

1974 S.C. Op. Atty. Gen. 218 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3821, 1974 WL 22437

Office of the Attorney General

State of South Carolina

Opinion No. 3821

July 11, 1974

*1 There exists no statutory duty for any specific individual to notify a legatee of his inclusion in a will of a decedent.

Portsmouth Public Schools
Office of Standards of Quality
Portsmouth, Virginia

Your letter of recent date addressed to the Attorney General has been referred to me for consideration and reply.

You have asked who is responsible for notifying an individual who is named an “heir” in a will of a deceased resident of South Carolina. South Carolina does not have a statute which explicitly vests a duty of notification upon the executor or administrator. The fiduciary must file a list of all legatees, devisees or heirs with the Probate Judge, and there are statutory provisions governing proceedings when the administrator or executor is unable to ascertain the whereabouts of an heir; however, this statute does not impose a duty of notification.

The only South Carolina case on this point is [Thompson v. Youngblood, 1 S.C.L. \(1 Bay\) 248 \(1792\)](#), which held that there was no obligation on the part of an executor to search out a legatee, or other person, entitled to a share in the estate, and that it was enough that he was always ready, when called upon, to pay out a distributive share.

Raymond G. Halford
Assistant Attorney General

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