

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

534R0389

## SENATE BILL NO. 79

Introduced by: Senators Rhoden and Tieszen and Representatives Conzet, Brunner,  
Deadrick, Engels, Kirkeby, Lust, Moser, Rounds, and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain format requirements relating to real estate  
2 documents to be filed with 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 and no smaller than 8.5 inches by 11 inches. No sheet may be attached or  
9 affixed to a page that covers up any information or printed material on the document.

10 Any continuous document or any document sheets that are stapled, glued, or bound  
11 together are subject to the additional fee established pursuant to subdivision 7-9-  
12 15(1);

13 (2) Be printed, typewritten, or computer generated in black ink and the print type of the  
14 document may not be smaller than 10-point type. However, ~~signatures and dates may~~  
15 ~~be in black or blue ink, and notarial acknowledgments~~ dates, notarial



1 acknowledgments, signatures, and other items may be completed in black or blue ink  
2 if the document is predominantly completed in black ink and if the items that are  
3 completed in blue ink are sufficiently dark to meet the requirements of subdivision  
4 (6);

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

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

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

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

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

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

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