

## Session 117 - (2007-2008)

### **S 0016 General Bill, By Hayes and Fair**

#### **Summary:** Probate Court

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805, 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, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, 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, RELATING TO REQUIRED FILINGS IN THE PROBATE COURT, 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, RELATING TO CREATION OF A TRUST, TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**11/29/06 Senate Prefiled**

**11/29/06 Senate Referred to Committee on Judiciary**

**01/09/07 Senate Introduced and read first time SJ-32**

**01/09/07 Senate Referred to Committee on Judiciary SJ-32**

**01/17/07 Senate Referred to Subcommittee: Gregory (ch), Elliott, Anderson, Ritchie, Cleary**