

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

384I0173

## SENATE BILL NO. 136

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. ~~Any subsequent page~~ All other margins shall  
6 ~~have~~ be a minimum of a one inch ~~margin on each side~~;
- 7 (5) Have a title prominently displayed at the top of the first page below the blank space  
8 referred to in subdivision (4) of this section;
- 9 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's current  
10 method of reproduction; and
- 11 (7) Conform to the standards provided in ~~subdivision (1)~~ of this section or be subject to  
12 the increased fees as provided in § 7-9-15.

13 The register of deeds may reject any document that does not conform with subdivisions (1)  
14 to (6), inclusive, of this section. However, the register of deeds may not reject any document that  
15 has a seal or stamp in a margin or charge an increased fee for such reason. Any affidavit of  
16 publication, corner record, survey, and certified court and governmental document is exempt  
17 from the provisions of this section. Any plat or survey and certified vital record attached to  
18 documents 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, 2001.