

# Register of Deed's Checklist

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This Checklist is a brief instruction to help avoid the most common errors when having instruments recorded, and is not intended to cover all laws in the recording of documents. It has only been prepared for the convenience of the public, in respect to recording of documents and in no way has been provided to give legal advice on how to effectuate a legal and valid transaction. You may use the following checklist, for convenience, before delivering documents to our office for recording. However, it is the recommendation of the Register of Deeds that you seek legal counsel when preparing any and all documents for recording with our office.

1. All documents must comply with the document standards law. (**SEE DOCUMENT STANDARDS FORMAT FOR MORE SPECIFIC DETAIL.**)
2. Correct legal description must be on the document.
3. Documents recorded must have typed or printed the words "**Prepared by**" followed by the full name, address and phone number of the person preparing the document. This must be placed on the upper left side of the first page in the top 3 inch margin. Effective July 1, 2010, Preparers of documents may not include personally identifying information in documents to be recorded with the Register of Deeds.
4. **Post Office Address of Grantee**-The full post office address must be listed for the purchasers.
5. **Certificate of Real Estate Value**-Deeds, Contract for Deed, Assignment of Contract for Deed, etc. which convey an interest in the title from one person to another and are dated after July 1, 1988 shall be accompanied by the "**Certificate of Real Estate Value**". The Certificate must be fully completed, signed and dated. This form is available by clicking on Forms on our website or from the Department of Revenue at [www.state.sd.us/revenue/forms.htm](http://www.state.sd.us/revenue/forms.htm)
6. **Mortgages**- Must contain a legal description, mailing address of mortgagee (lender), the amount of the mortgage and the date it is due.
7. **Seals (Notary and Corporate)**-Instruments that must be acknowledged in front of a notary public must bear the seal. Corporate seals should be affixed to documents if a corporate entity signs the document. All banking institutions and municipalities must have their corporate seals on documents. If there is no seal, please so state on the document "No Seal"; otherwise the document must be returned to the preparer, so that a seal may be added.
8. **Transfer Fee Exemption Statutes**-Transfer Fee exemption statutes must be typed on the face of a deed if the transfer is exempt. The words "**Exempt from Transfer Fee**" Pursuant to **SDCL 43-4-22** ( ),(applicable subdivision must be put in parenthesis) are to be typed or printed

on the face of the instrument. Click on "**Transfer Fee Exemption Statute**" for the full list of exemptions.

**9. Satisfaction of Mortgages**-Requires:

- (1) a legal description
- (2) a book and page number of the mortgage to be released.
- (3) the date of the mortgage
- (4) the names of the mortgagors
- (5) the name of the mortgagee
- (6) execution and acknowledgment in front of a notary
- (7) a corporate seal (if no seal, so state on the document "**NO SEAL**")

**10. Assignment of Mortgages**-Please be sure to include the following:

- (1) the legal description
- (2) the name of mortgagor
- (3) the name of mortgagee
- (4) the name of the assignee and its post office address
- (5) the date, and book and page of recorded mortgage
- (6) county and state
- (7) execution and acknowledgment in front of a notary,
- (8) corporate seal especially if you are a bank or a municipality and, if no seal, please state on the document "**NO SEAL**".