



South Dakota Department of Revenue
445 E Capitol Ave
Pierre, SD 57501

SALES RATIO STATUTES

10-11-54: Directors of equalization to report data on assessed valuation and sales to state department.

The Secretary of Revenue shall require all county Directors of Equalization to report to the Department of Revenue, data on assessed valuation and sales for such periods and in such form and content the Secretary of Revenue may require.

10-11-55: Annual studies by department of assessment to sales ratios.

The Secretary of Revenue annually shall prepare and publish comprehensive assessment to sales ratio studies of the average level of assessment, the degree of assessment uniformity, and the overall compliance with assessment requirements for each class of property in each county in the state.

10-11-56: Arms-length transactions included in departmental studies.

Any sale which has been verified to be an arms-length transaction shall be included in the annual study. For purposes of this section, the term, arms-length transaction, means the transfer of property offered on the open market for a reasonable period of time between a willing seller and a willing buyer with no coercion or advantage taken by either party. The Director of Equalization shall analyze each sale to eliminate factors related to the sale which affect the sale price but which do not reflect the actual value of the real property.

10-11-57: Assessed valuation used in application of studies to agricultural land.

In order to determine the ratio for agricultural land assessed pursuant to § 10-6-33.1, the Secretary of Revenue shall compare the assessed valuations on properties used for tax purposes in the year sold with the agricultural values of those properties as determined under §§ 10-6-33.1 and 10-6-33.2.

10-11-58: Computation of median level of assessment in each county.

In order to determine the average level of assessment in each county the Secretary of Revenue shall compute the median ratio. The median ratio is the middle value in the array of ratios of assessed valuations to sales, from the highest to the lowest for the current year and one year preceding the assessment year. If there are fewer than ten sales, medians may, in the case of agricultural land, be determined by bridging sales information from adjoining counties or in the case of nonagricultural land from other municipalities.

10-11-59: Computation of coefficient of dispersion for each county.

In order to determine the degree of assessment uniformity and compliance in the assessment of property within each county, the Secretary of Revenue shall compute the coefficient of dispersion. The coefficient of dispersion is the percentage which the average of the deviation of the assessment ratio of individual sale properties bears to their median ratio.

10-11-60: Publication of findings from assessment to sales ratio studies.

The Secretary of Revenue shall publish annually the findings of the assessment to sales ratio study along with whatever additional information he shall determine necessary to equalize and evaluate assessment of property in South Dakota.

10-11-65: Appeal from assessment to sales ratio studies.

Any person, firm, corporation, public or private, taxing district, or state department interested, may appeal from the assessment to sales ratio studies prepared by the Department of Revenue pursuant to § 10-11-55 to the Office of Hearing Examiners in the manner prescribed in chapter 10-11 for taking appeals from decisions of the county board of equalization.

INUNDATED FARMLAND

10-6-33.21: Assessed value of inundated farmlands--Classification.

If an application is submitted pursuant to § 10-6-33.22, the Director of Equalization shall take into consideration and make adjustments in setting the assessed value for agricultural land which has been inundated by floods and is not farmable during the past three growing seasons. The Director of Equalization shall use the marshland soils rating classification pursuant to §§ 10-6-33.2 and 10-6-33.7 to determine the assessed value of the acreage inundated and not farmable.

10-6-33.22: Request for special assessment for inundated farmland--Time limit--Description of land.

If agricultural land has been inundated by floods and was not farmable during the past three growing seasons, any landowner or the landowner's agent or attorney may request the Director of Equalization to specially assess the land for the purpose of taxation by submitting an application before November first. The landowner or the landowner's agent or attorney shall describe on the application the portion of the agricultural land that has been inundated by floods and was not farmable during the past three growing seasons.

CERTIFICATE OF REAL ESTATE

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.

EXEMPTIONS FROM TRANSFER FEE

43-4-22: Exemptions from real estate transfer fee. The fee imposed by § 43-4-21 does not apply to any transfer of title:

1. Recorded before July 1, 1968;
2. By or to the United States of America, this state, or any instrumentality, agency, or political subdivision of either;
3. Solely in order to provide for or to release security for a debt or obligation;
4. Which confirms or corrects a deed previously executed and recorded;
5. Between husband and wife, or parent and child with only nominal actual consideration therefor;
6. On sale for delinquent taxes or assessments, sheriffs' deeds, other deeds issued in foreclosure actions or proceedings or deeds issued in lieu of foreclosure actions or proceedings;
7. On partition;
8. Pursuant to any mergers or consolidations of corporations or limited liability companies or plans of reorganization by which substantially all of the assets of corporations or limited liability companies are transferred;
9. By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;
10. Pursuant to decrees of distribution entered in any decedent's estate;

11. Between an individual grantor, or grantors, and a corporation, where the grantor or grantors and the owner of the majority of the capital stock of the corporation are the same person;
12. Between any corporation and its stockholders or creditors, or between any limited liability company and its members or creditors, if to effectuate a dissolution of the corporation or limited liability company it is necessary to transfer the title of real property from the corporate entity to the stockholders or creditors;
13. On cemetery lots and grave sites;
14. Between an individual grantor, or grantors, and a limited or general partnership if the grantor or grantors and the owner of the majority interest in the limited or general partnership are the same person;
15. Between a fiduciary and a beneficiary of the fiduciary or between a fiduciary and a third party, if the transfer or conveyance is to accommodate the fiduciary relationship;
16. Between individuals, regardless of the relationship, if the conveyance is an absolute gift without consideration of any kind in return for the conveyance;
17. Pursuant to a decree of divorce, annulment, or separate maintenance or pursuant to a settlement agreement approved or adopted by a decree of divorce, annulment, or separate maintenance;
18. For which no consideration was given;
19. Between any Limited Liability Company and its members.