

1975 WL 29787 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 6, 1975

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Bryan, Bahnmuller, King & Goldman  
Attorneys at Law  
17 E. Calhoun Street  
P. O. Box 2038  
Sumter, South Carolina 29150

Dear Mr. Bryan:

This is in response to your letter seeking advice as to the limitations on realtors in their preparation of contracts and leases. As you wrote, there is a fine line of distinction as to whether the preparation of papers is a routine 'filling in of forms' or is drafting, which to a realtor would be the unauthorized practice of law. However, there is a distinction and it seems that any time a realtor goes beyond the clerical work of filling in the blanks, he then would be in the unauthorized area involving the practice of law. No set and precise standard has been developed but I would advise any realtor to be careful that he does not become involved in matters of legal determination. Certainly survivorship deeds and life tenancies with remainders and the like are areas impermissible to the real estate agent. The drafting of leases which can have serious legal consequences would also seem to qualify as the 'practice of law' defined in [State v. Wells, 191 S.C. 468, 5 S.E.2d 181 \(1939\)](#).

Sincerely,

A. Camden Lewis  
Assistant Attorney General

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