

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

562W0371

HOUSE BILL NO. 1076

Introduced by: Representatives Stevens, Haugaard, Hunt, Johns, and Verchio and Senators
Rusch, Omdahl, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to permit the submission of a title insurance policy in lieu
2 of an abstract in certain instances.

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

4 Section 1. That § 21-45-13 be amended to read as follows:

5 21-45-13. If it appears to the court that it was necessary to have made an abstract of the title
6 to the property to be partitioned, and such abstract shall have been procured by the plaintiff, or
7 if the plaintiff shall have failed to have the same made before the commencement of the action,
8 and any of the defendants shall have had such abstract afterwards made, the cost of the abstract,
9 with interest thereon from the time the same is subject to the inspection of the respective parties,
10 must be allowed and taxed. Whenever such abstract is produced by the plaintiff before the
11 commencement of the action, he must file with his complaint a notice that an abstract of the title
12 has been made and is subject to the inspection and use of all the parties to the action,
13 designating therein where the abstract will be kept for inspection. But if the plaintiff shall have
14 failed to procure such abstract before commencing the action, and any defendant shall procure
15 the same to be made, he shall, as soon as he has directed it to be made, file a notice thereof in



1 the action with the clerk of courts, stating who is making the same, and where it will be kept
2 when finished. The court, or the judge thereof, may direct, from time to time, during the
3 progress of the action, who shall have the custody of the abstract. For purposes of this section,
4 a title insurance policy may be submitted in lieu of an abstract.