

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

519S0129

## HOUSE LOCAL GOVERNMENT ENGROSSED NO. **SB 96** - 2/22/2011

Introduced by: Senators Maher, Bradford, Nelson (Tom), Schlekeway, and Tieszen and  
Representatives Cronin, Feickert, Olson (Betty), and Rausch

1 FOR AN ACT ENTITLED, An Act to revise the fee schedule for certain documents filed with  
2 the county register of deeds.

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

4 Section 1. That § 7-9-15 be amended to read as follows:

5 7-9-15. The register of deeds shall charge and receive the following fees:

6 (1) For recording deeds, ~~mortgages~~, and all other instruments not specifically provided  
7 for in this section or this code, the sum of ~~ten dollars for the first page and two~~  
8 ~~dollars for each additional page or fraction thereof. Each rider or addendum shall be~~  
9 ~~considered as an additional page. If a~~ twenty-five dollars. For recording mortgages,  
10 the sum of thirty dollars. If a real estate document recorded with the register of deeds  
11 exceeds one hundred pages, the sum of two dollars for each page or fraction thereof  
12 exceeding one hundred pages. A real estate document recorded with the register of  
13 deeds does not shall conform to § 43-28-23, the sum of ten dollars shall be charged  
14 in addition to the fees specified in this subdivision, but may not be rejected for



1 recording unless the document is not sufficiently legible to reproduce a readable copy  
2 using the register of deed's current method of reproduction;

3 (2) For a certified copy of any instrument of record, including certificate and official  
4 seal, ~~two dollars plus twenty cents for each page after five pages~~ five dollars for the  
5 first page and one dollar for each additional page, and for an uncertified copy, one  
6 dollar, ~~plus twenty cents for each page after five pages~~. The board of county  
7 commissioners by resolution shall establish the fees charged for duplicate microfilm.

8 In addition to the fee for a certified copy of the record of any birth, there is an  
9 additional charge of two dollars for each copy requested, which shall be submitted  
10 on a monthly basis to the state treasurer to be deposited in the children's trust fund;

11 (3) For filing and indexing a bill of sale, seed grain lien, or thresher's lien, the sum of ~~ten~~  
12 twenty-five dollars. No fee may be charged for filing any satisfaction or termination  
13 of any instrument as prescribed in this subdivision;

14 (4) For recording oil, gas, and mineral leases, and other recorded documents relating to  
15 mineral or oil and gas lease exploration and development, six dollars per page; and

16 (5) Notwithstanding the provisions of subdivision (2) of this section, the board of county  
17 commissioners shall fix by resolution the fees to be paid by licensed abstracters of  
18 the county or by any person who has passed the written examination established by  
19 the Abstracters' Board of Examiners pursuant to § 36-13-11 for uncertified copies of  
20 recorded instruments, which fee may not exceed the actual cost to the county for  
21 providing such copies.

22 The register of deeds may not charge a fee for discharging or canceling any personal  
23 property lien.

24 Section 2. That § 11-3-11 be amended to read as follows:

1 11-3-11. The register of deeds of the county recording any plat shall receive the sum of ~~ten~~  
2 sixty dollars for the first page and five dollars for each additional page. The plat shall first be  
3 examined and accepted by the authorized governing body.

4 Section 3. That § 43-15A-9 be amended to read as follows:

5 43-15A-9. The register of deeds of the county recording any master deed or lease shall  
6 receive the sum of seventy-five dollars. A master deed or lease shall be recorded in the same  
7 manner and subject to the same provisions of law as are deeds; ~~provided, that.~~ However, no state  
8 or local recordation tax upon the value of the property transferred shall apply to ~~any such~~ the  
9 deed or portion thereof recorded solely for the purpose of complying with the provisions of  
10 § 43-15A-3.

11 Section 4. That § 44-8-13 be amended to read as follows:

12 44-8-13. An assignment of a mortgage on real property may be recorded in like manner as  
13 a mortgage when it is acknowledged or proved according to the statutes relating to proof of  
14 instruments for record and contains the name of the mortgagor; ~~the mortgagee;~~ the assignee  
15 ~~and his~~ the assignee's post-office address; ~~the date of the mortgage;~~ the date, county, state,  
16 book, and page of record of the mortgage; and full description of the premises as described in  
17 the mortgage. This record serves as notice to all parties in interest or parties subsequently  
18 dealing with the property. ~~If more than one assignment is listed on the instrument, the register~~  
19 ~~of deeds is entitled to collect one dollar for each assignment listed after the first assignment.~~

20 Section 5. That § 44-9-50 be amended to read as follows:

21 44-9-50. Any owner or any person entering into a direct agreement with the owner, or the  
22 duly authorized agent or representative of the owner, may file with the register of deeds of the  
23 county in which the improved premises are situated a notice of project commencement. The  
24 notice of project commencement shall contain the following information:

- 1 (1) The name and address of the person filing the notice of project commencement;
- 2 (2) The name and address of the owner or developer;
- 3 (3) A general description of the improvement; and
- 4 (4) The location of the project, including the legal description of the property.

5 The notice shall be filed within thirty days of the commencement of work and shall be  
6 accompanied by a filing fee ~~of ten dollars~~ as provided in subdivision 7-9-15(3) to be deposited  
7 in the county's general fund. The register of deeds in each county shall maintain an index of all  
8 notices of project commencements.

9 Section 6. That § 43-20-10 be amended to read as follows:

10 43-20-10. The register of deeds of the county in which the corner is located shall charge a  
11 recording fee ~~as set forth in subdivision 7-9-15(1) for the first page and two dollars for each~~  
12 ~~additional page indexed~~ of ten dollars.

13 Section 7. That § 43-28-23 be amended to read as follows:

14 43-28-23. Any real estate document recorded with the register of deeds, except for plats,  
15 shall:

- 16 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14  
17 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or  
18 affixed to a page that covers up any information or printed material on the document:  
19 ~~Any continuous document or any document sheets that are stapled, glued, or bound~~  
20 ~~together are subject to the additional fee established pursuant to subdivision 7-9-~~  
21 ~~15(1);~~
- 22 (2) Be printed, typewritten, or computer generated in black ink and the print type of the  
23 document may not be smaller than 10-point type. However, dates, notarial  
24 acknowledgments, signatures, and other items may be completed in black or blue ink

1 if the document is predominantly completed in black ink and if the items that are  
2 completed in blue ink are sufficiently dark to meet the requirements of subdivision  
3 (6);

4 (3) Be on white paper of not less than twenty pound weight;

5 (4) Contain a blank space at the top measuring no less than three inches as measured  
6 from the top of the first page. The right half shall be used by the register of deeds for  
7 recording information and the left half shall be used by the document preparer as  
8 required pursuant to § 7-9-1 and may include other document information. All other  
9 margins shall be a minimum of one inch;

10 (5) Have a title prominently displayed at the top of the first page below the blank space  
11 referred to in subdivision (4) of this section; and

12 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's  
13 current method of reproduction; ~~and~~

14 ~~(7) Conform to the standards provided in this section or be subject to the increased fees~~  
15 ~~as provided in § 7-9-15.~~

16 ~~However, the register of deeds may not charge an increased fee for any document that has~~  
17 ~~any portion of a notary or corporate seal or stamp, a page number, an initial, or a partial~~  
18 ~~signature in a margin. Any affidavit of publication, corner record, survey, certified court or~~  
19 ~~governmental document, and UCC form recorded against real estate is exempt from the~~  
20 ~~provisions of this section. Any plat or survey and certified vital record attached to documents~~  
21 ~~is also exempt from the provisions of this section.~~

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