

## SOUTH DAKOTA ABSTRACTERS BOARD OF EXAMINERS

Minutes from October 19<sup>th</sup> , 2010 Board Meeting held in Pierre, SD at 1:30 p.m. @ the office of Department of Revenue and Regulation.

Meeting brought to order by President Greg Wick. Present were board members Mr. Dan Roe, Mr. Kit McCahren, and Secretary-Treasurer Ms. Victoria Wilds. Ms. Peggy Boysen was absent. Mr. Bill VanCamp, counsel for the board was also present. Motion to approve minutes from the previous meeting was made by Kit McCahren and seconded by Dan Roe.

Treasurer's report was presented. Motion to approve made by Kit McCahren and seconded by Dan Roe. A discussion regarding the future budget plans was held by the board which included advice by counsel.

Old business included reports on the results of licensing examinations for individual licensees done in June at Brookings. Three individual licensees were issued by the board. Old business also included discussion regarding the status of the temporary license of Huron Title Company located in Beadle County, SD. Mr. Van Camp will make inquiry for the board regarding the availability of the county aid information to allow the completion of the plant.

Ms. Carrie J. Gonsor, Executive Director for the South Dakota Association of County Officials was present. Ms. Gonsor gave the board notice of the intent of her association to present legislation regarding filing of the plant licensing bonds with the county register of deeds in the bonds and oath index rather than the current filing location of the auditor's office. Issues also raised by Ms. Gonsor which prompted discussion were a flat fee recording Bill to be proposed this session and the desire of some of the county officials to make documents available via the internet. The board noted the archival records legislation passed last session due to a joint effort with the SDACO and in particular the Registers of Deeds.

New business included a motion to extend Mr. Van Camp's contract for the entirety of 2011 at a maximum compensation of \$20,000 by Kit McCahren and seconded by Mr. Roe. Upon a further motion by Mr. McCahren which was also seconded by Mr. Roe, Mr. Van Camp was authorized to begin review of the South Dakota Land Title Guide (Green Book) to revise and update it to reflect changes in the statutes from when it was published. Mr. Van Camp will pay particular attention to the chapters dealing with Probate and the adoption of the Unified Probate Code.

The board reviewed several questions and comments it had received prior to the meeting from licensees regarding the correct application of ARSD 20:36:08:01 and 20:36:08:02. After discussion which included comments by counsel it was decided that amendments to the Board's administrative rules and applicable statutes (if necessary) will be a goal of the board for the 2012 legislative session. The Secretary also advised the board she was notified by the Department of Revenue and Regulation that notice of its meetings is now required at least 24 hours prior to any public meeting. Notice is sufficient if posted on the board's website.

The board discussed a recurring issue brought to its attention by several of its licensees; the Department of Revenue's position of requiring the collection of sales tax or an exemption certificate from the insurer on the required search by a licensee when countersigning a policy of title insurance pursuant to SDCL 58-25-13. The search is required by ARSD 20:36:07 and is not a separate search ordered for resale by the insurer. President Wick had thought the issue was resolved in 2007 when he and Mr. Van Camp worked with the LRC in the Code and Administrative Rules revision process. Mr. Van Camp has had a conversation with Senior Revenue Agent Becky Jung who was relying on Tax Facts #297, a July 2005 Memo from the Department. Mr. Van Camp was authorized to pursue the resolution of the issue.

Motion to adjourn made by Dan Roe and seconded by Kit McCahren.

Respectively submitted,

/s/ Victoria A. Wilds, Secretary

/s/ Gregory N Wick, President