

1973 WL 27758 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 27, 1973

**\*1 Re: Greta Hall Reid—ARN 69877**

Honorable Purvis W. Collins  
Director  
S. C. Retirement System  
P. O. Box 11960  
Columbia, South Carolina 29211

Dear Mr. Collins:

In answer to your telephone inquiry concerning the above account, I am able to advise you as follows:

It is my understanding that the above-named member died on October 29, 1963, and that at that time she had nominated her beneficiary by written designation, duly filed with the Retirement System. Although there was some communication with an attorney in 1963 concerning payment of the beneficiary pursuant to code Section 61-114 or 61-114.1, no tender of a payment was made to the beneficiary at that time. The beneficiary died on February 1, 1973, and the beneficiary's estate now seeks to recover the noneys due and owing under Section 61-114. You have asked whether the Retirement System must pay the statutory rate of interest from the date of the member's death until the present.

It is the opinion of this office that since the Retirement System has not previously tendered the full amount due and owing to the beneficiary, it is legally obligated to pay a sum equal to the total contributions of the member plus accumulated interest thereon from the date of the member's death until the date of tender of payment by the Retirement System. See [Smith v. Sovereign Camp W.O.W.](#), 204 S.C. 193 (1943); [Crook v. State Farm Mut. Ins. Co.](#), 235 S.C. 452 (1960); [Columbia Lumber & Mfg. Co. v. Clobe Indemnity Co.](#), 166 S.C. 408 (1932); [Leaphart v. National Surety Co.](#), 167 S.C. 327 (1932).

If I can be of further assistance in this matter, please do not hesitate to call on me.

With warmest personal regards.

Yours truly,

Randall T. Bell  
Assistant Attorney General

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