



HENRY McMASTER
ATTORNEY GENERAL

August 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 referenced recently-enacted S.C. Code Ann. §§30-6-10 et seq., the Uniform Real Property Electronic Recording Act (“the Act”) which, according to your letter, is the final step toward allowing property transactions to be recorded electronically in this State. Pursuant to Section 30-6-50(a), “[u]pon the recommendation of the Electronic Recording Committee¹, the Office of the Secretary of State shall promulgate regulations to adopt standards to implement this chapter.” According to your letter, the promulgation process is not yet finalized and you are questioning the legality of accepting electronic recording prior to the completion of the promulgation process.

According to the Secretary of State’s office, proposed regulations to implement the Act have been drafted, published and no request for a public hearing was received. I am informed that such regulations will be forwarded to the General Assembly for its review in early January consistent with the provisions of S.C. Code Ann. § 1-23-120 which allows for a one hundred twenty day period of review. In the opinion of this office, until the promulgation process is finalized consistent with Section 1-23-120, you should not proceed with electronic recording. If you have any questions about the promulgation process, you should contact the Secretary of State’s office.

¹Section 30-6-20(4) defines the “Electronic Recording Committee” as “...a committee composed of seven members and charged with developing the standards to implement this chapter. The Secretary of State shall serve as the chairman of the committee and the Governor shall appoint six members....”

The Honorable Timothy L. Nanney
Page 2
August 13, 2009

If there are any questions, please advise.

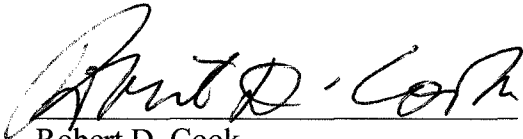
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General

cc: Melissa Dunlap, Chief of Staff & General Counsel
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