**South Carolina General Assembly**

120th Session, 2013-2014

**S. 77**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cromer

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Introduced in the Senate on January 8, 2013

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

Summary: Presumption of possession of real property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 62](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 62](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\77_20121213.docx)

**A** **BILL**

TO AMEND SECTION 15-67-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESUMPTION OF POSSESSION OF REAL PROPERTY, SO AS TO DELETE A REFERENCE TO ADVERSE POSSESSION; BY ADDING SECTION 15-67-280 SO AS TO PROVIDE THAT NO ACTION MAY BE BROUGHT IN SOUTH CAROLINA TO CLAIM REAL PROPERTY THROUGH ADVERSE POSSESSION AFTER DECEMBER 31, 2013, TO REQUIRE THE ACTION BE DISMISSED WITH PREJUDICE, AND TO CLARIFY THAT THIS ACT DOES NOT PROHIBIT A PERSON FROM OBTAINING A PRESCRIPTIVE EASEMENT; AND TO REPEAL SECTIONS 15-67-220, 15-67-230, 15-67-240, 15-67-250, AND 15-67-260 ALL RELATING TO THE CLAIMING OF REAL PROPERTY THROUGH ADVERSE POSSESSION.

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

SECTION 1. Section 15‑67‑210 of the 1976 Code is amended to read:

“Section 15‑67‑210. In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have been possessed thereof within the time required by law. The occupation of such premises by any other person shall be deemed to have been under and in subordination to the legal title ~~unless it appear that such premises have been held and possessed adversely to such legal title for ten years before the commencement of such action~~.”

SECTION 2. Article 3, Chapter 67, Title 15 of the 1976 Code is amended by adding:

“Section 15‑67‑280. Notwithstanding any other provision of law, including common law holdings and principles, no action may be brought in South Carolina to claim title to real property through adverse possession after December 31, 2013. Any such adverse possession claim must be dismissed with prejudice. Nothing in this section may be construed so as to prohibit a person from obtaining a prescriptive easement.”

SECTION 3. Sections 15‑67‑220, 15‑67‑230, 15‑67‑240, 15‑67‑250, and 15‑67‑260 of the 1976 Code are repealed.

SECTION 4. This act takes effect January 1, 2014.

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