

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

September 27, 1989

The Honorable James R. Metts
Sheriff, Lexington County
Lexington, South Carolina 29072

Dear Jimmy:

In a letter to this Office you referenced that Section 27-21-20 of the Code authorizes a sheriff to sell abandoned or recovered stolen property when the true owner cannot be found. Such provision was amended in 1982 to authorize sales of such property at public locations within the county other than the courthouse steps.

The provision further states that all proceeds, less expenses, from such sales are to be turned over to the county treasurer who "...shall place such sums in a special fund." You have questioned in what fund these monies shall be placed and how these monies may be used. You further asked whether the funds are to be returned to the county or to the sheriff since the sheriff was responsible for the recovery and sale of the property.

Section 27-21-20 must be read in association with Section 27-21-30 of the Code which provides that within a year of the sale of the abandoned or recovered property, the true owner may apply to recover the proceeds from the sale of such property. Such provision further states "(a)fter the lapse of one year after sale the net sum received for the abandoned property shall be placed in the general fund of the county."

Therefore, Section 27-21-20 provides for the ultimate disposition of funds from the sale of abandoned or recovered property. As referenced, funds if not paid to the true owner of such property must go to the county general fund.

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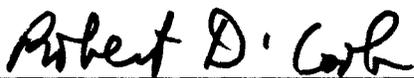
If there is anything further, please advise.

Sincerely,



Charles H. Richardson
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions