**South Carolina General Assembly**

118th Session, 2009-2010

**S. 940**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hayes

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Introduced in the Senate on January 12, 2010

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

Summary: Probate court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2009 Senate Prefiled

12/9/2009 Senate Referred to Committee on **Judiciary**

1/12/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑27

1/12/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑27

1/25/2010 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, L.Martin, Mulvaney

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p:\pprever\2009-10\940_20091209.docx)

**A** **BILL**

TO AMEND SECTION 62-7-201, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXCLUSIVE JURISDICTION OF THE PROBATE COURT REGULATING PROCEEDINGS CONCERNING THE INTERNAL AFFAIRS OF TRUSTS AND EXCEPTIONS TO THIS EXCLUSIVE JURISDICTION, SO AS TO CORRECT A REFERENCE REGARDING MATTERS WHICH MAY BE REMOVED TO THE CIRCUIT COURT.

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

SECTION 1. Section 62-7-201(a) of the 1976 Code is amended to read:

“(a) Subject to the provisions of Section 62‑1‑302(c) and (d), the probate court has exclusive jurisdiction of proceedings initiated by interested parties concerning the internal affairs of trusts. Proceedings ~~which~~ that may be maintained ~~under~~ pursuant to this section are those concerning the administration and distribution of trusts, the declaration of rights, and the determination of other matters involving trustees and beneficiaries of trusts. These include, but are not limited to, proceedings to:

(1) ascertain beneficiaries, determine ~~any~~ a question arising in the administration or distribution of ~~any~~ a trust including questions of construction of trust instruments, instruct trustees, and determine the existence or nonexistence of any immunity, power, privilege, duty, or right;

(2) review and settle interim or final accounts;

(3) review the propriety of employment of ~~any~~ a person by a trustee including ~~any~~ an attorney, auditor, investment advisor or other specialized agent or assistant, and the reasonableness of the compensation of ~~any~~ a person so employed, and the reasonableness of the compensation determined by the trustee for his own services. ~~Any~~ A person who has received excessive compensation from a trust may be ordered to make appropriate refunds. The provisions of this section do not apply to the extent there is a contract providing for the compensation to be paid for the trustee’s services or if the trust directs otherwise; and

(4) appoint or remove a trustee.”

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

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