



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
 (803)734-0640 • RFA.SC.GOV/IMPACTS

**Bill Number:** H. 3325 As signed by the Governor on April 21, 2016  
**Author:** J.E. Smith  
**Subject:** Uniform Partition of Heirs Property Act  
**Requestor:** House of Representatives  
**RFA Analyst(s):** Wren  
**Impact Date:** May 18, 2016

**Estimate of Fiscal Impact**

	<b>FY 2016-17</b>	<b>FY 2017-18</b>
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill as amended would have no expenditure impact on the General Fund, Federal Funds or Other Funds. This bill would have no expenditure impact on county governments.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the Senate on March 8, 2016**

**State Expenditure**

This bill as amended cites Article 3 as the Clementa C. Pinckney Uniform Partition of Heirs' Property Act and changes the requirement in Sections 15-61-360(G) and 15-61-370(D)(2) that the Clerk of Court must send notices regarding partitions of heirs property. This requirement now falls on the court system generally, rather than the Clerk of Court.

The Judicial Department previously indicated that any expenses associated with the bill as amended by the House of Representatives on May 12, 2015, could be absorbed within the department's current appropriations. We do not anticipate that this amendment would have an additional expenditure impact as the courts are still required to send the notices regarding partitions of heirs' property.

**State Revenue**

N/A

**Local Expenditure**

This bill as amended changes the requirement in Sections 15-61-360(G) and 15-61-370(D)(2) that the Clerk of Court must send notices regarding partition of heirs property. This requirement

now falls on the court system generally, rather than specifying the Clerk of Court. The surveyed counties previously indicated that the bill as amended by the House of Representatives on May 12, 2015, would have no expenditure impact on their jurisdictions. We estimate that this amendment would have no expenditure impact on county governments.

**Local Revenue**

N/A

**Explanation of Amendment by the House of Representatives on May 12, 2015**

**State Expenditure**

This bill creates the Uniform Partition of Heirs' Property Act. The bill provides the guidelines for notice of publication by the plaintiff in a partition action. Also, this bill provides court procedures in determining the value of the property and factors for the court to consider for different types of partitions. Additionally, this bill provides that a court ordered sale must be an open market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous. This bill also amends Section 15-61-10, which provides that a court shall determine whether property is classified as heirs' property.

**Judicial Department.** The department reports that during FY 2013-2014, there were 176 partitions actions filed in South Carolina Common Pleas courts. There is no data to indicate how many of those actions were related to heirs' property. The Judicial Department indicates that if any additional hearings are held as a result of the proposed legislation, it is anticipated that any additional expenditures would be minimal and could be absorbed within current appropriations. There would be no expenditure impact on Federal Funds or Other Funds.

**State Revenue**

N/A

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted all forty-six county governments regarding the expenditure impact of this bill. Clarendon and Richland Counties indicate this bill would have no impact on their jurisdictions. Based on the responses received and since the court system is currently reviewing partition cases, we estimate this bill will have no expenditure impact on county governments.

**Local Revenue**

N/A



---

Frank A. Rainwater, Executive Director