**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3472**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McCabe, W. Newton, Pedalino, Hixon, Gibson, Gagnon, Calhoon, Mitchell, Yow and Ligon

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Introduced in the House on January 14, 2025

Introduced in the Senate on February 18, 2025

Last Amended on February 13, 2025

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

Summary: Small Estates

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

 1/14/2025 House Introduced and read first time (House Journal‑page 216)

 1/14/2025 House Referred to Committee on **Judiciary** (House Journal‑page 216)

 1/28/2025 House Member(s) request name added as sponsor:
 Pedalino, Hixon

 1/29/2025 House Member(s) request name added as sponsor: Gibson,
 Gagnon

 2/5/2025 House Member(s) request name added as sponsor: Calhoon

 2/12/2025 House Member(s) request name added as sponsor: Mitchell, Yow

 2/12/2025 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 7)

 2/13/2025 House Member(s) request name added as sponsor: Ligon

 2/13/2025 House Amended (House Journal‑page 52)

 2/13/2025 House Read second time (House Journal‑page 52)

 2/13/2025 House Roll call Yeas-98 Nays-0 (House Journal‑page 54)

 2/13/2025 House Unanimous consent for third reading on next legislative day (House Journal‑page 55)

 2/18/2025 Senate Introduced and read first time (Senate Journal‑page 12)

 2/18/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 12)

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3472_20241205.docx)

[02/12/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3472_20250212.docx)

[02/13/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3472_20250213.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

February 13, 2025

H. 3472

Introduced by Reps. McCabe, W. Newton, Pedalino, Hixon, Gibson, Gagnon, Calhoon, Mitchell, Yow and Ligon

S. Printed 2/13/25--H.

Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62‑3‑1201, RELATING TO COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT, SO AS TO INCREASE THE LIMIT OF AN ESTATE TO FIFTY THOUSAND DOLLARS; BY AMENDING SECTION 62‑3‑1203, RELATING TO SMALL ESTATES AND SUMMARY ADMINISTRATIVE PROCEDURE, SO AS TO INCREASE THE LIMIT OF AN ESTATE TO FIFTY THOUSAND DOLLARS; AND BY AMENDING SECTION 62‑3‑1204, RELATING TO SMALL ESTATES AND CLOSING BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE, SO AS TO INCREASE THE LIMIT OF AN ESTATE TO FIFTY THOUSAND DOLLARS.

 Amend Title To Conform

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

SECTION 1. Section 62‑3‑1201 of the S.C. Code is amended to read:

 Section 62‑3‑1201. (a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or the instrument evidencing the debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor. Before this affidavit may be presented to collect the decedent’s personal property, it must:

 (1) state 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), wherever located, less liens and encumbrances, does not exceed twenty‑five forty-five thousand dollars;

 (2) state that thirty days have elapsed since the death of the decedent;

 (3) state that no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

 (4) state that the claiming successor, which for the purposes of this section includes a person who remitted payment for reasonable funeral expenses, is entitled to payment or delivery of the property;

 (5) be approved and countersigned by the probate judge of the county of the decedent’s domicile at the time of his death, or if the decedent was not domiciled in this State, in the county in which the property of the decedent is located, and only upon the judge’s satisfaction that the successor is entitled to payment or delivery of the property; and

 (6) be filed in the probate court for the county of the decedent’s domicile at the time of his death, or, if the decedent was not domiciled in this State, in the county in which property of the decedent is located.

 (b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

SECTION 2. Section 62‑3‑1203 of the S.C. Code is 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 forty-five 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 3. Section 62‑3‑1204 of the S.C. Code is amended to read:

 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 forty-five 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 4. Section 62-2-401 of the S.C. Code is amended to read:

 Section 62-2-401. The surviving spouse of a decedent who was domiciled in this State is entitled from the estate to a value not exceeding twenty-fiveforty-five thousand dollars in excess of any security interests therein in household furniture, automobiles, furnishings, appliances, and personal effects. If there is no surviving spouse, minor or dependent children of the decedent are entitled jointly to the same value. If encumbered chattels are selected and if the value in excess of security interests, plus that of other exempt property, is less than twenty-fiveforty-five thousand dollars, or if there is not twenty-fiveforty-five thousand dollars worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the twenty-fiveforty-five thousand dollar value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate except claims described in Section 62-3-805(a)(1). These rights are in addition to any right of homestead and personal property exemption otherwise granted by law but are chargeable against and not in addition to any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided, by intestate succession, or by the elective share. Any surviving spouse or minor or dependent children of the decedent who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for purposes of this section.

SECTION 5. This act takes effect upon approval by the Governor.

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