AN ACT

ENTITLED, An Act to provide for the conveyance of certain lands dedicated to public purposes that have become impossible or impractical.

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

Section 1. Notwithstanding the provisions of §§ 43-25-18 and 43-30-12, whenever any real property is, heretofore or hereafter, conveyed by any grant or devise to be held or used for any religious, educational, charitable, benevolent, or public purpose, with a condition subsequent annexed in the instrument of conveyance that in event the lands shall, at any time, cease to be held or used for the purpose set forth in such conveyance, title shall revert to the grantor or devisor or the heirs, and it appears in the judgment of the officers, trustees, or governing body of the grantee named in such conveyance that because of changed conditions or circumstances since the execution of such conveyance it is impossible or impractical to continue to hold or use the lands for the purpose mentioned in such conveyance and that the religious, educational, charitable, benevolent, or public object of the grantor or devisor, as set forth in such conveyance, may be prevented or defeated thereby, the grantee may file an action in the circuit court of the county in which the lands are situated, setting forth a correct description of such lands and the terms and conditions under which the lands are to be held or used, together with a comprehensive statement of the changed conditions and circumstances which render it impossible or impractical to continue to hold or use the lands for the purpose stated in the conveyance.

Section 2. In any action provided for in section 1 of this Act, the heirs of the grantor, reversionary interest holder, or devisor, if known, shall be named as defendants and the action shall be commenced and prosecuted as provided for by existing law for actions against known defendants. If the names or addresses of the heirs of any such grantor, reversionary interest holder, or devisor are unknown, the action shall be commenced and prosecuted as provided by existing law for actions

against unknown defendants. No such action may be commenced within seventy-five years from the execution of any conveyance.

Section 3. If, upon the hearing, it appears to the satisfaction of the court that the allegations in the action are true and that because of changed conditions or circumstances since the execution of such conveyance it is impossible or impractical to continue to hold or use the lands for the purposes limited in such conveyance and that the religious, educational, charitable, benevolent, or public object of the grantor, as set forth in such conveyance, may be defeated thereby, a decree may be entered authorizing the grantee to sell such lands for the highest price obtainable, and directing that the proceeds of the sale of such lands shall be reinvested in other lands suitable for the use or purpose set forth in the original conveyance, subject to any reversionary interest or other interest in the original conveyance.

Section 4. No sale of lands under the decree of the court pursuant to this Act defeats the estate of the grantee named in the original conveyance because of the failure to continue to hold or use the land for the purpose named in such conveyance and is sufficient to convey to the purchaser of such land a good and sufficient title in fee simple, free from all conditions or limitations whatsoever, under which the land shall have been held or used.

Section 5. As part of the decree or judgment entered in any action commenced under this Act, the court may require that the real property be sold and that the proceeds from the sale be used for similar religious, educational, charitable, benevolent, or public purposes as provided in the original conveyance, and that the condition subsequent contained in the original conveyance attach to the sale proceeds upon such terms and conditions as the court may determine. The court may also require that the sale proceeds be used to purchase other real property or be put to such other uses consistent with the condition subsequent as the court determines.

Section 6. Nothing in this Act applies to severed mineral interests.

An Act to provide for the conveyance of certain lands dedicated to public purposes that have become impossible or impractical.

==========

I certify that the attached Act originated in the

SENATE as Bill No. 183

_____
Secretary of the Senate

==========

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 183
File No. ____
Chapter No. _____

==========

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

==========

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

_____
Governor

==========

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