**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4511**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Wetmore

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Introduced in the House on May 6, 2025

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

Summary: Probate, notice to creditors

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/6/2025 House Introduced and read first time ([House Journal‑page 227](h:\hj\20250506.docx))

5/6/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 227](h:\hj\20250506.docx))

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**VERSIONS OF THIS BILL**

[05/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4511_20250506.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15‑9‑720, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION FOR CERTAIN REAL PROPERTY ACTIONS, SO AS TO ALLOW SERVICE BY PUBLICATION TO BE PUBLISHED IN EITHER THE PRINT OR ONLINE VERSION OF A NEWSPAPER OF GENERAL CIRCULATION IN THE APPROPRIATE COUNTY; AND BY AMENDING SECTION 62‑3‑801, RELATING TO NOTICE TO CREDITORS, SO AS TO ALLOW PUBLICATION ONLINE ON A CENTRALIZED WEBSITE FOR THE SOUTH CAROLINA PROBATE COURT OR IN A NEWSPAPER OF GENERAL CIRCULATION IN THE APPROPRIATE COUNTY.

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

SECTION 1. Section 15‑9‑720 of the S.C. Code is amended to read:

Section 15‑9‑720. (A) For the purposes of this section, “court” means a court, judge, clerk of court, master‑in‑equity, special referee, or judge of probate of competent jurisdiction in the county where the action is pending.

(B)(1) A court shall grant an order allowing a party with an interest in or lien on a parcel of real property subject to a partition action, mortgage foreclosure action, or other action affecting the property’s title to serve by publication any unknown party to the action and who has an interest in or lien on the real property, any such legal notice as will accomplish the underlying purposes set forth in this section, if the:

(a) residence of the unknown party cannot, with a reasonably diligent effort, be ascertained by the plaintiff; and

(b) plaintiff presents an affidavit to the court stating he has been unable to ascertain the residence of the unknown party after making a reasonably diligent effort.

(2) A court order allowing a party to serve an unknown party by publication must require the party serving by publication to publish the service once a week for three weeks in a either the print or online version of a newspaper of general circulation in the county where the property is situated. Service by publication under this section is equal to personal service on the unknown party.

(C) A party may accomplish service by publication pursuant to this section for multiple units in a single horizontal property regime by consolidating the services into a single service that identifies each apartment included in the action based on the apartment’s description in the master deed. This consolidated service must comply with the other requirements of this section and other applicable statutes, including the requirement that publication must take place once a week for three weeks in a either the print or online version of a newspaper of general circulation in the county where the property is situated.

SECTION 2. Section 62‑3‑801 of the S.C. Code is amended to read:

Section 62‑3‑801. (a)(A) Unless notice has already been given under this section, a personal representative upon his appointment must publish a notice to creditors once a week for three successive weeks in a newspaper of general circulation in the county online at the official centralized website for the South Carolina Probate Court announcing his appointment and address and notifying creditors of the estate to present their claims within eight months after the date of the first publication of the notice or be forever barred. Alternatively, a personal representative may publish a notice to creditors once a week for three successive weeks in a newspaper of general circulation in the county in which the estate is filed. Publication to creditors is required in only one of the methods provided in this subsection, and this subsection may not be construed so as to require both methods of publication.

(b)(B) A personal representative may give written notice by mail or other delivery to any creditor, notifying the creditor to present his claim within one year of the decedent’s death, or within sixty days from the mailing or other delivery of such notice, whichever is earlier, or be forever barred. Written notice is the notice described in (a) above or a similar notice.

(c)(C) The personal representative is not liable to any creditor or to any successor of the decedent for giving or failing to give notice under this section.

(d)(D) Notwithstanding subsections (a) and (b), notice to creditors under this section is not required if a personal representative is not appointed to administer the decedent’s estate during the one year period following the death of the decedent.

(E)(1) The probate court in the county where the estate is filed may, in its discretion, assess a reasonable one‑time fee for online publication under this section which may be paid from the decedent’s estate. No fee may otherwise be assessed for online publication.

(2) All fees assessed under item (1) from all county probate courts must be used toward the cost of constructing and maintaining the centralized online platform that services all counties. Fees for publication in a newspaper of general circulation must continue to meet the requirements of Section 15‑29‑80.

(F) The centralized website for the South Carolina Probate Court must be organized by county and searchable within each county by the names of either the decedent or the personal representative. Once a creditor has located an estate, the online platform must display instructions on where and how to file a claim with the appropriate county probate court along with contact information for additional assistance.

SECTION 3. This act takes effect upon approval by the Governor.

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