

AN ACT

ENTITLED, An Act to eliminate certain waiting periods and notice requirements associated with certificates of release for mortgages.

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

Section 1. That § 44-8-30 be amended to read as follows:

44-8-30. Any officer or duly appointed agent of a title insurance company may, on behalf of a mortgagor or a person who acquired from the mortgagor title to all or a part of the property described in a mortgage, execute a certificate of release that complies with the requirements of §§ 44-8-30 to 44-8-35, inclusive, and record the certificate of release in the real property records of each county in which the mortgage is recorded if a satisfaction or release of the mortgage has not been executed and recorded after the date payment in full of the loan secured by the mortgage was received in accordance with a payoff statement furnished by the mortgagee or the mortgage servicer.

Section 2. That § 44-8-31 be amended to read as follows:

44-8-31. A certificate of release executed under §§ 44-8-30 to 44-8-35, inclusive, shall contain substantially all of the following:

- (1) The name of the mortgagor; the name of the original mortgagee; if applicable, the mortgage servicer; the date of the mortgage; the date of recording; and the volume and page or document number in the real property records where the mortgage is recorded; together with similar information for the last recorded assignment of the mortgage;
- (2) A statement that the mortgage was in the original principal amount of five hundred thousand dollars or less;
- (3) A statement that the person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 58-25;

- (4) A statement that the certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or a part of the property described in the mortgage;
- (5) A statement that the mortgagee or mortgage servicer provided a payoff statement that was used to make payment in full of the unpaid balance of the loan secured by the mortgage; and
- (6) A statement that payment in full of the unpaid balance of the loan secured by the mortgage was made in accordance with the written or verbal payoff statement, and received by the mortgagee or mortgage servicer, as evidenced by one or more of the following in the records of the title insurance company or its agent: a bank check, certified check, escrow account check from the title company or title insurance agent, or attorney trust account check that has been negotiated by the mortgagee or mortgage servicer, or other documentary evidence of payment to the mortgage or mortgage servicer.

An Act to eliminate certain waiting periods and notice requirements associated with certificates of release for mortgages.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1226

\_\_\_\_\_  
Chief Clerk

=====

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1226  
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