

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

366E0136

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1200** - 02/14/2001

Introduced by: Representatives Broderick, Hargens, and Pummel and Senators Greenfield, Ham, Hutmacher, and Munson

1 FOR AN ACT ENTITLED, An Act to require certain format standards for real estate
2 documents filed at the register of deeds.

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

4 Section 1. That chapter 43-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any real estate document recorded with the register of deeds, except for plats, shall:

7 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14
8 inches. Beginning on July 1, 2004, the document shall consist of one or more
9 individual sheets measuring no larger than 8.5 inches by 11 inches. No sheet may be
10 attached or affixed to a page that covers up any information or printed material on the
11 document. Any continuous document or any document sheets that are stapled, glued,
12 or bound together are subject to the additional fee established pursuant to subdivision
13 7-9-15(1);

14 (2) Be printed, typewritten, or computer generated in black ink and the print type of the

1 document may not be smaller than 10-point type;

2 (3) Be on white paper of not less than twenty pound weight;

3 (4) Contain a blank space at the top measuring three inches as measured from the top of
4 the page. The right half shall be used by the register of deeds for recording
5 information and left half used to designate the document preparer as required pursuant
6 to § 7-9-1. Any subsequent page shall have a minimum of a one inch margin on each
7 side;

8 (5) Have a title prominently displayed at the top of the first page below the blank space
9 referred to in subdivision (4) of this section;

10 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's current
11 method of reproduction; and

12 (7) Conform to the standards provided in subdivision (1) of this section or be subject to
13 the increased fees as provided in § 7-9-15.

14 Section 2. That § 7-9-15 be amended to read as follows:

15 7-9-15. The register of deeds shall charge and receive the following fees:

16 (1) For recording deeds, mortgages, and all other instruments not specifically provided
17 for in this section or this code, the sum of ten dollars for the first page and two dollars
18 for each additional page or fraction thereof. Each rider or addendum shall be
19 considered as an additional page. If a real estate document recorded with the register
20 of deeds does not conform to section 1 of this Act, the sum of ten dollars shall be
21 charged in addition to the fees specified in this subdivision;

22 (2) For a certified copy of any instrument of record, including certificate and official seal,
23 two dollars plus twenty cents for each page after five pages, and for an uncertified
24 copy, one dollar, plus twenty cents for each page after five pages. The board of

1 county commissioners by resolution shall establish the fees charged for duplicate
2 microfilm. In addition to the fee for a certified copy of the record of any birth, there
3 is an additional charge of two dollars for each copy requested, which shall be
4 submitted on a monthly basis to the state treasurer to be deposited in the children's
5 trust fund;

6 (3) For filing and indexing a bill of sale, seed grain lien, or thresher's lien, the sum of ten
7 dollars. No fee may be charged for filing any satisfaction or termination of any
8 instrument as prescribed in this subdivision;

9 (4) For recording oil, gas, and mineral leases, and other recorded documents relating to
10 mineral or oil and gas lease exploration and development, six dollars per page; and

11 (5) Notwithstanding the provisions of subdivision (2) of this section, the board of county
12 commissioners shall fix by resolution the fees to be paid by licensed abstracters of the
13 county or by any person who has passed the written examination established by the
14 Abstracters' Board of Examiners pursuant to § 36-13-11 for uncertified copies of
15 recorded instruments, which fee may not exceed the actual cost to the county for
16 providing such copies.

17 The register of deeds may not charge a fee for discharging or canceling any personal property
18 lien.

19 Section 3. This Act is effective on July 1, 2002.