

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

664E0476

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 155 - 02/05/2001

Introduced by: Senators Bogue, Daugaard, de Hueck, Koetzle, Moore, and Whiting and
Representatives Brown (Jarvis), Gillespie, Madsen, McCaulley, and
Michels

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the termination of
2 life estates and joint tenancies.

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

4 Section 1. That § 21-44-2 be amended to read as follows:

5 21-44-2. In all cases of joint tenancy in lands or personal property, and in all cases where any
6 estate, title or interest in, or lien upon, lands or personal property has been or may be created,
7 which estate, title, interest, or lien was or is to continue only during the life of any person named
8 or described in the instrument by which such estate, title, interest or lien was created, a copy of
9 the record of the death of any such joint tenant or of the person upon whose life such estate, title,
10 interest, or lien was or is limited, duly certified by any officer who is required by the laws of the
11 state or county in which such record is made, to keep a record of the death of persons occurring
12 within the jurisdiction of such officer, may be recorded in the office of the register of deeds of
13 the county in which such lands are situated or in the proper office for filing as to such personal
14 property. The record of such certified copy shall be prima facie evidence of the death of such

1 person and the termination of such joint tenancy and of all such estate, title, interest, and lien as
2 was or is limited upon the life of such person. ~~There~~ In the case of any person dying prior to
3 July 1, 2001, there shall also be recorded at the same time, a certified copy of an order made by
4 the circuit court having jurisdiction determining that there is no inheritance tax due on the estate
5 of the deceased person or an order made by ~~said~~ the court reciting that the tax due on the estate
6 of ~~said~~ the deceased person or on a particular transfer has been determined and proof of the
7 payment of the tax has been filed in the office of the clerk of the court. In order to identify the
8 property affected by the death of such person, the person causing ~~said~~ the certificate to be
9 recorded shall attach thereon an affidavit setting out the legal descriptions of the property
10 involved.

11 This section shall not be treated or construed as exclusive of any other remedy authorized
12 by law or rule of court but shall be cumulative to such other remedy.