**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3906**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McCabe, Cobb-Hunter, W. Newton, Henegan and Pedalino

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Introduced in the House on February 8, 2023

Currently residing in the House

Summary: Small estates

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/8/2023 House Introduced and read first time (House Journal‑page 8)

 2/8/2023 House Referred to Committee on **Judiciary** (House Journal‑page 8)

 3/26/2024 House Member(s) request name added as sponsor: Pedalino

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**VERSIONS OF THIS BILL**

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3906_20230208.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 62‑3‑1203 AND 62‑3‑1204, BOTH RELATING TO SMALL ESTATES, SO AS TO INCREASE THE LIMIT OF A SMALL ESTATE.

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

SECTION 1. Sections 62‑3‑1203 through 62‑3‑1204 of the S.C. Code are amended to read:

 Section 62‑3‑1203. (a) If it appears from the inventory and appraisal that the value of the entire probate estate (the decedent's property passing under the decedent's will plus the decedent's property passing by intestacy), less liens and encumbrances, does not exceed twenty‑five fifty thousand dollars and exempt property, costs and expenses of administration, reasonable funeral expenses, and reasonable and necessary medical and hospital expenses of the last illness of the decedent, the personal representative, after publishing notice to creditors pursuant to Section 62‑3‑801, but without giving additional notice to creditors, may immediately disburse and distribute the estate to the persons entitled thereto and file a closing statement as provided in Section 62‑3‑1204.

 (b) If it appears from an appointment proceeding that (1) the appointed personal representative, individually or in the capacity of a fiduciary, is either the sole devisee under the probated will of a testate decedent or the sole heir of an intestate decedent, or (2) the appointed personal representatives, individually or in their capacity as a fiduciary, are the sole devisees under the probated will of a testate decedent or the sole heirs of an intestate decedent, the personal representative, after publishing notice to creditors as under Section 62‑3‑801, but without giving additional notice to creditors may immediately disburse and distribute the estate to the persons entitled thereto and file a closing statement as provided in Section 62‑3‑1204.

 Section 62‑3‑1204. (a) Unless prohibited by order of the court and except for estates being administered under Part 5 (Sections 62‑3‑501 et seq.), after filing an inventory with the court, and paying any court fees due, the personal representative may close an estate administered under the summary procedures of Section 62‑3‑1203 by filing with the court, at any time after disbursement and distribution of the estate, a verified statement stating that:

 (1) either

 (i) to the best knowledge of the personal representative, the value of the entire probate estate (the decedent's property passing under the decedent's will plus the decedent's property passing by intestacy), less liens and encumbrances, did not exceed twenty‑five fifty thousand dollars and exempt property, costs, and expenses of administration, reasonable funeral expenses, and reasonable and necessary medical and hospital expenses of the last illness of the decedent; or

 (ii) the estate qualifies for summary administration according to the provisions of subsection (b) of Section 62‑3‑1203;

 (2) the personal representative has fully administered the estate by disbursing and distributing it to the persons entitled thereto;

 (3) the personal representative has sent a copy of the closing statement to all distributees of the estate and to all creditors or other claimants of whom the personal representative is aware and whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected.

 (b) If no unresolved claims, actions or proceedings involving the personal representative are pending in any court one year after the date of the decedent's death, the appointment of the personal representative terminates.

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

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