

LIENS AND UNIFORM COMMERCIAL CODE FILINGS (UCC)

Many types of liens are filed in the Register of Deeds office. The most common being: **MECHANIC'S LIENS** for skills, services, material or machinery furnished for improvements on real property and payment has not been made. SDCL 44-9-16, 44-9-21. The fee to file a mechanic's lien is \$10.00. There is no charge to file a satisfaction of mechanic's lien.

FEDERAL AND STATE TAX LIENS for non payment of taxes such as sales tax, unemployment insurance tax, excise taxes, income taxes, and employers withholding taxes. Laws applying to Federal tax liens are found in SDCL 44-7-8.1 and for State tax liens SDCL 10-59-12.

COUNTY ASSISTANCE LIENS for financial assistance to indigent individuals who reside in the County. The assistance may be for court appointed attorneys, medical bills, mental health services or for living expense such as rent and utility bills. For laws regarding court appointed attorneys see SDCL 23A-40-13. For laws regarding county assistance see SDCL 28-14-7.

UCC FILINGS

The Uniform Commercial Code (UCC) is a compilation of statutes designed to perfect commercial transactions and to promote uniformity among various filing jurisdictions. Notwithstanding their complexities, commercial transactions basically involve the sale and purchase of goods.

Filing information and forms are available by logging on to the South Dakota Secretary of State's website at www.state.sd.us/sos.

We do want to point out which UCC filings can be made in the Register of Deeds Office. SDCL 57A-9-501 provides that the Register of Deeds is the proper place to perfect a security interest or and agricultural lien if (1) the collateral is as-extracted collateral (i.e. minerals, oil & gas) or timber to be cut, or (2) the collateral is goods that are or are to become fixtures.

UCC FILING FEES:

Filing a UCC; Continuation; Assignment; Amendment; Partial Release: \$25.00 (one name);
\$3.00 each additional name;
\$5.00 for any attachments

Termination: No Charge

Information Request (UCC II) \$20.00

NOTE: The above are filing fees. If the UCC is to be recorded in real estate records, it **must** include the legal description of the property affected. Recording fees of \$10.00 for the first page and \$2.00 for each additional page will apply to record the UCC **in addition** to the filing fees above. Also, when terminating a UCC that has been recorded there will be recording fees due to terminate the recording in the real estate records.