**South Carolina General Assembly**

119th Session, 2011-2012

**S. 234**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Interest in real property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2010 Senate Prefiled

12/8/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 108](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 108](file:///h:\sj%20archive\2011\01-11-11.docx))

2/4/2011 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin

**VERSIONS OF THIS BILL**

[12/8/2010](file:///p:\pprever\2011-12\234_20101208.docx)

**A** **BILL**

TO AMEND CHAPTER 6, TITLE 62 OF THE 1976 CODE, BY ADDING SECTION 62‑6‑301, TO PROVIDE THAT INTEREST IN REAL PROPERTY MAY BE TRANSFERRED UPON DEATH BY A BENEFICIARY DEED DESIGNATING A GRANTEE‑BENEFICIARY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 6, Title 62 of the 1976 Code is amended by adding:

“Section 62‑6‑301. (A) In addition to any method allowed by law to effect a transfer of real property at death, title to an interest in real property may be transferred on the death of the owner of the interest by recording, prior to the owner’s death, a beneficiary deed signed by the owner of the interest, as grantor, designating a grantee‑beneficiary of the interest. The transfer by a beneficiary deed shall be effective only upon the death of the owner and is subject to all conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges, and other encumbrances made by the owner or to which the owner was subject during the owner’s lifetime. A beneficiary deed does not need to be supported by consideration and does not need to be delivered to the grantee‑beneficiary.

(B) The joinder, signature, consent, or agreement of, or notice to, a grantee‑beneficiary of a beneficiary deed prior to the death of the grantor is not required. Subject to the right of the grantee‑beneficiary to disclaim or refuse to accept the property, the conveyance shall be effective upon the death of the owner.

(C) During the lifetime of the owner, the grantee‑beneficiary shall have no right, title, or interest in or to the property, and the owner shall retain the full power and authority with respect to the property without the joinder, signature, consent, or agreement of, or notice to, the grantee‑beneficiary for any purpose.

(D) If an owner executes more than one beneficiary deed concerning the same real property, the recorded beneficiary deed that is last signed before the owner’s death is the effective beneficiary deed, regardless of the sequence of recording.”

SECTION 2. This act takes effect upon approval by the Governor.

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