

1975 WL 29064 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 12, 1975

***1 Re: Robert Lonnie Wright, Deceased**

Mr. Purvis W. Collins
Director
S. C. Retirement System
Bankers Trust Tower
P. O. Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

The above referenced Mr. Wright is a deceased member of the police insurance and equity fund. Your Office has requested legal advice as to who should receive payments due under Certificate No. 685 of the police insurance and equity fund issued to Robert Lonnie Wright. The named beneficiary predeceased the insured and under the terms of the certificate the benefits due are to be paid under the Statute of Distribution of South Carolina. S. C. Code § 19-52.

It is my understanding from your letter that Robert Lonnie Wright had one son, Mr. Victor Pope Wright, and that Mr. Victor Pope Wright predeceased the member, Robert Lonnie Wright, and that Victor Pope Wright had one son, Mr. V. B. Wright who is the grandson of the deceased member.

Under Code Section 19-52, the grandchildren of the deceased Robert Lonnie Wright would take per stirpes. In this case, the deceased member only had one child and in turn that child only had one child. If this is the case, Mr. V. B. Wright is the only living child or grandchild of the deceased member.

If the above facts, as you have related them to me in your July 30, 1975, letter are correct, the fact that Mr. Robert Lonnie Wright has two living sisters would not affect the payment requested by Mr. V. B. Wright.

It is, therefore, my opinion that under the facts as presented, Mr. V. B. Wright is the proper beneficiary of Certificate No. 685.

Sincerely,

A. Camden Lewis
Assistant Attorney General

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