

# Register of Deeds Office Checklist

This Checklist is brief instruction to help avoid the most common errors when preparing documents for recording. It 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.

It is the recommendation of the Register of Deeds that you seek legal counsel when preparing all documents for recording.

1. All documents must comply with the document standards law – See SDCL 43-28-23 for more specific detail.
2. **Correct legal description** must be on the document.
3. Documents recorded must contain the words "**Prepared by**" followed by the full name, address and phone number of the person preparing the document, placed on the upper left side of the first page in the top 3-inch margin. The top right side of the 3-inch margin is reserved for Register of Deeds recording information. 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 SD Department of Revenue.
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 are 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 state on the document "No Seal"; otherwise, the document will be returned to the preparer so that a seal may be added.
8. **Transfer Fee Exemption Statutes**-Transfer Fee exemption statutes must be included 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) is to be included on the face of the instrument.
9. **Satisfaction of Mortgages** – Requires:
  - (1) the 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 Public
  - (7) only one mortgage may be satisfied per document
  - (8) a corporate seal, if no seal state on the document "NO SEAL"
10. **Assignment of Mortgages** – include the following:
  - (1) the legal description
  - (2) the name of the mortgagor
  - (3) the name of the mortgagee
  - (4) the name of the assignee and the 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 Public
  - (8) corporate seal especially if you are a bank or municipality, and if no seal state on the document "NO SEAL"