

## Irrevocable Trusts: South Carolina

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A State Q&A that provides guidance on the laws governing irrevocable trusts in South Carolina. This State Q&A addresses state laws and customs impacting irrevocable trusts, with a focus on the South Carolina Trust Code (S.C. Code Ann. §§ 62-7-101 to 62-7-1106). It outlines the requirements for creating a valid trust, including settlor capacity, execution formalities, and the key provision making a trust irrevocable. This resource also explores common trust provisions, such as the rule against perpetuities and no-contest clauses. Key topics related to trustees are examined, including appointment, eligibility, compensation, the standard of care, and liability. Furthermore, this State Q&A discusses options for making changes to an irrevocable trust after execution, covering modification, decanting, and early termination of uneconomic trusts. It also explains the trustee's duties to keep beneficiaries informed about the trust's administration.

Answers to questions can be compared across a number of jurisdictions (see Irrevocable Trusts: State Q&A Tool). For similar information relating to revocable trusts in South Carolina, see [State Q&A, Revocable Trusts: South Carolina](#).

For a Toolkit providing jurisdiction-neutral irrevocable trust forms that can be used with this Q&A, and other resources to help counsel draft irrevocable trust instruments under South Carolina law, see [State-Specific Irrevocable Trust Drafting Toolkit](#).

### Key Statutes and Rules

#### 1. What are the key statutes and rules that govern irrevocable trusts in your state?

##### State Law

The rules and laws pertaining to irrevocable trusts in South Carolina are found in:

- The South Carolina Trust Code (S.C. Code Ann. §§ 62-7-101 to 62-7-1106).
- South Carolina Court rules, including those of:
  - the South Carolina Probate Court, which has exclusive original jurisdiction over trusts (S.C. Code Ann. § 62-1-302(a)(3); Rules 1 to 5, SCRCPP); and

- the South Carolina Circuit Court, given that the probate court must timely remove certain matters relating to trusts to the circuit court (S.C. Code Ann. § 62-1-302(d); Rules 1 to 86, SCRCPP).

- South Carolina case law.

Other state laws, such as state tax laws, may apply to an irrevocable trust, depending on the circumstances and the trust purposes.

##### Federal Law

Federal law, including federal estate, gift, generation-skipping transfer (GST), and income tax rules frequently apply to irrevocable trusts, depending on the purpose and characteristics of the trust (26 U.S.C. §§ 1 to 2801; 26 C.F.R. §§ 1.0-1 to 26.7701-2). For specific information

related to federal estate, gift, and GST taxes, see Practice Notes:

- [Federal Estate Tax](#).
- [Federal Gift Tax](#).
- [Federal Generation-Skipping Transfer Tax](#).

For examples of specific rules and provisions applicable to specific types of irrevocable trusts, see [Irrevocable Trust Creation, Funding, and Administration Toolkit](#).

### Applicability of Rules to Revocable Trusts

Many individuals (settlers) create revocable trusts as will substitutes to dispose of their assets at death. These revocable trusts generally become irrevocable on the settlor's incapacity or death. Once a revocable trust becomes irrevocable, it is generally subject to the same rules as a trust that was irrevocable when created (see [State Q&A, Revocable Trusts: South Carolina](#)).

### Applicability of Rules to Testamentary Trusts

A testamentary trust is a trust created under a testator's will that generally comes into existence and becomes irrevocable when the testator dies. Testamentary trusts are generally subject to the same rules as all irrevocable trusts once they are funded after the settlor's death. The probate court supervises the probate administration process and funding of testamentary trusts. Once they are funded, testamentary trusts generally function as other irrevocable trusts. For information on wills that may include testamentary trusts, see [State Q&A, Wills: South Carolina](#).

## Trust Requirements

### 2. What are the requirements for a valid trust in your state?

#### Methods of Creation

A trust creator (settlor) may create a trust in South Carolina by:

- Transferring property to another person as trustee during the settlor's lifetime or by will or other disposition taking effect on the settlor's death.

- Declaring in a writing signed by the settlor that the settlor holds identifiable property as trustee.
- Exercising a power of appointment in favor of a trustee.

(S.C. Code Ann. § 62-7-401.)

### Trust Purposes

A trust may be created only to the extent the purposes of the trust are:

- Lawful.
- Not contrary to public policy.
- Possible to achieve.

(S.C. Code Ann. § 62-7-404.)

### Threshold Requirements

The threshold requirements to create a valid trust require that:

- The settlor has capacity to create a trust. While South Carolina statute provides the capacity to create a revocable trust is the same as the standard of capacity to create a will, South Carolina statute does not specify the capacity required to create an irrevocable trust (S.C. Code Ann. § 62-7-601 and see [State Q&A, Revocable Trusts: South Carolina: Question 3](#)). However, the capacity required to create an irrevocable trust is the capacity to contract. The capacity to contract is the mental capacity to understand or comprehend the subject of the contract (in this case, the trust), its nature, and its probable consequences. (S.C. Code Ann. § 62-7-601, Rptr. Cmt.; *Macaulay v. Wachovia Bank of S.C., N.A.*, 569 S.E.2d. 371, 375 (S.C. Ct. App. 2002).)
- The settlor indicates an intent to create the trust.
- There is a definite beneficiary, unless the trust is:
  - a charitable trust;
  - for the care of an animal, as provided in S.C. Code Ann. § 62-7-408; or
  - for a noncharitable purpose as specified in S.C. Code Ann. § 62-7-409.

A beneficiary is definite if the beneficiary can be ascertained currently or in the future subject to any applicable rule against perpetuities.

A trustee's power to select a beneficiary from an indefinite class is valid. If the power is not exercised within a reasonable time, the power fails and

the property subject to the power passes to the persons taking the property if the power is not conferred.

- The trustee has duties to perform.
- The same person is not the sole trustee and sole current and future beneficiary.

(S.C. Code Ann. § 62-7-402.)

A trust does not fail because it has no trustee (see *Leaphart v. Harmon*, 195 S.E. 628, 629 (S.C. 1938)). However, a vacancy in the trusteeship that leaves a trust without a trustee must be filled (see Question 7: Filling Vacancies in a Trusteeship).

### Effect of Fraud, Duress, or Undue Influence

A trust is voidable to the extent its creation was induced by fraud, duress, or undue influence (S.C. Code Ann. § 62-7-406). South Carolina statute indicates that the trust is voidable (rather than void) in these circumstances to eliminate any suggestion that either:

- A trust may be void ab initio.
- The trustee's actions may be invalid even though taken in good faith and before any determination that the trust is void.

Third parties dealing with the trustee of a voidable trust are protected by S.C. Code Ann. § 62-7-1012. (S.C. Code Ann. § 62-7-406, Rptr. Cmts.)

### 3. What provisions, if any, must be included for a trust to be irrevocable?

In South Carolina, for trusts executed on or after January 1, 2014, a trust is revocable unless the terms of a trust expressly provide that the trust is irrevocable (S.C. Code Ann. § 62-7-602).

### Terms of a Trust

The terms of a trust are defined under the South Carolina Trust Code to mean the manifestation of the settlor's intent regarding a trust's provisions as either:

- Expressed in the trust instrument.
- Established by other evidence that is admissible in a judicial proceeding.

(S.C. Code Ann. § 62-7-103(17).)

Counsel should always expressly indicate that a trust is irrevocable in the trust terms if that is the settlor's intention. The best way to do this is by using a written trust instrument that provides that the trust is an irrevocable trust.

## Trust Formalities and Execution Requirements

### 4. Must an irrevocable trust instrument be in writing to be valid?

Under South Carolina law, a trust does not need to be in writing unless it:

- Disposes of real estate, in which case the settlor must also sign the trust instrument (S.C. Code Ann. § 62-7-401(a)(2)).
- Is to receive property by a pour-over will (S.C. Code Ann. § 62-2-510(A)(1)(a)).

South Carolina permits oral trusts for personal property. However, a proponent of an oral trust must prove its creation and terms by clear and convincing evidence. (S.C. Code Ann. § 62-7-407 and see Question 3: Terms of a Trust.)

Despite this general rule, irrevocable trusts should always be in writing:

- To expressly provide that the trust is irrevocable (S.C. Code Ann. § 62-7-602 and see Question 3).
- Because though a settlor may not initially intend to transfer real property to a trust, depending on the type of trust, the settlor may want to do so later.
- Because most irrevocable trusts are created for one or more specific intended purposes and the purposes and required provisions to achieve those purposes should be documented in writing (see, for example, [Practice Notes, Irrevocable Life Insurance Trusts](#) and [Grantor Retained Annuity Trusts](#)).

### 5. What are the execution requirements for a valid written irrevocable trust instrument? In particular, please specify requirements for:

- The settlor's signature.
- The trustee's signature.
- Witnesses.
- Notarization.

### Signature Requirements

In South Carolina, an irrevocable trust should always be in writing to expressly provide that the trust is irrevocable (S.C. Code Ann. § 62-7-602 and see Question 3). The settlor should generally sign all written trust instruments. However, trusts disposing of real property must be in writing and signed by the settlor (S.C. Code Ann. § 62-7-401(a)(2)).

Written trust agreements may be signed either:

- By the settlor.
- In the settlor's name by some other person:
  - at the settlor's direction; and
  - in the settlor's presence.

(S.C. Code Ann. § 62-7-402(b).)

There is no statutory requirement in South Carolina that a trustee sign an irrevocable trust instrument for it to be valid. If the settlor is the initial trustee, the settlor typically signs in the capacity of both settlor and trustee. If the initial trustee or co-trustee is not the settlor, counsel typically have that trustee sign the trust instrument to indicate the trustee's acceptance of the trust.

### Witness Requirements

Although it is standard practice in South Carolina for a trust instrument to have two witnesses, South Carolina does not require witness signatures to create a valid trust.

### Notary Requirements

South Carolina law does not require that an irrevocable trust agreement be notarized. In South Carolina, the settlor's signature on an irrevocable trust instrument is often notarized, even though it is not required. Third parties generally prefer the trust to be notarized to protect against fraud.

## Common Irrevocable Trust Provisions

### 6. Discuss specific provisions commonly found in an irrevocable trust instrument and the rules that apply to these provisions in your state. In particular, please discuss the following provisions and their effect:

- No contest clause.
- Incorporation by reference of trustee powers.
- Virtual representation.
- Rule against perpetuities.
- Sample rule against perpetuities clause.
- Governing law.

Provisions included in irrevocable trust instruments in South Carolina are generally substantially the same as and subject to the same rules as those included in revocable trust instruments regarding:

- No contest clauses.
- Incorporation by reference of trustee powers.
- Virtual representation.
- Governing law (though a provision regarding changing the governing law of a trust created under a revocable trust instrument may only be operative on the death of the settlor whereas a similar provision in an irrevocable trust instrument is generally immediately operative when the trust is created).

A rule against perpetuities provision is commonly included in both revocable and irrevocable trust instruments in South Carolina. However, a rule against perpetuities provision included in an irrevocable trust instrument is slightly different from a rule against perpetuities provision included in a revocable trust instrument, largely because the rule against perpetuities begins to run for a trust created under:

- A revocable trust instrument, when the interest becomes irrevocable, which is generally when the settlor dies.
- An irrevocable trust instrument when the interest is created, which is generally when the trust instrument is executed.

(S.C. Code Ann. § 27-6-20.)

For more information on each of these types of provisions and the applicable rules, see [State Q&A, Revocable Trusts: South Carolina: Question 12](#).

For additional information about no contest clauses, see [State No Contest Clause Laws Chart and Standard Clause, No Contest Clause for Will or Trust](#).

### Rule Against Perpetuities Sample Clause for Irrevocable Trust Instrument

#### ”Maximum Duration of Trusts.

Notwithstanding anything herein to the contrary, the trusts created hereunder shall terminate not later than the latest of Twenty-One (21) years after the death of the last survivor of the Settlor’s Spouse and issue living on the date the interest in such trust was created or Three Hundred Sixty (360) years after the date the interest in such trust was created, and at that time, the trustee shall distribute each remaining trust hereunder to the beneficiary or beneficiaries entitled to receive the current income thereof, and if there is more than one beneficiary, in the proportion to which the beneficiaries are entitled to receive the income, or, if no proportion is designated, in equal shares to such beneficiaries.”

## Trustee Appointment

### 7. What are the rules regarding appointment of trustees and acceptance and declination of trusteeship in your state? In particular, please discuss:

- Who is eligible to act as trustee.
- Priority rules for filling vacancies in a trusteeship if the named trustees fail to qualify or stop acting.
- How a nominated trustee accepts or declines the nomination.

### Eligibility to Act as Trustee

The rules regarding eligibility to act as trustee in South Carolina for an irrevocable trust are identical to the rules regarding eligibility to act as trustee for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 13: Eligibility to Act as Trustee](#)).

### Filling Vacancies in a Trusteeship

A vacancy in trusteeship occurs if:

- A person designated as trustee rejects the trusteeship.
- A person designated as trustee does not exist or cannot be identified.
- A trustee resigns.
- A trustee is disqualified or removed.
- A trustee dies.
- A guardian or conservator is appointed for an individual trustee.

(S.C. Code Ann. § 62-7-704(a).)

The trust agreement may set out how to fill a trustee vacancy. A trustee vacancy in a noncharitable trust that is required to be filled must be filled in the following order of priority:

- By a person designated in the trust instrument to act as successor trustee.
- By a person appointed by unanimous agreement of the qualified beneficiaries.
- By a person appointed by the court.

(S.C. Code Ann. § 62-7-704(c).)

Unless the trust instrument provides otherwise, a vacancy in a trusteeship need not be filled if one or more co-trustees remain in office to act for the trust (S.C. Code Ann. § 62-7-704(b)).

A vacancy in a trusteeship must be filled if the trust has no remaining trustee (S.C. Code Ann. § 62-7-704(b)). Because a trust must have a trustee to be valid, the probate court can fill a trustee vacancy and appoint a successor trustee (S.C. Code Ann. § 62-7-704(e)).

For more information regarding appointing successor trustees and a jurisdiction-neutral form for appointing a successor trustee for an irrevocable trust, see [Standard Document, Appointment of Successor Trustee for Irrevocable Trust](#).

### Qualified Beneficiaries

A qualified beneficiary is a living beneficiary who, on the date the beneficiary's qualification is determined:

- Is a distributee or permissible distributee of trust income or principal.
- Becomes a distributee or permissible distributee of trust income or principal if:
  - the interests of the above distributees terminated on that date but the termination of those interests did not terminate the trust; or
  - the trust terminated on that date.

(S.C. Code § 62-7-103(12).)

### Accepting a Nomination as Trustee

The rules for accepting a trusteeship for an irrevocable trust in South Carolina are identical to the rules regarding accepting a trusteeship for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 14](#)).

For a jurisdiction-neutral form for accepting an appointment as trustee, see [Standard Document, Acceptance of Trusteeship](#).

### Declining a Nomination as Trustee

The rules for declining a trusteeship for an irrevocable trust in South Carolina are identical to the rules regarding declining a trusteeship for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 15](#)).

For a jurisdiction-neutral form for declining an appointment as trustee, see [Standard Document, Declination of Trusteeship](#).

## Trustee Compensation

### 8. What are the rules, if any, regarding trustee compensation in your state?

The rules regarding trustee compensation in an irrevocable trust in South Carolina are identical to the rules regarding trustee compensation for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 16](#)).

## Multiple Trustees

### 9. Who has authority to act when there are multiple trustees?

The rules regarding authority to act when there are multiple trustees of an irrevocable trust in South Carolina are identical to the rules regarding authority to act when there are multiple trustees of a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 17](#)).

## Removal and Resignation of Trustees

### 10. Can a trustee be removed from office, and if so, how?

In South Carolina, the settlor, a co-trustee, or beneficiary may petition the court to remove a trustee or the court may remove a trustee on its own initiative, based on the same criteria for removal that applies to removal of a trustee of a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 18](#)).

A trust instrument should also generally include a trustee removal provision specifying which party has authority to remove trustees and the method to do so.

For jurisdictional-neutral information regarding removal of trustees, see [Standard Clause, Removal of Trustee Clause for Will or Trust: Incapacity of Trustee](#).

### 11. What rights does a trustee have to resign from office?

The rules regarding trustee resignation for an irrevocable trust in South Carolina are identical to the rules regarding trustee resignation for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 19](#)).

For a jurisdiction-neutral trustee resignation form, see [Standard Document, Resignation of Trustee](#).

### Trustee Liability

#### 12. What is the standard of care applicable to the trustee?

In South Carolina, a trustee must administer a trust as a prudent person does, by considering the trust's purposes, terms, distributional requirements, and other circumstances, with the exercise of reasonable care, skill, and caution. (S.C. Code Ann. § 62-7-804.) A trustee with special skills or expertise must use those special skills or expertise in administration of the trust (S.C. Code Ann. § 62-7-806).

A trustee must:

- Administer the trust in good faith, according to the trust's terms and purposes and the beneficiaries' interests.
- Comply with the South Carolina Trust Code.

(S.C. Code Ann. § 62-7-801.)

A trustee owes the trust beneficiaries a duty of loyalty and a duty of impartiality (S.C. Code Ann. §§ 62-7-802 and 62-7-803). South Carolina provides statutory guidelines for different trust administration situations that may represent a conflict between the trustee's fiduciary duties and the trustee's personal interests (S.C. Code Ann. § 62-7-802).

A trustee's breach of trust creates a personal liability. The trustee must pay any damages awarded from the trustee's own funds. (*Deborah Dereede Living Tr. dated Dec. 18, 2013 v. Karp*, 427 S.C. 336, 345 (S.C. App. Ct. 2019), cert. denied (S.C. Mar. 12, 2020).)

#### 13. Under what circumstances is a successor trustee liable for the acts of a prior trustee?

The rules regarding successor trustee liability for an irrevocable trust in South Carolina are identical to the rules regarding successor trustee liability for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 21](#)).

#### 14. Under what circumstances is a trustee liable for the acts of a co-trustee?

The rules regarding co-trustee liability for an irrevocable trust in South Carolina are identical to the

rules regarding co-trustee liability for a revocable trust (see [State Q&A, Revocable Trusts: South Carolina: Question 22](#)).

#### 15. To what extent can the trust instrument waive trustee liability?

The rules regarding waiver of trustee liability in an irrevocable trust instrument in South Carolina are identical to the rules regarding waiver of trustee liability in a revocable trust instrument (see [State Q&A, Revocable Trusts: South Carolina: Question 23](#)).

#### 16. Does your state have a statute authorizing directed trusts?

The South Carolina statute authorizing directed trusts provide that:

- A trustee must generally act according to a power holder's direction unless:
  - the direction is manifestly contrary to the terms of the trust; or
  - the trustee knows the direction constitutes a serious breach of the power holder's fiduciary duty.
- A power holder other than a beneficiary is presumptively a fiduciary with traditional:
  - fiduciary duties to the beneficiaries; and
  - liability for any loss resulting from a breach of fiduciary duty.

(S.C. Code Ann. § 62-7-808.)

South Carolina also has separate statutes specifically addressing:

- The powers and discretions of a trust protector (S.C. Code Ann. § 62-7-818).
- The powers of a trust investment advisor (S.C. Code Ann. § 62-7-819).

For additional information regarding directed trusts, see [Practice Note, Directed Trusts](#) and [State Directed Trust Laws Chart](#).

### Court Supervision

#### 17. Is an irrevocable trust court supervised?

Trusts and trustees are normally not subject to court supervision in South Carolina. However, similar to a revocable trust, an interested person may petition for court involvement regarding various issues specified by statute. (S.C. Code Ann. § 62-7-201(a) and see [State Q&A, Revocable Trusts: South Carolina: Question 26.](#))

Proceedings brought by an interested party do not result in continuing court supervision after the matter that was the subject of the proceeding is resolved (S.C. Code Ann. § 62-7-201(b)).

In certain circumstances a court may also modify an irrevocable trust or authorize its early termination (see Question 18).

### Trust Modification and Early Termination

#### 18. What are the options for modifying or early termination of an irrevocable trust?

#### Trust Modification and Termination

In South Carolina, a court may:

- Modify the administrative or dispositive terms of a trust (or terminate the trust) if, because of circumstances not anticipated by the settlor, modifying or terminating furthers the purposes of the trust (S.C. Code Ann. § 62-7-412(a)).
- Modify the administrative terms of a trust if continuation of the trust on its existing terms is impracticable or wasteful or impairs the trust's administration (S.C. Code Ann. § 62-7-412(b)).
- Conform the terms to the settlor's intent if it is proved by clear and convincing evidence what the settlor's intention was and that the terms of the trust were affected by a mistake of fact or law (S.C. Code Ann. § 62-7-415).
- Modify the terms of a trust to achieve the settlor's tax objectives if the modification is in a manner that is not contrary to the settlor's probable intent (S.C. Code Ann. § 62-7-416).

Also under South Carolina law:

- A trust terminates to the extent the trust is revoked or expires under its terms (S.C. Code Ann. § 62-7-410).
- A noncharitable irrevocable trust may be modified or terminated with court approval on the consent of

the settlor and all beneficiaries, even if modification or termination is inconsistent with a material purpose of the trust, or may be modified or terminated on consent of all beneficiaries if the court concludes that modification is not inconsistent with or continuance of the trust is not necessary to achieve a material purpose of the trust (S.C. Code Ann. § 62-7-411(a), (b)). If not all beneficiaries consent, the court may approve a modification or termination if the court is satisfied that:

- had all beneficiaries consented, the trust can modify or terminate under these rules; and
- the interests of a beneficiary not consenting are adequately protected.

(S.C. Code Ann. § 62-7-411(d).)

- If the applicable requirements are met, the trustee can decant the property of an irrevocable trust into a new trust (S.C. Code Ann. § 62-7-816A). For additional information, see [Practice Note, Trust Decanting](#) and [State Decanting Laws Chart](#).
- A charitable trust may be modified or terminated under different rules (S.C. Code Ann. § 62-7-413).

#### Early Termination of Uneconomic Trusts

A trustee may terminate a trust if there is less than \$100,000 of property in the trust and the trustee:

- Notifies the qualified beneficiaries (see Question 7: [Qualified Beneficiaries](#)).
- Determines that the value of the trust property is insufficient to justify the cost of administration.

The court can also terminate a trust if the court determines that the value of the trust property is insufficient to justify the cost of administration. (S.C. Code Ann. § 62-7-414.)

Trust instruments frequently include a provision indicating the settlor's intent regarding early termination.

### Information Provided to Trust Beneficiaries

#### 19. What information are the beneficiaries of an irrevocable trust entitled to when the trust is created and throughout its administration?

## Irrevocable Trusts: South Carolina

In South Carolina, the trustee has several duties to provide information to irrevocable trust beneficiaries. The trustee generally must:

- Keep the distributees and permissible distributees or other qualified beneficiaries who request information in writing reasonably informed about the trust administration and of the material facts necessary for them to protect their interests, if doing so does not violate attorney-client privilege between the trustee and the trustee's attorney (S.C. Code Ann. § 62-7-813(b)(2), (c)(1)(A)).
- Respond to a beneficiary's written request for information related to the trust administration, unless unreasonable under the circumstances (S.C. Code Ann. § 62-7-813(b)(3)).

Specifically, unless the terms of a trust expressly provide otherwise, a trustee accepting a trusteeship or undertakes administration of an irrevocable trust must provide the relevant beneficiaries with:

- **Notice of acceptance of trusteeship.** Within 90 days after the trustee's acceptance of the trust (or within 90 days after the trustee undertakes administration of an irrevocable trust or a revocable trust that has become irrevocable), the trustee must give notice to the qualified beneficiaries of:
  - the trust's existence;
  - the settlor's identity;
  - the trustee's name, address, and telephone number;
  - their right to request in writing a copy of the trust instrument; and
  - their right to request in writing a trustee's report. (S.C. Code Ann. § 62-7-813(b)(1).)

- **Notice of changes in compensation.** The trustee must notify the distributees and permissible distributees in advance of any changes to the trustee's compensation (S.C. Code Ann. § 62-7-813(b)(4)).
- **A copy of the trust instrument.** On reasonable written request of a beneficiary (other than a qualified beneficiary), unless unreasonable under the circumstances, the trustee must provide the beneficiary with a copy of the trust instrument redacted to include the provisions relevant to the beneficiary's interest in the trust (S.C. Code Ann. § 62-7-813(b)(3)). A qualified beneficiary is entitled to a complete, unredacted copy of the trust instrument after a written request (S.C. Code Ann. § 62-7-813(b)(1)).
- **A trustee's report.** The trustee must send a written report of the trust property:
  - annually and on termination of the trust, to the distributees and permissible distributees and to the other qualified beneficiaries requesting it in writing (S.C. Code Ann. § 62-7-813(c)(1)(B)); and
  - on resignation, unless a co-trustee remains in office, to the distributees and permissible distributees (S.C. Code Ann. § 62-7-813(c)(2)).

The report may be in any format which provides the recipients with information necessary to protect their interests. A distributee or permissible distributee may waive the right to a trustee's report or other information to which they are entitled and may withdraw a waiver previously given regarding future reports and other information (S.C. Code Ann. § 62-7-813(e)).

For the definition of qualified beneficiary, see Question 7: Qualified Beneficiaries.

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