

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

580C0763

## HOUSE BILL NO. 1208

Introduced by: Representative Hunt and Senator Bogue

1 FOR AN ACT ENTITLED, An Act to provide for the termination of a spousal joint tenancy by  
2 an interested person.

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

4 Section 1. That § 21-44-27 be amended to read as follows:

5 21-44-27. ~~Any~~ If the spouse who of a decedent is the sole surviving joint tenant in real  
6 property, any interested person may terminate the joint tenancy by furnishing the register of  
7 deeds of the county where the property is located with an affidavit setting forth the following:

8 (1) The name and date of death of the deceased joint tenant;

9 (2) The legal description of the real property held in joint tenancy;

10 (3) The name of the surviving spouse of the deceased joint tenant;

11 (4) That the affiant is the surviving spouse of the deceased joint tenant ~~and~~ is the sole  
12 surviving joint tenant in the real property.

13 The affidavit shall be accompanied by a certified copy of the death certificate of the deceased  
14 joint tenant. The affidavit may be filed in lieu of the report required by § 10-41-17.