

AN ACT

ENTITLED, An Act to include records of the county weed and pest board with certain records maintained by the register of deeds related to real property.

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

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

43-28-4. In addition to all other instruments affecting the title to real property which are now eligible for record in the office of a register of deeds in this state, the following mentioned original instruments, together with copies of such other original instruments, records, proceedings, entries, orders, decrees, and appointments as are hereinafter mentioned, or portions thereof or excerpts therefrom, if such copies are duly certified to by the person or officer having the legal custody thereof as being true copies thereof, or of portions thereof or excerpts therefrom, are eligible for record in the office of the register of deeds of the county wherein the real property affected is situated, and shall be indexed against such property, and such record, or a copy thereof duly certified to by the register of deeds, or included as a part of a duly prepared and certified abstract of title to real property affected, shall be received and accepted as prima facie evidence of the facts or matters therein contained or set forth:

- (1) Affidavits of publication of notices of sale, affidavits of sale, and every other instrument executed or used in connection with the making of a sale and conveyance of real property by any board, department, officer, or officers of the State of South Dakota, or of any county, township, school district, or municipality of the State of South Dakota;
- (2) Affidavits explaining the presence in the deed, mortgage, or other records of any county of any interloping deed, mortgage, or other instrument purporting to have been executed by a person or persons who are not shown of records as having owned any right or title to, interest or estate in or lien upon the real property described in such interloping

instrument at the time the same purports to have been executed;

- (3) Affidavits explanatory of recitals contained in deeds, mortgages, or other instruments to the effect that the real property described in such instruments is subject to certain mortgages or other liens, when such recitals leave in doubt the amount of the indebtedness or the extent to which the real property in question is affected thereby;
- (4) Copies of orders and appointments made by any officer, department, or board of the State of South Dakota, pursuant to law, appointing any appointive officer, agent, or employee of the State of South Dakota, or of any department thereof, and defining the powers and authority of such officer, agent, or employee;
- (5) Copies of the original minutes and records of meetings held and official action taken by any board of county commissioners, school board, board of education, township board, county weed and pest board, or governing body of any municipality, within the State of South Dakota, or by the members, officers, or directors of any federal bureau, board, department, or corporation created by, or by authority of, an act of Congress;
- (6) Copies of orders and appointments made by any federal bureau, board, department, or officer, pursuant to law, appointing receivers for corporations which have been created or organized by, or by authority of, an act of Congress, and copies of any order or other instrument of record defining the powers and authority of any such receiver;
- (7) Copies of letters testamentary, of administration, and of conservatorship, and of orders appointing receivers and trustees, issued by any court, foreign or domestic, when used to show the authority of an executor, administrator, conservator, receiver, or trustee to execute a satisfaction or assignment of, or to foreclose, a mortgage or other lien against real property; and the officer who certifies to any such copy as being a true copy of the original instrument on file and in his custody may include in his certificate a statement

that the original instrument is, or at any given time was, in full force and effect and unrevoked, which statement shall be accepted as prima facie evidence of the facts so recited;

- (8) Certified copies of any petition, order, notice, or other document on file in the office of the clerk of any bankruptcy court or any United States district court offered for record by any person.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1198

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1198
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State