**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3500**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. W. Newton

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Introduced in the House on January 10, 2023

Introduced in the Senate on April 5, 2023

Last Amended on April 4, 2023

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

Summary: Deed and Mortgage Derivation Clauses

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 190)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 190)

 3/29/2023 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 50)

 4/4/2023 House Amended (House Journal‑page 25)

 4/4/2023 House Read second time (House Journal‑page 25)

 4/4/2023 House Roll call Yeas-108 Nays-0 (House Journal‑page 26)

 4/5/2023 House Read third time and sent to Senate (House Journal‑page 20)

 4/5/2023 Senate Introduced and read first time (Senate Journal‑page 2)

 4/5/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 2)

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3500_20221208.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3500_20230329.docx)

[04/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3500_20230404.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 4, 2023

H. 3500

Introduced by Rep. W. Newton

S. Printed 04/04/23--H.

Read the first time January 10, 2023

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A bill

to amend the South Carolina Code of Laws by amending Section 30‑5‑35, relating to Derivation clauses on deeds and mortgages, so as to PROVIDE ALL MORTGAGES AND DEEDS EXECUTED AFTER JUNE 30, 2023, must INCLUDE INFORMATION IDENTIFYING THE PARTY WHO PREPARED THE INSTRUMENT OR THE ATTORNEY LICENSED IN THIS STATE WHO ASSISTED IN THE CLOSING OF THE INSTRUMENT.

 Amend Title To Conform

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

SECTION 1. Section 30‑5‑35 of the S.C. Code is amended to read:

 Section 30‑5‑35. (aA) (1) All deeds conveying an interest in land and all mortgages of real estate executed after July 1, 1976, must include a derivation clause in the property description and there must be inscribed on the deed or mortgage the mailing address of the grantee or mortgagee. When the grantor's or mortgagor's title was acquired by deed, the derivation clause must include the name of the grantor and the recording date of that deed. However, when the deed of derivation has been simultaneously executed and delivered and has not then been recorded it is sufficient to set forth in the deed or mortgage the name of the grantor of the deed of derivation and its date and that it is to be recorded. When the grantor's or mortgagor's title was obtained by inheritance or devise, the derivation clause must include the name of the person from whom the title was acquired, the approximate date of acquisition, and, in the case of property acquired under a probated will or administered estate, the probate court in which such estate was filed. However, a derivation clause is not required on a deed or mortgage of property devoted to a utility or railroad purpose of any private or public utility or railroad. Further, a derivation clause is not required on a quitclaim or nonwarranty deed of real property.

 (2) In order to be recorded, a deed or mortgage of real estate executed after December 31, 2023, also must identify either the:

 (a) preparer of the instrument and provide his contact information; or

 (b) attorney licensed to practice in this State who assisted with the closing of the instrument.

 (bB) A clerk of court or register of deeds shall may not record any deed or mortgage after July 1, 1976, unless it contains a derivation clause as prescribed in subsection (aA)(1); provided, however, that he may record a deed or mortgage without such clause upon a showing satisfactory to him that the necessary information for such clause was not available. Additionally, a clerk of court or register of deeds may not record any deed or mortgage executed after December 31, 2023, unless the instrument contains information identifying the preparer of the instrument or the closing attorney of the instrument as required in subsection (A)(2).

 (cC) The provisions of this section are intended to be regulatory in nature and will not affect the legality, force, effect or record notice of any instrument recorded in violation hereof of this section.

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

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