

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

384I0173

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 136 - 02/06/2003

Introduced by: Senators Bogue, Dennert, and Kelly and Representatives Deadrick (Thomas)
and Gillespie

1 FOR AN ACT ENTITLED, An Act to revise certain format standards for real estate documents
2 filed at the register of deeds.

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

4 Section 1. That § 43-28-23 be amended to read as follows:

5 43-28-23. Any real estate document recorded with the register of deeds, except for plats,
6 shall:

7 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14
8 inches. ~~Beginning on July 1, 2004, the document shall consist of one or more~~
9 ~~individual sheets measuring no larger~~ and no smaller than 8.5 inches by 11 inches. No
10 sheet may be attached or affixed to a page that covers up any information or printed
11 material on the document. Any continuous document or any document sheets that are
12 stapled, glued, or bound together are subject to the additional fee established pursuant
13 to subdivision 7-9-15(1);

14 (2) Be printed, typewritten, or computer generated in black ink and the print type of the
15 document may not be smaller than 10-point type;



- 1 (3) Be on white paper of not less than twenty pound weight;
- 2 (4) Contain a blank space at the top measuring no less than three inches as measured from
3 the top of the first page. The right half shall be used by the register of deeds for
4 recording information and the left half shall be used ~~to designate~~ by the document
5 preparer as required pursuant to § 7-9-1 and may include a return designation and
6 address. ~~Any subsequent page~~ All other margins shall have be a minimum of a one
7 inch margin on each side;
- 8 (5) Have a title prominently displayed at the top of the first page below the blank space
9 referred to in subdivision (4) of this section;
- 10 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's current
11 method of reproduction; and
- 12 (7) Conform to the standards provided in ~~subdivision (1)~~ of this section or be subject to
13 the increased fees as provided in § 7-9-15.

14 However, the register of deeds may not charge an increased fee for any document that has
15 a seal or stamp in a margin. Any affidavit of publication, corner record, survey, certified court
16 or governmental document, and UCC form recorded against real estate is exempt from the
17 provisions of this section. Any plat or survey and certified vital record attached to documents
18 is also exempt from the provisions of this section.

19 The provisions of this section do not apply to any real estate document prepared and
20 executed prior to July 1, 2002.