

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

- (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or affixed to a page that covers up any information or printed material on the document;
- (2) Be printed, typewritten, or computer generated in black ink and the print type of the document may not be smaller than 10-point type. However, dates, notarial acknowledgments, signatures, and other items may be completed in black or blue ink if the document is predominantly completed in black ink and if the items that are completed in blue ink are sufficiently dark to meet the requirements of subdivision (6);
- (3) Be on white paper of not less than twenty pound weight;
- (4) Contain a blank space at the top measuring no less than three inches as measured from the top of the first page. The right half shall be used by the register of deeds for recording information and the left half shall be used by the document preparer as required pursuant to § 7-9-1 and may include other document information. All other margins shall be a minimum of one inch;
- (5) Have a title prominently displayed at the top of the first page below the blank space referred to in subdivision (4) of this section; and
- (6) Be sufficiently legible to reproduce a readable copy using the register of deed's current method of reproduction.

Any document that does not conform to the requirements of subdivisions (1) to (5), inclusive, has the same effect as conforming documents for all recording purposes, including establishing priority. Any affidavit of publication, corner record, survey, certified court or governmental document, and UCC form recorded against real estate is exempt from the provisions of this section. Any plat or survey and certified vital record attached to documents is also exempt from the provisions of this section.

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

Source: SL 2001, ch 240, § 1; SL 2003, ch 228, § 1; SL 2006, ch 64, § 2; SL 2008, ch 225, § 1; SL 2010, ch 214, § 7; SL 2012, ch 51, § 7.

7-9-7. Names, addresses, and descriptions required in recorded instruments--Certificate of value. No register of deeds may accept for record in the office of the register of deeds:

(1) Any deed, affidavit terminating joint tenancy or life estate interests, or oil, gas, or other mineral lease that does not include the names of the grantor and the grantee or the lessor and the lessee, the names of the joint tenant, the post office address of the grantee or lessee, and a legal description of the property conveyed or leased;

(2) Any mortgage that does not include the names of the mortgagor and the mortgagee, the post office address of the mortgagee, a legal description of the property, and the amount of the mortgage and when it is due;

(3) Any assignment of mortgage or oil, gas, or other mineral lease that does not include the names of the assignor and the assignee, the post office address of the assignee, and a legal description of the property;

(4) Any deed or contract for deed dated after July 1, 1988, used in the purchase, exchange, transfer, or assignment of interest in real property that is not accompanied by a certificate of value containing the name and address of the buyer and seller, the legal description of the real property, the actual consideration exchanged for the real property, the relationship of the seller and buyer, if any, and the terms of payment if other than payment in full at the time of sale; or

(5) A transfer on death deed, pursuant to §§ 29A-6-401 to 29A-6-435, inclusive, is exempt from completing and submitting the certificate of value as set forth in subdivision (4) of this section.

Source: SL 1911, ch 257, § 6; RC 1919, § 5916; SDC 1939, § 12.0708; SL 1943, ch 25; SL 1972, ch 41; SL 1983, ch 43; SL 1987, ch 69; SL 1988, ch 68; SL 1991, ch 61, § 1; SL 2006, ch 32, § 1; SL 2014, ch 133, § 36.