

AN ACT

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

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

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

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

- (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches. Beginning on July 1, 2004, the document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 11 inches. No sheet may be attached or affixed to a page that covers up any information or printed material on the document. Any continuous document or any document sheets that are stapled, glued, or bound together are subject to the additional fee established pursuant to subdivision 7-9-15(1);
- (2) Be printed, typewritten, or computer generated in black ink and the print type of the document may not be smaller than 10-point type;
- (3) Be on white paper of not less than twenty pound weight;
- (4) Contain a blank space at the top measuring three inches as measured from the top of the page. The right half shall be used by the register of deeds for recording information and left half used to designate the document preparer as required pursuant to § 7-9-1. Any subsequent page shall have a minimum of a one inch margin on each side;
- (5) Have a title prominently displayed at the top of the first page below the blank space referred to in subdivision (4) of this section;
- (6) Be sufficiently legible to reproduce a readable copy using the register of deed's current method of reproduction; and

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

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

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

- (1) For recording deeds, mortgages, and all other instruments not specifically provided for in this section or this code, the sum of ten dollars for the first page and two dollars for each additional page or fraction thereof. Each rider or addendum shall be considered as an additional page. If a real estate document recorded with the register of deeds does not conform to section 1 of this Act, the sum of ten dollars shall be charged in addition to the fees specified in this subdivision;
- (2) For a certified copy of any instrument of record, including certificate and official seal, two dollars plus twenty cents for each page after five pages, and for an uncertified copy, one dollar, plus twenty cents for each page after five pages. The board of county commissioners by resolution shall establish the fees charged for duplicate microfilm. In addition to the fee for a certified copy of the record of any birth, there is an additional charge of two dollars for each copy requested, which shall be submitted on a monthly basis to the state treasurer to be deposited in the children's trust fund;
- (3) For filing and indexing a bill of sale, seed grain lien, or thresher's lien, the sum of ten dollars. No fee may be charged for filing any satisfaction or termination of any instrument as prescribed in this subdivision;
- (4) For recording oil, gas, and mineral leases, and other recorded documents relating to mineral or oil and gas lease exploration and development, six dollars per page; and
- (5) Notwithstanding the provisions of subdivision (2) of this section, the board of county commissioners shall fix by resolution the fees to be paid by licensed abstractors of the

county or by any person who has passed the written examination established by the Abstracters' Board of Examiners pursuant to § 36-13-11 for uncertified copies of recorded instruments, which fee may not exceed the actual cost to the county for providing such copies.

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

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

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1200

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1200

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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

Governor

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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