

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

519S0129

SENATE BILL NO. 96

Introduced by: Senators Maher, Bradford, Nelson (Tom), Schlekeway, and Tieszen and
Representatives Cronin, Feickert, Olson (Betty), and Rausch

1 FOR AN ACT ENTITLED, An Act to revise the fee schedule for certain documents filed with
2 the county register of deeds.

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

4 Section 1. That § 7-9-15 be amended to read as follows:

5 7-9-15. The register of deeds shall charge and receive the following fees:

6 (1) For recording deeds, ~~mortgages~~, and all other instruments not specifically provided
7 for in this section or this code, the sum of ~~ten dollars for the first page and two~~
8 ~~dollars for each additional page or fraction thereof.~~ Each rider or addendum shall be
9 ~~considered as an additional page~~ twenty-five dollars. For recording mortgages, the
10 sum of sixty dollars. If a real estate document recorded with register of deeds exceeds
11 one hundred pages, the sum of two dollars for each page or fraction thereof
12 exceeding one hundred pages. If a real estate document recorded with the register of
13 deeds does not conform to § 43-28-23, the sum of ten dollars shall be charged in
14 addition to the fees specified in this subdivision;

15 (2) For a certified copy of any instrument of record, including certificate and official



1 seal, ~~two dollars plus twenty cents for each page after five pages~~ five dollars for the
 2 first page and one dollar for each additional page, and for an uncertified copy, one
 3 dollar, ~~plus twenty cents for each page after five pages~~. The board of county
 4 commissioners by resolution shall establish the fees charged for duplicate microfilm.

5 In addition to the fee for a certified copy of the record of any birth, there is an
 6 additional charge of two dollars for each copy requested, which shall be submitted
 7 on a monthly basis to the state treasurer to be deposited in the children's trust fund;

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

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

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

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

21 Section 2. That § 11-3-11 be amended to read as follows:

22 11-3-11. The register of deeds of the county recording any plat shall receive the sum of ~~ten~~
 23 sixty dollars ~~for the first page and five dollars for each additional page~~. The plat shall first be
 24 examined and accepted by the authorized governing body.

1 Section 3. That § 43-15A-9 be amended to read as follows:

2 43-15A-9. The register of deeds of the county recording any master deed or lease shall
3 receive the sum of seventy-five dollars. A master deed or lease shall be recorded in the same
4 manner and subject to the same provisions of law as are deeds; ~~provided, that.~~ However, no state
5 or local recordation tax upon the value of the property transferred shall apply to ~~any such~~ the
6 deed or portion thereof recorded solely for the purpose of complying with the provisions of
7 § 43-15A-3.

8 Section 4. That § 43-20-10 be amended to read as follows:

9 43-20-10. The register of deeds of the county in which the corner is located shall charge a
10 recording fee as ~~set forth~~ provided in subdivision 7-9-15(1) ~~for the first page and two dollars for~~
11 ~~each additional page indexed.~~

12 Section 5. That § 44-8-13 be amended to read as follows:

13 44-8-13. An assignment of a mortgage on real property may be recorded in like manner as
14 a mortgage when it is acknowledged or proved according to the statutes relating to proof of
15 instruments for record and contains the name of the mortgagor; the mortgagee; the assignee
16 and ~~his~~ the assignee's post-office address; the date of the mortgage; the date, county, state,
17 book, and page of record of the mortgage; and full description of the premises as described in
18 the mortgage. This record serves as notice to all parties in interest or parties subsequently
19 dealing with the property. ~~If more than one assignment is listed on the instrument, the register~~
20 ~~of deeds is entitled to collect one dollar for each assignment listed after the first assignment.~~

21 Section 6. That § 44-9-50 be amended to read as follows:

22 44-9-50. Any owner or any person entering into a direct agreement with the owner, or the
23 duly authorized agent or representative of the owner, may file with the register of deeds of the
24 county in which the improved premises are situated a notice of project commencement. The

1 notice of project commencement shall contain the following information:

- 2 (1) The name and address of the person filing the notice of project commencement;
- 3 (2) The name and address of the owner or developer;
- 4 (3) A general description of the improvement; and
- 5 (4) The location of the project, including the legal description of the property.

6 The notice shall be filed within thirty days of the commencement of work and shall be
7 accompanied by a filing fee of ~~ten dollars~~ as provided in subdivision 7-9-15(3) to be deposited
8 in the county's general fund. The register of deeds in each county shall maintain an index of all
9 notices of project commencements.