**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3988**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons and Viers

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Introduced in the House on March 30, 2011

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

Summary: Mortgages

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/30/2011 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj%20archive\2011\03-30-11.docx))

3/30/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj%20archive\2011\03-30-11.docx))

**VERSIONS OF THIS BILL**

[3/30/2011](file:///p:\pprever\2011-12\3988_20110330.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29‑3‑795 SO AS TO PROVIDE THE COMMISSION OF AN ACT CONSTITUTING THE UNAUTHORIZED PRACTICE OF LAW IN THE COURSE OF OR IN CONJUNCTION WITH THE NEGOTIATION, PREPARATION, EXECUTION, OR RECORDING OF A MORTGAGE OR MORTGAGE MODIFICATION SHALL NOT IMPAIR THE VALIDITY OR ENFORCEABILITY OF THE MORTGAGE OR MORTGAGE MODIFICATION, SHALL NOT IMPAIR THE RIGHT OF THE MORTGAGE HOLDER TO FORECLOSE ON OR OTHERWISE ENFORCE A PROVISION OF THE MORTGAGE OR MODIFIED MORTGAGE, AND SHALL NOT IMPAIR OR RESTRICT THE RIGHT OF A MORTGAGEE TO SEEK A LEGAL OR EQUITABLE REMEDY, AND TO PROVIDE THAT THE LIMITATIONS OF THIS SECTION ARE NOT INTENDED AND MAY NOT BE CONSTRUED TO ALTER, IMPAIR, OR OTHERWISE AFFECT THE POWER OF THE SOUTH CAROLINA SUPREME COURT TO DEFINE AND REGULATE THE PRACTICE OF LAW IN THIS STATE.

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

SECTION 1. Article 7, Chapter 3, Title 29 of the 1976 Code is amended by adding:

“Section 29‑3‑795. The commission of an act constituting the unauthorized practice of law in the course of or in conjunction with the negotiation, preparation, execution, or recording of a mortgage or mortgage modification shall not impair the validity or enforceability of the mortgage or mortgage modification, shall not impair the right of the mortgage holder to foreclose on or otherwise enforce a provision of the mortgage or modified mortgage, and shall not impair or restrict the right of a mortgagee to seek a legal or equitable remedy. Notwithstanding the limitation of remedies set forth in this section, nothing in this section is intended to or should be construed to alter, impair, or otherwise affect the power of the South Carolina Supreme Court to define and regulate the practice of law in this State.”

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

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