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JAMES C. HARDIN III, PLLC

EDUCATION

Duke University, J.D.,
with distinction, 1974

University of Virginia, M.A.,
History, 1970

Wofford College, B.A.,
magna cum laude,
History, 1969, Phi Beta Kappa

BAR ADMISSIONS

North Carolina
South Carolina

CERTIFICATIONS

Board Certified Specialist in
Estate Planning and
Probate Law
in North Carolina and
South Carolina

Certified South Carolina
Circuit Court Mediator

AV® Preeminent Martindale-
Hubbell Peer Rating since 1986

Formerly Chair of the Wealth Transfer Department of Charlotte's largest law firm, Jim formed his own law firm in 2005 to provide highly personal service to his clients in a practice dedicated solely to his particular areas of expertise. He has over 35 years of experience in estate planning, probate, trusts, business succession, asset protection, charitable giving and foundations and endowments.

Representative Matters

- Planned estate for a North Carolina real estate developer with assets aggregating \$50 million, including the establishment of multi-generational trusts
- Assisted in administration of estate with business assets in excess of \$100 million in several states
- Administration of the estate of a deceased South Carolina resident with gross assets totaling \$80 million, including establishing a blockage discount for estate tax purposes and negotiating a sale of some of the decedent's shares back to the issuing company for purposes of raising funds necessary to pay the estate tax; negotiation of Family Settlement Agreement
- Engaged by Duke University to revise its charitable giving forms
- Established private foundations and prepared charitable lead trusts as well as charitable remainder trusts
- Established family limited partnerships and limited liability companies for purposes of intergenerational wealth transfers and asset protection
- Assisted clients in planning and implementing open space easements on real estate for income and transfer tax savings
- Served as expert witness on approximately 30 estate tax and trust cases in state and federal courts

Recent Publications, Presentations and Awards

- *Best Lawyers in America* (Trusts & Estates), Woodward & White, 1987- present
- *Business North Carolina* magazine, Legal Elite
- *North Carolina Super Lawyers* including Top 100 in 2006
- *South Carolina Super Lawyers*
- *The South Carolina Trust Code* by James C. Hardin III and S. Alan Medlin; South Carolina Bar Publishers, 2006
- Frequent speaker to attorneys and specialists, North and South Carolina Bar Seminars; Uniform Trust Code, Estate and Gift Taxation, Trusts and Estates Income Taxation, Trust Administration and other specialized matters
- "The Changelings: Pending and Proposed Amendments to the Trust and Probate Code", Grand Strand Estate Planning Council, October, 2009

- “Recent Changes to the South Carolina Trust Code”, South Carolina Bankers Association, April, 2009
- “New Directions or the Well Worn Path? Best Practices of Trust and Estate Attorneys”, North Carolina Bar Advanced Planning and Drafting Seminar, September, 2007
- “Drafting Trusts After the Enactment of the South Carolina Trust Code”, South Carolina NAELA (Elder Lawyers) Fall Retreat, September, 2007
- “The Section 643 Regulations: Did the Treasury Throw a Bone or an Anvil?”, Al Todd Estate Planning Workshop: South Carolina Bar, July, 2007
- “A Comparison of the South Carolina and North Carolina Trust Codes”, Grand Strand Estate Planning Council, February, 2007
- “The South Carolina Trust Code”, Greenville Estate Planning Council, January, 2007
- “A Comparison of the South Carolina and North Carolina Trust Codes”, American College of Trust and Estate Counsel Southeast Regional Meeting, November, 2006
- “Trust Actions: SCTC Background, Planning Analysis and Comments”, James C. Hardin III, Alan M. Tewkesbury, Jr. and Julian W. Walker, Jr., South Carolina Bar Association 14th Annual Probate Bench Bar, September, 2006
- “South Carolina Trust Code Dissecting the Parts: Part 6 Revocable Trusts” (presented with Carolyn Rogers), South Carolina Bar Uniform Trust Code Seminar, May, 2006
- Moderator: “The South Carolina Trust Code”, South Carolina Bar Annual Convention: Probate, Estate Planning & Trust/Tax Law/Elder Law Sections Seminar, January, 2006
- “The Section 643 Regulations” and “The North Carolina Trust Code” – North Carolina Bar Association Seminar, July, 2005
- “The Use of Revocable Trusts under the New North Carolina Trust Code,” North Carolina Bar Association Seminar, 2005
- “The New South Carolina Trust Code,” to the South Carolina Probate Bench Bar Conference, 2005
- “Hot Topics: The North Carolina Principal and Income Act,” North Carolina Bar Association Seminar, September, 2004
- “Charitable Giving Techniques,” South Carolina Association of Planned Giving Administrators, February, 2004.
- “Income Tax Consequences of Total Return Trusts Clarified by Final Regulations” by James C. Hardin III, Leslee K. Daugherty and Margaret P. Weeks, *The Will and The Way*, 2004
- “The New Prudent Investor Act,” *South Carolina Lawyer*, Fall 2003
- “Total Return Meets the Power to Adjust,” South Carolina Bar Association Seminar, August 2002
- “A New Regime for the Total Return Trust and 2001 Uniform Principal and Income Act” by James C. Hardin III and Laura Pleicones, *South Carolina Lawyer*, 2002
- “Mapping the Plan,” *Estate Planning in South Carolina*, Vol. II, Chapter 3 (ed. Albert C. Todd III: South Carolina Bar 2002)
- “Advanced Post-Mortem Estate Planning” – North Carolina Bar Association, Estate Planning Section Annual Meeting, July 2001
- “Transfer of Real Estate at Death – Do Probate Code Changes Resolve this Issue?,” *South Carolina Lawyer*, January 2001

Professional Activities

- American College of Trust and Estate Counsel, Fellow, 1986-present; South Carolina State Chair, 2001-2006
- Estate Planning and Probate Law Certified Specialist; South Carolina, 1986 - present; North Carolina, 2004 - present

- South Carolina Bar House of Delegates, 1984-1986; 1990-1991; 2005-2006
- Member, North Carolina Bar Board of Legal Examiners for Estate Planning Certified speciality, 2010
- South Carolina Bar, Probate, Estate Planning and Trust Section, Chairman 1981-1982; 1989-1990; 2003-2004; Legislative Committee, Chair, 2001-2003; Chair, Uniform Trust Code Study Committee 2003-2005; Member, South Carolina Bar Probate Code Revisions Committee, 2009 - present
- North Carolina Bar Association, Estate Planning and Fiduciary Law Section, Section Council, 2004 - 2006; Legislative Committee, 2004 - present
- Chair, SC Trust Code Committee; Member, NC Trust Code Committee, 2003-2005
- National Conference of Commissioners on Uniform State Laws, Uniform Trust Code Study Committee, Member, 2004 - present
- Served as one of several South Carolina Bar liaisons to the General Assembly during its consideration and adoption of the South Carolina Uniform Trust Code, 2005, the Uniform Principal and Income Act, 2001, the South Carolina Prudent Investor Act, 2001 and the South Carolina Probate Code (and various amendments), 1986
- Chair, Joint Probate-Real Estate Section Study Committee on Probate and Estate Planning Aspects of Title to Real Estate, 1999-2000, South Carolina Bar
- Certified South Carolina Circuit Court Mediator, 2006 - present
- Duke University Estate Planning Council
- Charlotte Estate Planning Council, Member
- Charlotte Estate Planning Luncheon Group, Member
- South Carolina Commission on Continuing Legal Education and Specialization, Commissioner, 1991-1997
- Chair, South Carolina Supreme Court Specialization Advisory Board, for estate planning, 1988-1989

Court Admissions

- North Carolina Supreme Court
- South Carolina Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Western District of North Carolina
- United States District Court for the District of South Carolina

Community and Civic Activities

- Board Member, York Technical College, Rock Hill, SC 2008 - present
- Winthrop University Planned Giving Council, 2010 - present
- York County Community Foundation – Foundation for the Carolinas, Board of Directors and Secretary, 1988 - present
- Board Member, Sustainable Development Group, a subsidiary of the York County Culture and Heritage Commission, 2006 - present
- York County Culture and Heritage Foundation Endowment 2002 - present
- Kiwanis Club - 1978 - present
- Rock Hill Economic Development Corporation, Board of Directors, 1990-2002, 2006 - present; Chair, 1998-2000
- City Club of Rock Hill, Board of Directors, 2006 - present
- Voices and Choices of the Central Carolinas, Board of Directors, 2002-2005
- Piedmont Medical Center, Board of Directors, Rock Hill, SC, 1993-1999; Chair, 1996

- South Carolina United Methodist Foundation, Board of Directors and Secretary, 1985-present
- St. John's United Methodist Church, Rock Hill, SC, Sunday School Teacher, Stewardship Committee, Staff Parish Relations Committee
- Westminster Towers, Rock Hill, SC, Board of Directors, 1995-2003; Chair Endowment Committee
- YMCA Board of Directors, 1986-1989
- Rock Hill Chamber of Commerce, Board of Directors, 1991-1995, Government Action Task Force
- York County Forever and Katawba Valley Land Trust
- Citizens for Rock Hill's Future, Chair,