

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

445M0253

HOUSE ENGROSSED NO. **SB 90** - 02/14/2006

Introduced by: Senators Bogue, Kelly, Knudson, and Schoenbeck and Representatives
Deadrick and Gillespie

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the approval of plats
2 and the format standards for certain real estate documents recorded with the register of
3 deeds.

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

5 Section 1. That § 11-3-6 be amended to read as follows:

6 11-3-6. The provisions of this chapter apply to every addition to, or subdivision within, any
7 county, municipality, or unincorporated town. If the land or any part of the land included in any
8 addition or subdivision is within, adjoining, or contiguous to the boundaries of any municipality,
9 the plat, before being recorded, shall be submitted to the governing body or, if applicable, the
10 planning director of the municipality. If it appears that the system of streets set forth therein
11 conforms to the system of streets of the existing plats of the municipality, that all provisions of
12 any subdivision regulations have been complied with, that all taxes and special assessments
13 upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have
14 been executed according to law, the governing body shall, by resolution, approve the plat. The
15 governing body may by resolution designate an administrative official of the municipality to



1 approve plats in lieu of approval by the governing body. The auditor or finance officer shall
2 endorse on the face of the plat a copy of the resolution or the designated administrative official's
3 approval and certify to the same. No plat of any such addition or subdivision so situated ~~is~~
4 ~~entitled to record~~ or may be recorded unless the plat bears on its face a copy of the resolution
5 or approval and certificate of the auditor or finance officer. If the designated administrative
6 official denies the plat request, the person requesting the plat may appeal to the governing body.

7 Section 2. That § 43-28-23 be amended to read as follows:

8 43-28-23. Any real estate document recorded with the register of deeds, except for plats,
9 shall:

- 10 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14
11 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or
12 affixed to a page that covers up any information or printed material on the document.
13 Any continuous document or any document sheets that are stapled, glued, or bound
14 together are subject to the additional fee established pursuant to subdivision 7-9-
15 15(1);
- 16 (2) Be printed, typewritten, or computer generated in black ink and the print type of the
17 document may not be smaller than 10-point type. However, the signature and date
18 may be made on the document in black or blue ink;
- 19 (3) Be on white paper of not less than twenty pound weight;
- 20 (4) Contain a blank space at the top measuring no less than three inches as measured
21 from the top of the first page. The right half shall be used by the register of deeds for
22 recording information and the left half shall be used by the document preparer as
23 required pursuant to § 7-9-1 and may include a return designation and address. All
24 other margins shall be a minimum of one inch;

- 1 (5) Have a title prominently displayed at the top of the first page below the blank space
- 2 referred to in subdivision (4) of this section;
- 3 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's
- 4 current method of reproduction; and
- 5 (7) Conform to the standards provided in this section or be subject to the increased fees
- 6 as provided in § 7-9-15.

7 However, the register of deeds may not charge an increased fee for any document that has

8 a seal or stamp in a margin. Any affidavit of publication, corner record, survey, certified court

9 or governmental document, and UCC form recorded against real estate is exempt from the

10 provisions of this section. Any plat or survey and certified vital record attached to documents

11 is also exempt from the provisions of this section.

12 The provisions of this section do not apply to any real estate document prepared and

13 executed prior to July 1, 2002.