

1983 WL 181861 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 22, 1983

***1 RE: Morris Village Resident Fund Council**

Ms. Sarah B. Clarkson
Morris Village Resident Fund Council
4339 Chicora Street
Columbia, South Carolina 29206

Dear Ms. Clarkson:

This will reply to your letter of April 20, 1983, inquiring whether the above council may proceed to organize an eleemosynary corporation authorizing the name 'Morris Village'.

We have examined the records in the Office of the Secretary of State and find that there is no business corporation or eleemosynary corporation with the words 'Morris Village' in the title. Therefore, your organization would be authorized to obtain a charter from the Secretary of State for an eleemosynary non-profit corporation to be entitled 'Morris Village Associates'. The State has no copyright, trademark or other restrictions of record as to the use of the name 'Morris Village'. We also understand that Honorable Earle E. Morris, Comptroller General, for whom the village was named, likewise has no objection to the use of the name for such an organization.

We have also examined your proposed bylaws and see no legal problem with them. When the appropriate documents have been signed with the Secretary of State and the charter is executed, your organization may proceed to carry out the purpose indicated.

Many State agencies and organizations are served by foundations and other eleemosynary organizations, which make gifts and provide services to the agency or institution concerned. Gifts, grants, or services provided to the Morris Village or its residents should be transferred in writing with specific instructions as to the uses for which the funds are provided, and requesting that an appropriate accounting for and expenditure be made from time to time. If the organization plans to provide services directly, this could be accomplished, of course, only with the approval of the South Carolina Department of Mental Health. It is understandable that the administrators at Morris Village may prefer that gifts and grants be made directly by individuals to Morris Village, but there is no restriction upon private organizations being formed to provide such services.

We trust these comments are of assistance to you.

Sincerely,

Frank K. Sloan
Chief Deputy Attorney General

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