**South Carolina General Assembly**

118th Session, 2009-2010

**A164, R194, H3720**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Clemmons

Document Path: l:\council\bills\ggs\22300ab09.docx

Introduced in the House on March 24, 2009

Introduced in the Senate on April 30, 2009

Last Amended on April 29, 2009

Passed by the General Assembly on April 21, 2010

Governor's Action: May 12, 2010, Signed

Summary: Mortgage foreclosure actions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/24/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-24-09.docx)‑10

3/24/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\03-24-09.docx)‑10

4/22/2009 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑8

4/28/2009 House Debate adjourned until Wednesday, April 29, 2009 [HJ](file:///h:\HJ%20Archive\2009\04-28-09.docx)‑29

4/29/2009 House Amended

4/29/2009 House Read second time

4/30/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\04-30-09.docx)‑14

4/30/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑16

4/30/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑16

5/5/2009 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

3/17/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\03-17-10.docx)‑13

3/18/2010 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2010\03-18-10.docx)‑35

3/18/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\03-18-10.docx)‑35

3/24/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\03-24-10.docx)‑24

4/20/2010 House Debate adjourned until Wednesday, April 21, 2010 [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑82

4/21/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2010\04-21-10.docx)‑22

4/21/2010 House Roll call Yeas‑101 Nays‑0 [HJ](file:///h:\HJ%20Archive\2010\04-21-10.docx)‑22

5/6/2010 Ratified R 194

5/12/2010 Signed By Governor

5/21/2010 Effective date 05/12/10

5/25/2010 Act No. 164

**VERSIONS OF THIS BILL**

[3/24/2009](file:///p:\pprever\2009-10\3720_20090324.docx)

[4/22/2009](file:///p:\pprever\2009-10\3720_20090422.docx)

[4/29/2009](file:///p:\pprever\2009-10\3720_20090429.docx)

[3/17/2010](file:///p:\pprever\2009-10\3720_20100317.docx)

[3/18/2010](file:///p:\pprever\2009-10\3720_20100318.docx)

(A164, R194, H3720)

**AN ACT** **TO AMEND SECTION 15‑9‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION IN CERTAIN ACTIONS CONCERNING REAL PROPERTY, SO AS TO PROVIDE FOR SERVICE OF ALL COURT‑REQUIRED DOCUMENTS BY PUBLICATION AND, FURTHER, IN AN ACTION INVOLVING MULTIPLE UNITS IN A SINGLE HORIZONTAL PROPERTY REGIME, FOR SERVICE BY PUBLICATION BY CONSOLIDATING THE SERVICES INTO A SINGLE SERVICE THAT IDENTIFIES EACH APARTMENT INCLUDED IN THE ACTION BASED ON THE APARTMENT’S DESCRIPTION IN THE MASTER DEED.**

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

**Service by publication on unknown parties, actions involving multiple units in single horizontal property regime**

SECTION 1. Section 15‑9‑720 of the 1976 Code is amended to read:

“Section 15‑9‑720. (A) For the purposes of this section, ‘court’ means a court, judge, clerk of court, master-in-equity, special referee, or judge of probate of competent jurisdiction in the county where the action is pending.

(B)(1) A court shall grant an order allowing a party with an interest in or lien on a parcel of real property subject to a partition action, mortgage foreclosure action, or other action affecting the property’s title to serve by publication any unknown party to the action and who has an interest in or lien on the real property, any such legal notice as will accomplish the underlying purposes set forth in this section, if the:

(a) residence of the unknown party cannot, with a reasonably diligent effort, be ascertained by the plaintiff; and

(b) plaintiff presents an affidavit to the court stating he has been unable to ascertain the residence of the unknown party after making a reasonably diligent effort.

(2) A court order allowing a party to serve an unknown party by publication must require the party serving by publication to publish the service once a week for three weeks in a newspaper of general circulation in the county where the property is situated. Service by publication under this section is equal to personal service on the unknown party.

(C) A party may accomplish service by publication pursuant to this section for multiple units in a single horizontal property regime by consolidating the services into a single service that identifies each apartment included in the action based on the apartment’s description in the master deed. This consolidated service must comply with the other requirements of this section and other applicable statutes, including the requirement that publication must take place once a week for three weeks in a newspaper of general circulation in the county where the property is situated.”

**Time effective**

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

Ratified the 6th day of May, 2010.

Approved the 12th day of May, 2010.

\_\_\_\_\_\_\_\_\_\_