**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3692**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. R.L. Brown

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Introduced in the House on February 16, 2011

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Co-owner may sell his undivided interest in timber sold

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/16/2011 House Introduced and read first time ([House Journal‑page 12](file:///h:\hj%20archive\2011\02-16-11.docx))

2/16/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 13](file:///h:\hj%20archive\2011\02-16-11.docx))

**VERSIONS OF THIS BILL**

[2/16/2011](file:///p:\pprever\2011-12\3692_20110216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑1‑100 SO AS TO PROVIDE THAT A CO‑OWNER OR COHEIR OF LAND MAY SELL HIS UNDIVIDED INTEREST IN TIMBER SOLD FROM THE CO‑OWNED LAND, TO PROVIDE THAT THE TIMING FOR TIMBER REMOVAL BEGINS FROM THAT DATE, TO PROVIDE THAT A BUYER OF TIMBER MAY NOT REMOVE THE TIMBER WITHOUT THE CONSENT OF THE CO‑OWNERS OR COHEIRS UNLESS HE HAS MET CERTAIN CONDITIONS, TO PROVIDE FOR THE RECEIPT OF PAYMENT FOR TIMBER SALES BY NONCONSENTING CO‑OWNERS OR COHEIRS, AND TO PROVIDE FOR THEIR INDEMNITY, TO REQUIRE THAT THE FUNDS OF A NONCONSENTING CO‑OWNER OR COHEIR WHO REFUSES PAYMENT MUST BE HELD IN ESCROW, TO PROVIDE THAT FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION IS PRIMA FACIE EVIDENCE OF THEFT, AND TO PROVIDE DEFINITIONS.

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

SECTION 1. Chapter 1, Title 39 of the 1976 Code is amended by adding:

“Section 39‑1‑100. (A) A co‑owner or coheir of land may execute an act of timber sale whereby he sells his undivided interest in the timber, and any condition imposing a time period within which to remove the timber must commence from the date of its execution.

(B) A buyer who purchases the timber from a co‑owner or coheir of land may not remove the timber without the consent of the co‑owners or coheirs representing at least seventy percent of the ownership interest in the land, provided that he has made reasonable effort to contact the co‑owners or coheirs who have not consented, and, if contacted, has offered to contract with them on substantially the same basis that he has contracted with the other co‑owners or coheirs.

(C) A co‑owner or coheir of the land who does not consent to the exercise of these rights has no liability for the cost of timber operations resulting from the sale of timber, and shall receive from the buyer the same price which the buyer paid to the other co‑owners or coheirs. The consenting co‑owners or coheirs shall agree to indemnify and hold harmless the nonconsenting co‑owners or coheirs for any damage or injury claims which may result from these operations.

(D) If the nonconsenting co‑owner or coheir fails or refuses to claim his portion of the sale price of timber, the buyer is obligated to hold these funds in escrow, for and on behalf of the co‑owner or coheir for whom they are held.

(E) Failure to comply with the provisions of this section constitutes prima facie evidence of the intent to commit theft of timber.

(F) For purposes of this section, ‘coheir’ means a person who is an heir to of a deceased person whose estate never passed through the probate process who owns land collectively with other heirs to the deceased person.”

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

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