**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3608**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hixon, Bailey and Brittain

Companion/Similar bill(s): 355

Document Path: LC-0093DG23.docx

Introduced in the House on January 11, 2023

Introduced in the Senate on February 13, 2024

Passed by the General Assembly on March 20, 2024

Summary: Record of sales and resulting changes in duplicates by auditor

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/11/2023 House Introduced and read first time (House Journal‑page 36)

 1/11/2023 House Referred to Committee on **Judiciary** (House Journal‑page 36)

 4/17/2023 Scrivener's error corrected

 1/24/2024 House Member(s) request name added as sponsor: Bailey,
 Brittain

 1/24/2024 House Committee report: Favorable **Judiciary** (House Journal‑page 4)

 1/25/2024 House Requests for debate-Rep(s). Ott, McCravy, Rutherford, Williams, Henegan, Cobb-Hunter, Rivers, Gilliard, Kirby, Hosey, Anderson, Thigpen, Bernstein, Bauer, Garvin, Jefferson, J. Moore, Dillard, W. Jones, King (House Journal‑page 29)

 2/7/2024 House Read second time (House Journal‑page 49)

 2/7/2024 House Roll call Yeas-111 Nays-0 (House Journal‑page 50)

 2/8/2024 House Read third time and sent to Senate (House Journal‑page 18)

 2/13/2024 Senate Introduced and read first time (Senate Journal‑page 4)

 2/13/2024 Senate Referred to Committee on **Finance** (Senate Journal‑page 4)

 2/27/2024 Scrivener's error corrected

 2/28/2024 Senate Committee report: Favorable **Finance** (Senate Journal‑page 18)

 3/19/2024 Senate Read second time (Senate Journal‑page 23)

 3/19/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 23)

 3/20/2024 Senate Read third time and enrolled (Senate Journal‑page 12)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3608&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3608_20230111.docx)

[04/17/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3608_20230417.docx)

[01/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3608_20240124.docx)

[02/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3608_20240227.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3608_20240228.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

February 28, 2024

H. 3608

Introduced by Reps. Hixon, Bailey and Brittain

S. Printed 02/28/24--S.

Read the first time February 13, 2024

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The committee on Senate Finance

To whom was referred a Bill (H. 3608) to amend the South Carolina Code of Laws by amending Section 12‑39‑260, relating to records of sales or conveyances and resulting changes in duplicates and endorsement, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

HARVEY S. PEELER, JR. for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

Local Expenditure

This bill eliminates the requirement that any deed of conveyance of real property must be endorsed and recorded by the county auditor before the deed can be recorded in the office of the clerk of courts or register of deeds. The bill also eliminates the associated county auditor fee of $0.25 for making such endorsements. The bill provides that all conveyances of real estate that were recorded by a clerk of court or register of deeds of any county that meet the statutory prerequisites for recording are valid and binding, even without the endorsement of the county auditor.

RFA anticipates that this bill will have no expenditure impact on local governments. Based on discussions with a small number of responding counties, RFA anticipates that the counties can manage the provisions of the bill within existing appropriations since they already have procedures in place to record the conveyance of real property. Additionally, in practice most recording offices, if not all, currently record a deed if it complies with the applicable statutes and then provide a copy to the county auditor. This is outlined by the Attorney General’s Office in the department’s Opinion Letter on the validity of recording deeds by auditors, registers of deeds, and clerks of courts, dated August 10, 2017.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12‑39‑260, RELATING TO RECORDs OF SALES OR CONVEYANCES AND RESULTING CHANGES IN DUPLICATES AND ENDORSEMENT OF DEEDS BY AUDITORS, SO AS TO PROVIDE GUIDELINES FOR THE RECORDS OF COUNTY REAL PROPERTY SALES AND TO REMOVE COUNTY AUDITOR FEES; BY AMENDING SECTION 30‑5‑120, RELATING TO THE VALIDATION OF CERTAIN CONVEYANCES NOT ENDORSED BY A COUNTY AUDITOR, SO AS TO PROVIDE THAT ANY CONVEYANCE MEETING THE STATUTORY PREREQUISITES FOR RECORDING ARE VALID AND BINDING; BY REPEALING SECTION 30‑5‑80 RELATING TO THE REQUIREMENT OF THE AUDITOR’S ENDORSEMENT BEFORE THE RECORDATION OF DEEDS; AND BY REPEALING SECTION 8‑21‑130 RELATING TO FEES COLLECTED BY COUNTY AUDITORS FOR AN ENDORSEMENT ON A DEED.

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

SECTION 1. Section 12‑39‑260(A) of the S.C. Code is amended to read:

 (A) Each county auditor may keep a record of all sales or conveyances of real property made in the county, in which he shall enter, in columns, the names of the purchaser and seller, the quantity of land conveyed and the location and price of such land, and from such record he shall correct the county duplicates annually. For the purpose of carrying out this provision, provided the county auditor chooses to keep a record of all sales or conveyances of real property made in the county, the clerk of courts or register of deeds of each county shall may have the endorsement of the county auditor on each deed of conveyance for real property that the conveyance has been entered in his office before such deed can be placed on record in the recording office, and the county auditor shall be entitled to a fee of twenty‑five cents, for his own use, for making such entry and endorsement either before or after recording.

SECTION 2. Section 30‑5‑120 of the S.C. Code is amended to read:

 Section 30‑5‑120. (A) All conveyances of real estate which were recorded by a clerk of court or register of deeds of any of the several counties between December 14, 1876 and May 1, 1882, without the endorsement of the auditor of the county, have heretofore been declared to be as valid and binding, to all intents and purposes, as if such conveyances had been endorsed by the auditor of the county, as required by law.

 (B) All conveyances of real estate that were recorded by a clerk of court or register of deeds of any county that meet the prerequisite recording requirements established by Section 30‑5‑20, but are without the endorsement of the county auditor, are valid and binding.

SECTION 3. Section 30‑5‑80 of the S.C. Code is repealed.

SECTION 4. Section 8‑21‑130 of the S.C. Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor.

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