

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

718C0642

## SENATE BILL NO. 114

Introduced by: Senator Daugaard and Representative Brown (Jarvis)

1 FOR AN ACT ENTITLED, An Act to provide for the termination of the decedent's interest in  
2 the joint tenancy of a surviving spouse by an interested party under certain circumstances.

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

4 Section 1. That chapter 21-44 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If the spouse of a decedent fails to terminate a joint tenancy in real property, any interested  
7 party may, upon the death of the surviving spouse, terminate the joint tenancy by furnishing the  
8 register of deeds of the county where the property is located with an affidavit setting forth the  
9 following:

- 10 (1) The names and dates of death of the deceased joint tenants;
- 11 (2) The legal description of the real property held in joint tenancy;
- 12 (3) That all joint tenants in the real property are deceased.

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