

[South Dakota Codified Laws](#)

[Title 15. Civil Procedure](#)

[Chapter 15-17. Recovery of Disbursements \(Refs & Annos\)](#)

SDCL § 15-17-52

15-17-52. Limit of taxation of disbursements

[Currentness](#)

The court may limit the taxation of disbursements in the interests of justice.

Credits

Source: [SL 1992, ch 148, § 17.](#)

[Notes of Decisions \(7\)](#)

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S D C L § 15-17-52, SD ST § 15-17-52
Current through 2018 Session Laws and Supreme Court Rule 18-15

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Notes Of Decisions (7)

Construction with other laws

Even if expenses may be awarded as disbursements under statute governing disbursements, other statutes give considerable discretion in denying recoverable disbursements. [McLaren v. Sufficool, 862 N.W.2d 557, 2015 S.D. 19](#) .
[Costs](#) 169

Prevailing party

A court is not required to grant recovery for disbursements simply because a party has achieved the status of a prevailing party. SDCL 15-17-52 . [Full House, Inc. v. Stell, 2002, 640 N.W.2d 61](#) ; [Culhane v. Michels, 2000, 615 N.W.2d 580](#) ; [Michlitsch v. Meyer, 1999, 594 N.W.2d 731](#) .

A court is not required to grant recovery for disbursements simply because a party has achieved the status of a prevailing party. [DeHaven v. Hall, 753 N.W.2d 429, 2008 S.D. 57](#) . [Costs](#) 32(1)

Divorce proceedings

Denial of former wife's request for disbursements was not against reason and evidence and therefore was not an abuse of discretion; both parties prevailed on some of the issues and lost on some of the issues. SDCL 15-17-37 , 15-17-52 .
[Culhane v. Michels, 615 N.W.2d 580, 2000 S.D. 101](#) . [Divorce](#) 1140

Quiet title proceedings

Hotel was not entitled to costs incurred in defense of quiet title action, although it was the prevailing party. SDCL 15-17-52 . [Full House, Inc. v. Stell, 640 N.W.2d 61, 2002 S.D. 14](#) . [Quieting Title](#) 54

Dismissal

Refusal to award defendant disbursements following plaintiff's voluntary dismissal of personal injury suit was not abuse of discretion, where trial court specifically found "no innocence on either side[.]" SDCL 15-17-37 . [Michlitsch v. Meyer, 594 N.W.2d 731, 1999 S.D. 69](#) . [Costs](#) 48

Findings

When a trial court is ruling on an application for attorney fees, it must, for meaningful appellate review, enter findings of fact and conclusions of law. [Michlitsch v. Meyer, 594 N.W.2d 731, 1999 S.D. 69](#) . [Costs](#) 208