

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

348B0042

SENATE BILL NO. 214

Introduced by: Senators Whiting, Aker, and Flowers and Representatives Windhorst, Apa, Belatti, Duniphan, Moore, and Schrempp

1 FOR AN ACT ENTITLED, An Act to expedite the release of counterfeit liens, court
2 documents, or other instruments on public record.

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

4 Section 1. That chapter 7-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a register of deeds has reason to believe that a document or instrument previously filed or
7 recorded or submitted for filing or recording is counterfeit pursuant to § 22-11-29, the register
8 of deeds shall provide written notice of the filing, recording, or submission for filing or recording
9 to the stated or last known address of the person who owns any interest in the real property as
10 the obligor or debtor and to any person who owns any interest in the real property described in
11 the document or instrument.

12 Section 2. That chapter 21-51 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 A person who is the purported debtor or obligor or who owns real or personal property or
15 an interest in real or personal property and who has reason to believe that the document

1 purporting to create a lien or a claim against the real or personal property or an interest in the
2 real or personal property previously filed or submitted for filing and recording is counterfeit
3 pursuant to chapter 22-11, may complete and file with the clerk of courts a motion on a form
4 prescribed by the court.

5 Section 3. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a clerk of courts has reason to believe that a document or instrument previously filed or
8 recorded or submitted for filing or recording is counterfeit pursuant to § 22-11-29, the clerk of
9 courts shall provide written notice of the filing, recording, or submission for filing or recording
10 to the stated or last known address of the person named in the document, instrument, or
11 judgment.

12 Section 4. That chapter 21-51 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 A person against whom a purported judgment was rendered who has reason to believe that
15 a document previously filed or recorded is counterfeit pursuant to § 22-11-29, may complete and
16 file with the clerk of courts a motion on a form prescribed by the court.