.		
Larry Englerth		
1012 N Sycamore Ave.		
ATTORNEY RECEIVED FROM		
Sioux Falls, SD 57110		
ATTORNEY'S ADDRESS		
05-27-08	05-28-08	05-29-08
DATE RECEIVED	DATE SERVED	DATE RETURNED
Summons & Complaint		
KIND OF PROCESS		
Third J.C.		
IN WHAT COURT		
Kevin M. Scotting		
BY WHOM SERVED		
Mark Seifkes		
UPON WHOM PAPERS WERE SERVED		

Dated at DeSmet, South Dakota, this 28th day of May, 2008
Kevin M. Scotting
 Kevin M. Scotting Sheriff of Kingsbury County By _____ Deputy

EXHIBIT

A