

The State of South Carolina

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Office of the Attorney General

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December 16, 1988

The Honorable Thomas A. Limehouse
S. C. State House of Representatives
Drawer 2005
Summerville, SC 29484

Dear Representative Limehouse:

You have requested the Opinion of this Office as to when the term of office commences for the Dorchester County Register of Mesne Conveyances (RMC). Under Act 186, Acts and Joint Resolutions of South Carolina, 1987, the Dorchester County RMC "...must be elected beginning in the general election of 1988." The RMC in that county, is "...elected for a term of four years and until a successor is elected in the general election and qualifies." Section 30-5-10 of the Code of Laws of South Carolina, 1976, as amended by Act 186. No specific date is provided for the commencement of the term.

In a previous Opinion of this Office (Ops. Atty. Gen., December 17, 1984), the term of office of the Probate Judge of Aiken County was found to begin under the provisions of Section 4-11-10 of the Code which provides for the commencement of the terms of county officers, except for county auditors and treasurers, on "the first Tuesday in January next after their election." As in Act 185, the provisions for the Probate Judge's term provided for "a term of four years and until his successor is elected and qualifies", but did not specify a date for the commencement of the term.

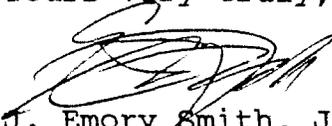
Because of the similarity of the statutory language for the Aiken Probate Judge to that of Act 185 and because the position of RMC is a county office (Ops. Atty. Gen., June 11, 1987), the term of office of the new Dorchester County RMC should begin on

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the first Tuesday in January of 1989 under the provisions of Section 4-11-10 of the Code. (See also Ops. Atty. Gen., September 12, 1968.)

If you have any questions or if I may be of other assistance, please let me know.

Yours very truly,

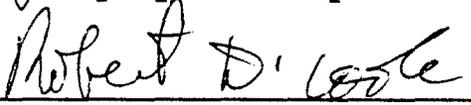

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