

## Session 116 - (2005-2006)

### S 1202 General Bill, By Hayes

#### Summary: Probate

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT TO SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF OVERCOMING THE PRESUMPTION; TO AMEND SECTION 62-2-207, AS AMENDED, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL ARE BENEFICIAL INTERESTS CHARGEABLE TO THE ELECTIVE SHARE; TO AMEND SECTION 62-3-1001, AS AMENDED, RELATING TO REQUIRED FILINGS IN THE PROBATE COURT, SO AS TO ALLOW INTERESTED PERSONS TO WAIVE THE FILING OF AN ACCOUNTING, A PROPOSAL FOR DISTRIBUTION OF ASSETS, OR A NOTICE OF THE RIGHT TO DEMAND A HEARING; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**03/01/06 Senate Introduced and read first time SJ-18**

**03/01/06 Senate Referred to Committee on Judiciary SJ-18**

**03/08/06 Senate Referred to Subcommittee: Gregory (ch), Elliott, Anderson, Ritchie, Cleary**