



HENRY McMASTER
ATTORNEY GENERAL

July 13, 2009

The Honorable Timothy L. Nanney
Register of Deeds, County of Greenville
301 University Ridge, Suite 1300
Greenville, South Carolina 29601

Dear Mr. Nanney:

In a letter to this office you questioned whether you as Register of Deeds may legally accept credit cards as payment for recording fees and taxes.

Please be advised that I am unaware of any State statutes expressly authorizing the use of credit cards to pay recording fees and taxes in the office of the Register of Deeds. S.C. Code Ann. § 14-1-214(A) provides that

[c]lerks of court, magistrates, and municipal court judges may:

- (1) accept payment by credit card or debit card of a fine, fee, assessment, court cost, or other surcharge; and
- (2) impose a fee for processing payment by credit card. Notwithstanding fees imposed by other provisions of law, the clerk of court, magistrate, and municipal court judge must impose a separate fee on the person making a payment by credit card that wholly offsets the amount of administrative fees charged to the court.

As stated, such provision is specifically limited to clerks of court, magistrates and municipal court judges. Such provision contrasts with other provisions, such as S.C. Code Ann. § 29-3-350 referencing both registers of deeds and clerks of court, which states that

[a]ll registers of deeds and all clerks of court in counties in which the clerks are required to perform the duties of registers of deeds shall enter the word "canceled"...upon the margin or across the indexes of real estate mortgages and chattel mortgages....

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See also: S.C. Code Ann. § 12-24-50 (“[t]he fee imposed by this chapter must be remitted to the clerk of court or the register of deeds....”).

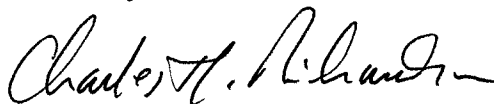
Pursuant to S.C. Code Ann. § 30-5-10, the offices of clerk of court and register of deeds are distinguishable. As to Greenville County, such provision states that “[i]n every county in the State other than...Greenville...the duties prescribed by law for the register of deeds must be performed by the clerk of court who has all the powers and emoluments given the register of deeds in...Greenville...(County). (emphasis added). Therefore, the two offices are clearly separate.

Additionally, I spoke with an individual in the State Court Administration and was advised that such office had not sent any notices regarding whether registers of deeds may accept credit cards as payment.

With kind regards, I am,

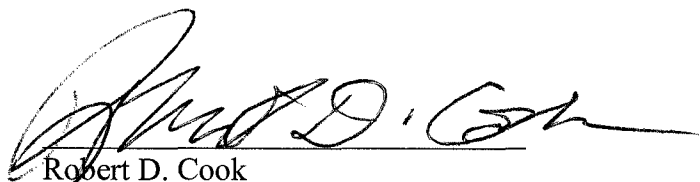
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



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