

1975 WL 28985 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 3, 1975

*1 Mr. Joe H. Martin
36 Sparks Avenue
Ware Shoals, S. C. 29692

Dear Mr. Martin:

Your letter of June 25, 1975, to the Attorney General was forwarded to me for consideration and reply.

The South Carolina Code, 1962, Section 19-438 as amended in the 1974 Cumulative Supplement states:

‘An administrator with the will annexed shall enter into bond in a penalty double the estimated value of the personal property of the estate and shall have two or more good sureties the aggregate value of whose estates, over and above their indebtedness, shall not be less than the full amount of the penalty of the bond. But when the surety on any such bond is a corporate surety authorized and licensed to do business in this State such bond, in the discretion of the probate court, need only be in a penalty of one and one-half times the estimated value of the personal property of the estate.’

Since your wife was appointed as administrator by the Judge of Probate upon the resignation of the named executrix, the above stated statute applies to her.

Sincerely,

Raymond G. Halford
Assistant Attorney General

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