

SUPREME COURT OF SOUTH CAROLINA

Vaughn ex rel. Estate of Bernhardt v. Bernhardt, 345 S.C. 196

547 S.E.2d 869 (2001) · No. No. 25303 · Decided June 11, 2001

SUMMARY

The Supreme Court of South Carolina held that a non-contributing joint account holder was not entitled to the statutory presumption of survivorship after withdrawing all funds before the contributing account holder's death. Because the funds were no longer on deposit when the decedent died, the court concluded they belonged to the decedent during her lifetime and were assets of her estate. The court affirmed the Court of Appeals.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Toal, Chief Judge; Moore, J.; Waller, J.; Burnett, J.; Pleicones, J.
JURISDICTION	South Carolina
DECIDED	June 11, 2001
DOCKET	No. 25303
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of South Carolina granted Bernhardt's petition for a writ of certiorari to review the Court of Appeals' decision affirming a probate court order requiring him to return joint-account funds to the estate, less funeral expenses.
STANDARD OF REVIEW	Statutory interpretation under the plain meaning rule; the Court reviewed the Court of Appeals' decision on certiorari.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of South Carolina; binding state precedent.
PARTIES	John R. Bernhardt v. Jean B. Vaughn, as Personal Representative of the Estate of Mary Henrietta Bernhardt, Deceased

TOPICS

- probate procedure
- probate
- estate administration
- statutory interpretation
- plain meaning rule

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a noncontributing party to a joint bank account loses the benefit of the statutory survivorship presumption when the party withdraws all funds before the contributing party's death.
2. Whether the statutory ownership provision governing joint accounts applies to funds withdrawn while all account parties are still living.

HOLDINGS

1. A noncontributing joint-account party is not entitled to the statutory survivorship presumption for funds withdrawn before the contributing party's death because the funds were no longer remaining on deposit in the joint account at the time of death.
2. The ownership provision in section 62-6-103(a) applies to funds transferred while all account parties were alive, and funds contributed solely by the decedent belonged to the decedent at the time of the transfer.
3. The statutes governing multi-party accounts and survivorship rights are plain and unambiguous, so the Court must apply their ordinary meaning rather than impose another meaning.

KEY QUOTATIONS

“Under the plain meaning rule, it is not the Court's place to change the meaning of a clear and unambiguous statute.” (345 S.C. at 198)

“Because there was no multiple-party account in existence when the Decedent died, Bernhardt is not entitled to the survivorship presumption.” (345 S.C. at 199)

FACTUAL BACKGROUND

Mary Henrietta Bernhardt established several joint accounts with her nephew, John R. Bernhardt, containing rights of survivorship, but all principal contributions came from her. While she was hospitalized and still alive, Bernhardt transferred approximately \$52,884.86 from the joint accounts into an account solely in his name without her consent. After her death, the estate demanded return of the funds, and Bernhardt relied on the statutory survivorship presumption rather than presenting other evidence of entitlement.

PROCEDURAL HISTORY

Bernhardt transferred all funds from joint survivorship accounts into an account solely in his name before the decedent's death. The probate court ruled that he was not entitled to the funds under the statutory survivorship presumption and ordered payment to the estate, less funeral expenses. The circuit court and Court of Appeals affirmed, and the Supreme Court granted certiorari and affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Hodges v. Rainey, 341 S.C. 79, 533 S.E.2d 578 (2000)
- Vaughn v. Bernhardt, 339 S.C. 125, 528 S.E.2d 82 (Ct. App. 2000)
- Shourek v. Stirling, 621 N.E.2d 1107 (Ind. 1993)

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