

1978 WL 34819 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 29, 1978

*1 Honorable Betty T. Curtis
Judge of Probate
Chesterfield County
County Courthouse
Chesterfield, South Carolina 29709

Dear Judge Curtis:

I am writing in response to your letter addressed to this Office regarding whether or not a common law wife may inherit by intestacy in the same manner as a wife who was married by means of a ceremony. In South Carolina, a common law wife is of equal status to any legal wife, and she may inherit by intestacy in the same proportion as a wife who was married by way of a ceremony.

In the particular situation you presented, it is impossible to determine whether or not the wife is in fact a common law wife in that the facts are not sufficient to review. You are advised, however, that if the lady who alleges to be the common law wife of the deceased petitions for temporary letters of administration, you may wish to make some summary finding that she is in fact the common law wife of the deceased. Such could be accomplished by an en camera presentation of evidence.

If I can be of further assistance, please feel free to call.

I remain,
Very truly yours,

Edwin E. Evans
Assistant Attorney General

1978 WL 34819 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.