

POPE D. JOHNSON, III  
Attorney at Law

1230 RICHLAND STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE 803-799-9791  
FAX 803-253-6084

Direct Dial: 803-376-8965  
E-Mail: [pope@popejohnsonlaw.com](mailto:pope@popejohnsonlaw.com)

September 22, 2016

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RECEIVED  
SEP 28 2016  
SC Court of Appeals


RE: Deborah S. Dubose v. Ashley C. Cone  
Appellate Case No. 2015-002485

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), SCACR, I hereby call the Court's attention to The South Carolina Probate Code Patched and Refurbished, Version 2013, 65 S.C. L. Rev. 81 by S. Alan Medlin. On pages 113 and 114, Professor Medlin addresses the issue in this case which is whether the surviving spouse receives the deceased party's net contribution to joint bank account. Professor Medlin states the following:

"Under the 2013 amendments, a party is a person who has a present right to be paid from the account. A party is not an agent or a beneficiary, as neither is presently entitled to payment from the account. An account may be for a single party or for multiple parties. Of course, the sole accountholder of a single-party account may withdraw some or all of the funds in the account, and any funds remaining at the accountholder's death will pass as a probate asset. If an account has multiple parties, each party is entitled to withdraw from the account to the extent of that party's net contribution, 'unless there is clear and convincing evidence of a different intent.' Upon the death of a party, that party's net contribution in a multiple-party account passes to the remaining parties in equal shares, unless the terms of the account specify a non-survivorship arrangement. **However, if the deceased party is the spouse of a surviving party, the deceased party's net contribution passes to the surviving spouse to the exclusion of any non-spouse party.**" Emphasis supplied.

Sincerely,

  
Rope D. Johnson, III

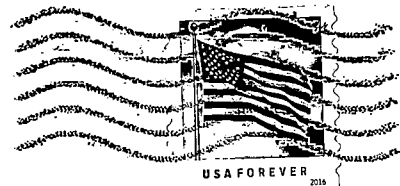
PDJIII/sww  
Enclosures

cc: Thornwell F. Sowell, III, Esquire  
Bess Jones Durant, Esquire

Pope D. Johnson, III  
Attorney at Law  
1230 Richland Street  
Columbia, SC 29201

COLUMBIA SC 290

26 SEP 2016 PM 4-1



Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

SEP 28 2016

SC Court of Appeals

29211-162929

