

1981 WL 157779 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 13, 1981

\*1 The Honorable Ralph W. Drake  
Probate Judge  
Greenville County  
Room 103, County Courthouse  
Greenville, South Carolina 29601

Dear Judge Drake:

You have asked this Office for an opinion regarding whether half brothers and sisters inherit by way of intestacy to the exclusion of first cousins. The last sentence of § 21-3-20(4), Code of Laws of South Carolina, 1976, as amended, reads:

[i]f there be no brother or sister of the half blood then a moiety of the estate shall descend to the child or children of the deceased brother or sister of the whole blood, taken by representation of the parent and if there be no child of a brother sister of the whole blood, the said moiety shall descend to the brothers and sisters of the half blood. [Emphasis added]

A fair reading of this section leads to the conclusion that brothers and sisters of the half blood would take to the exclusion of first cousins. First cousins are not mentioned within § 21-3-20 until subpart (6). In that subpart they inherit only if the intestate shall have left no brother or sister of the half blood.

The cases of [Perry v. Logan](#), 5 Rich. Eq. 202 and [Karwon v. Lyons](#), 2 Desaus 210, support this reading. In each of the above the Court noted that uncles and aunts of the half blood take to the exclusion of cousins of the whole blood.

If this Office can be of further assistance, please call upon us.

Very truly yours,

Edwin E. Evans  
Assistant Attorney General

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