

1984 S.C. Op. Atty. Gen. 144 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-58, 1984 WL 159865

Office of the Attorney General

State of South Carolina

Opinion No. 84-58

May 23, 1984

\*1 The Honorable M. Victor Revelise

Magistrate

North Charleston District

Post Office Box 5315

North Charleston, SC 29406

Dear Judge Revelise:

In a letter to this office you questioned whether a magistrate may designate a constable as his agent for purposes of conducting a sale pursuant to [Section 29-15-10, Code of Laws of South Carolina](#), 1976, as amended.

A review of such statutory provision reveals no specific language authorizing a constable to conduct such a sale. However, such statute does repeatedly refer to a sale conducted by a magistrate in such circumstances. Moreover, a review of the statutes referencing the authority of constables generally, [Sections 22-9-10 et seq., Code of Laws of South Carolina](#), 1976, as amended, does not reveal any authority for a constable to conduct a sale pursuant to [Section 29-15-10](#).

In a previous opinion of this office, 1979 Op. Att'y. Gen. No. 81, pp. 107-111, a copy of which is enclosed, this office commented on a constable's authority to conduct various sales. However, while such opinion did discuss the authority of a constable to conduct distress sales, as referenced in your letter, no reference was made to a constable conducting a sale pursuant to [Section 29-15-10](#).

Therefore, absent specific statutory authority for a constable to conduct a sale to satisfy a lien for repairs or storage, there is no such authority. If there is anything further, please advise.

Sincerely,

Charles H. Richardson

Assistant Attorney General

1984 S.C. Op. Atty. Gen. 144 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-58, 1984 WL 159865

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.