

## Session 113 - (1999-2000)

### S\*1291 (Rat #0448, Act #0398 of 2000) General Bill, By McConnell

**Summary:** Minors, incapacitated persons, claims of; Courts, Trusts and Estates, Decedents, Probate Code, Deeds, Wills, Property

A BILL TO AMEND SECTION 62-5-433, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO PROVIDE THAT FOR SETTLEMENT OF CLAIMS IN AN AMOUNT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS, JURISDICTION SHALL BE WITH THE CIRCUIT COURT IN THE COUNTY IN WHICH THE MINOR OR INCAPACITATED PERSON RESIDES OR IN WHICH THE SUIT WAS BROUGHT, AND FOR CLAIMS NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS, JURISDICTION SHALL BE WITH EITHER THE CIRCUIT COURT OR PROBATE COURT IN THE COUNTY IN WHICH THE MINOR OR INCAPACITATED PERSON RESIDES OR IN WHICH THE SUIT WAS BROUGHT; TO ADD SECTION 27-7-40 SO AS TO PROVIDE AN ADDITIONAL METHOD TO CREATE A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP BY USING CERTAIN WORDS IN A DEED OF CONVEYANCE, TO PROVIDE CERTAIN INCIDENTS OF OWNERSHIP, TO PROVIDE FOR ITS SEVERANCE AND PROCEDURES FOR FILING; TO AMEND SECTION 62-2-804, AS AMENDED, RELATING TO THE EFFECT OF A PROVISION FOR SURVIVORSHIP ON SUCCESSION TO JOINT TENANCY, SO AS TO PROVIDE CERTAIN WORDS IN A WILL OR CONVEYANCE CONCLUSIVELY ESTABLISH THE RIGHT OF SURVIVORSHIP; TO AMEND SECTION 62-3-711, RELATING TO THE POWERS OF PERSONAL REPRESENTATIVES, SO AS TO PROVIDE IF A WILL DEVISES REAL PROPERTY TO A PERSONAL REPRESENTATIVE, THE REPRESENTATIVE MAY, UNDER CERTAIN CONDITIONS, EXECUTE A DEED IN FAVOR OF A PURCHASER FOR VALUE; TO AMEND SECTION 62-3-906, RELATING TO DISTRIBUTION IN KIND OF A DECEDENT'S ESTATE, SO AS TO GIVE AN EXAMPLE OF CONTRARY INTENTION INDICATED IN A WILL SUCH AS THE GRANT TO A PERSONAL REPRESENTATIVE OF A POWER OF SALE; TO AMEND SECTION 62-3-907, RELATING TO EXECUTING A DEED OF DISTRIBUTION AS EVIDENCE OF A DISTRIBUTEES TITLE TO PROPERTY DISTRIBUTED IN KIND, SO AS TO PROVIDE FOR THE EXECUTION OF THE DEED OF DISTRIBUTION, THE PROTECTIONS THE DEED AFFORDS IN CERTAIN SITUATIONS, AND PROCEDURES TO BE FOLLOWED BEFORE RECORDING THE DEED OF DISTRIBUTION; TO AMEND SECTION 62-3-908, RELATING TO THE RIGHTS OF THE DISTRIBUTEES, SO AS TO PROVIDE THAT AN IMPROPER DISTRIBUTION INCLUDES AN INSTANCE WHERE THE DEED OF DISTRIBUTION IS FOUND TO BE INCONSISTENT WITH THE PROVISIONS OF THE WILL OR STATUTES GOVERNING INTESTACY; TO AMEND SECTION 62-3-910, RELATING TO THE PROTECTION FOR PURCHASERS FROM DISTRIBUTEES, SO AS TO PROVIDE FOR THE INSTANCE WHERE REAL PROPERTY IS DEVISED TO A PERSONAL REPRESENTATIVE; TO AMEND SECTION 62-4-207, RELATING TO ANCILLARY ADMINISTRATION, SO AS TO CLARIFY THE APPROPRIATE PROCEDURE RELATING TO AN ANCILLARY ADMINISTRATION OF REAL PROPERTY LOCATED IN THIS STATE OF A NONRESIDENT DECEDENT; TO AMEND SECTION 62-5-408, RELATING TO THE POWERS OF PROBATE COURT WITH RESPECT TO THE ESTATE AND AFFAIRS OF PROTECTED PERSONS, SO AS TO PROVIDE A NONDISPOSITIVE LIST OF THE POWERS THE COURT HAS OVER THE ESTATE AND AFFAIRS OF A PROTECTED PERSON WHO IS NOT A MINOR, AND TO PROVIDE FOR THE PETITION AND INQUIRY OF THE COURT IN EXERCISING ITS POWERS UNDER THIS SUBSECTION; AND TO REPEAL SECTION 62-3-1202A, RELATING TO PROBATE ESTATES UNDER TEN THOUSAND DOLLARS.-AMENDED TITLE

03/29/00	Senate	Introduced and read first time SJ-3
03/29/00	Senate	Referred to Committee on Judiciary SJ-3
04/19/00	Senate	Committee report: Favorable Judiciary SJ-14
04/25/00	Senate	Amended SJ-48
04/25/00	Senate	Read second time SJ-48
04/26/00	Senate	Read third time and sent to House SJ-35
04/27/00	House	Introduced and read first time HJ-31
04/27/00	House	Referred to Committee on Judiciary HJ-31
05/25/00	House	Committee report: Favorable with amendment Judiciary HJ-3
05/31/00	House	Amended HJ-23
05/31/00	House	Read second time HJ-32
06/01/00	House	Read third time and returned to Senate with amendments HJ-22
06/01/00	Senate	House amendment amended SJ-82
06/01/00	Senate	Returned to House with amendments SJ-82
06/01/00	House	Non-concurrence in Senate amendment HJ-69

06/20/00	Senate	Senate insists upon amendment and conference committee appointed Sens. Hayes, Martin, Hutto SJ-12
06/20/00	House	Conference committee appointed Reps. Campsen, Easterday and Delleney HJ-25
06/22/00	House	Conference report received and adopted HJ-71
06/22/00	Senate	Conference report received and adopted
06/22/00	House	Ordered enrolled for ratification HJ-89
06/22/00		Ratified R 448
08/17/00		Signed By Governor
08/17/00		Effective date 08/17/00
08/30/00		Copies available
09/26/00		Act No. 398