DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2008 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.net regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 11.

 AGENTS ACTING AFTER DEATH OF PRINCIPAL

**SECTION 32‑11‑10.** Binding effect of acts of agent acting for deceased principal.

If any agent constituted by power of attorney or other authority shall do any act for his principal which would be lawful if such principal were living such act shall be valid and binding on the estate of the principal, although he or she may have died before such act was done, provided the party treating with such agent dealt bona fide, not knowing at the time of the doing of such act that such principal was dead.

**SECTION 32‑11‑20.** Binding nature of notes or bills made before death and negotiated or transferred by agent afterwards.

If any note or bill, whether filled up before or after having been signed or endorsed, shall be negotiated or transferred after the death of such drawer or endorser by an agent duly constituted in the lifetime of such drawer or endorser, such note or bill shall be valid and binding on the estate, in like manner as though he had not died before such negotiation or transfer, if the receiver of such note or bill received the same bona fide, without a knowledge of such death, and if the act of the agent would have been binding on the principal if it had been done before such death. The act to be done, either under the power of attorney or authority or in relation to the bill or note, must be done within nine months after the death of the principal or of the drawer or endorser of such note or bill.

**SECTION 32‑11‑30.** Affidavit as proof of lack of knowledge of death of principal.

An affidavit executed by the attorney in fact or agent setting forth that he has not or had not at the time of doing any act pursuant to the power of attorney received actual knowledge or actual notice of the death of the principal or notice of any facts indicating his death shall, in the absence of fraud, be conclusive proof of the absence of knowledge or notice by such agent of the death of the principal at such time. If the exercise of the power requires the execution and delivery of any instrument which is recordable under the laws of the State such affidavit shall likewise be recordable.

**SECTION 32‑11‑40.** Effect of report that principal is “missing” or “missing in action.”

No report or listing, either official or otherwise, of “missing” or “missing in action” regarding any person in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, as such words “missing” or “missing in action” are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the death of such person or shall operate to revoke the agency.