**STATE OF SOUTH CAROLINA ) CODICIL TO LAST WILL OF**

**) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**COUNTY OF CHARLESTON )**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a resident of Charleston County, South Carolina, do hereby declare this as a Codicil to my Last Will and Testament dated \_\_\_\_\_\_\_\_\_, \_\_\_\_.

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I hereby modify my above dated Last Will and Testament of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the following manner:

**Section 1. IDENTIFICATION**, Subsection **1.1.** SPOUSE, of my will shall be stricken entirely.

**Section 3. DISPOSITIVE PROVISIONS**, subsection 3.1.TANGIBLE PERSONAL PROPERTY, subsections 3.1.1 through 3.1.4 shall be stricken entirely and replaced with the following:

3.1.1 Bequest of tangible non-business personal property – I give and bequeath all of my remaining tangible non-business, personal property, including any automobiles, together with all insurance on such property, to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_, in approximate equal shares. My Personal Representative will make such division of the property among them, the decision of my Personal Representative to be in all respects binding upon my issue. Any property given and devised to a beneficiary who is not living at the time of my death and for whom no effective alternate provision has been made will pass according to the provisions of the following paragraph, and not pursuant to any anti-lapse statute.

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If a named beneficiary does not survive me for a period of thirty (30) days, all property that would have been distributed to that beneficiary shall be divided upon their descendants on a per stirpes basis, or if there are no then-living descendants, the property shall be distributed equally to the remaining named beneficiaries from Paragraph 3.1.1, or their descendants on a per stirpes basis. My Personal Representative will make such division of the property among them, the decision of my Personal Representative to be in all respect binding upon my issue.

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3.1.2. Separate Memorandum – I give certain tangible, non-business, personal property in accordance with a written statement or list, prepared pursuant to S.C. Code Ann. § 62-2-512, in my handwriting or signed by me, which describes the items and the devisees with reasonable certainty. Any memorandum written, dated and signed by me disposing of my personal tangible personal property shall be incorporated by reference into my will. If I leave multiple written memoranda which conflict, the last dated memoranda shall control. If no such written memoranda are found or identified by my Personal Representative within ninety (90) days after my Personal Representative’s qualification, it will be conclusively presumed that there are no such memoranda and any subsequently discovered memoranda will be ineffective. Any property given and devised to a beneficiary who is not living at the time of my death and for whom no effective alternate provision has been made will pass according to the following paragraph and not pursuant to any anti-lapse statute.

SAMPLE

3.1.3. Remaining Tangible Personal Property – To the extent that tangible personal property has not been disposed of under previous subsection, the property shall be distributed approximately equally to the remaining named beneficiaries, or their descendants on a per stirpes basis. My Personal Representative will make such division of the property among them, the decision of my Personal Representative to be in all respect binding upon my issue.

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3.1.4. Devise of Residence — I give, devise, and bequeath to my daughter, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, all of my interest in the house and lot located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Charleston, South Carolina. If \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ predeceases me or disclaims the devise, then I give, devise, and bequeath said property as part of my residuary estate.

3.1.5. Costs — All costs of safekeeping, insuring, and shipping shall be deemed to be a general estate administration expense.

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**Section 3. DISPOSITIVE PROVISIONS**, subsection **3.2. RESIDUARY DISPOSITIONS**, subsection 3.2.1. Spouse Survives shall be stricken entirely and replaced with the following:

3.2.1 I give, devise, and bequeath all the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises), wherever situate and whether acquired before or after execution of this Will, absolutely in fee simple in approximate equal shares to \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. My Personal Representative will make such division of the property among them, the decision of my Personal Representative to be in all respects binding upon my issue. Any property given and devised to a beneficiary who is not living at the time of my death and for whom no effective alternate provision has been made will pass according to the provisions of the following paragraph, and not pursuant to any anti-lapse statute.

SAMPLE

**Section 3. DISPOSITIVE PROVISIONS**, subsection **3.2. RESIDUARY DISPOSITIONS**, subsection 3.2.2. Spouse Fails to Survive shall be stricken entirely and replaced with the following:

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3.2.2 If a named beneficiary does not survive me for a period of thirty (30) days, all property that would have been distributed to that beneficiary shall be divided upon their descendants on a per stirpes basis, or if there are no then-living descendants, the property shall be distributed equally to the remaining named beneficiaries, or their descendants on a per stirpes basis. My Personal Representative will make such division of the property among them, the decision of my Personal Representative to be in all respect binding upon my issue.

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**Section 4. Fiduciary Provisions**, subsection **4.1. Appointment of Fiduciary**, of my will shall be modified to read:

4.1. APPOINTMENT OF FIDUCIARY – I appoint \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Personal Representative of my Will and as Trustee of any Trust under my Will. My Personal Representative(s) and Trustees shall not be required to give bond or furnish sureties in any jurisdiction.

**OTHERWISE**, I hereby confirm and republish my will dated May 24, 2012, in all respects other than those herein mentioned.

SAMPLE

**IN WITNESS WHEREOF**, I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Testator, sign my name to this instrument this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as a codicil to my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence. I have hereunto set my hand and seal on the date entered in the Acknowledgement below.

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Testator

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name of Testator

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

the witnesses, sign our names to this instrument, first being duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as a codicil to his last will and that he signs it willingly, and that teach of us, in the presence and hearing of the Testator hereby signs this Will as witness to the Testator’s signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or influence.

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness #1 Signature) (Witness #2 Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SAMPLE

ADDRESS

**SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED BEFORE** me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

witnesses, this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA

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My Commission Expires:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**STATE OF SOUTH CAROLINA )**

**) AFFIDAVIT**

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**COUNTY OF CHARLESTON )**

The State of South Carolina, County of Charleston,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Testator and at least one of the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ signed and executed the instrument as a codicil to his last will and that he had signed willingly (or willingly directed another to sign for him), and that he executed it as his free and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and to the best of his or her knowledge the testator was at that time eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SAMPLE

Signature of Testator

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness

Subscribed, sworn to and acknowledge before me by Testator and subscribed and sworn to before me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the witnesses, on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_.

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.