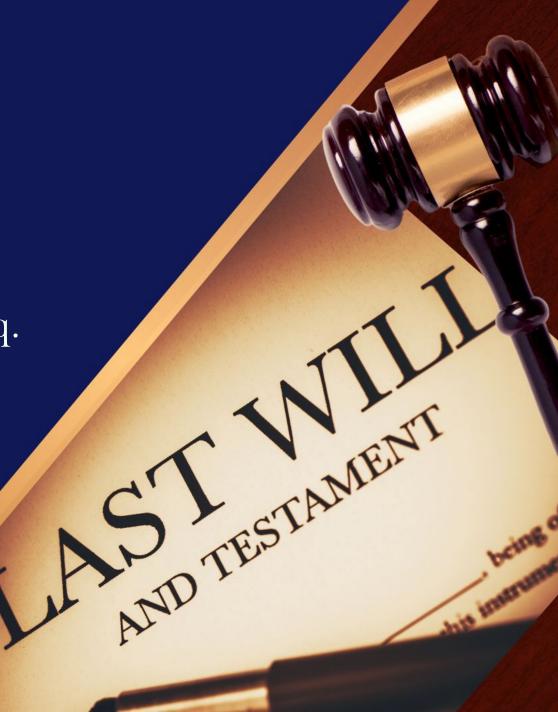


Presented By: F. Xavier Starkes, Esq.

November 6, 2024





### **AREAS OF PRACTICE**

- > Auto Accidents
- **➢** Workers' Compensation
- Wrongful Death
- > 18 Wheeler Accidents
- Medical Malpractice
- Wills & POAs
- Camp Lejeune Litigation



### WILL

• Everyone (over 18) needs a Will (even with no assets) Why does an 18 year-old need a will?

### What is the purpose of a Will?

- Name Personal Representative
- Name Trustee or Guardian for minor children
- Leave assets to who you want to
- Husbands and Wives need separate Wills

### Properly executed Will

• Requires witnesses and a notary

\*Wills can be revoked

## WHAT HAPPENS IF YOU EXPIRE WITHOUT A WILL

Intestate Succession (SC Code of Laws Section 62-2-101 et seq)

- Spouse if no children
- If children, ½ to spouse and ½ to children of <u>decedent</u> (note that step-children are not heirs)
- If no spouse, all to children of decedent
- If no spouse or children, then to parents of decedent
- If no spouse, children or parents, then to siblings of decedent
- If no spouse, children, parents or siblings, then to aunts & uncles

# WHAT HAPPENS IF YOU EXPIRE WITHOUT A WILL Cont'd

- If no aunts and uncles, then to grandparents of decedent
- The State does not take your property, but the State does dictate who gets your property

### POA

- Gives someone the legal authority to conduct your business
  - ➤ POA can act as if he or she is you. Most People assume Spouse is automatically their POA
  - The person who acts as your POA in called your AGENT
- MUST TRUST THE PERSON YOU WANT AS YOUR AGENT
- MUST BE filed by the county where the person giving the POA resides
- Don't wait until it's too late
- Principal must be mentally competent



- Properly executed POA
  - > Requires witnesses and a notary

\*POA can be revoked

> Must be mentally competent to revoke POA

### LIVING WILL

- You provide instructions for your medical care, or for the termination of medical support in certain circumstances.
- Basically, you decide if you want to live or die
- You indicate whether you want nutrition or not.

### HEALTHCARE POA

• Gives the POA authority to make MEDICAL decisions for you.

### PROVERBS 13:22

A good person leaves an inheritance for their children's children, but a sinner's wealth is stored up for the righteous.

# QUESTIONS



TELEPHONE: (803) 758-2882

FACSIMILE: (803) 758-2454

TOLL FREE: (866)605-7800

EMAIL: XAVIER@STARKESLAWFIRM.COM