

1981 WL 158091 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 15, 1981

***1 Re: Broadmoor-Kingsport Apartments, Inc., Ashley Oaks Limited Partnerships—Charleston, South Carolina**

Honorable John T. Campbell
Secretary of State
Wade Hampton Office Building
Columbia, South Carolina 29211

Dear Mr. Campbell:

Reference is made to prior correspondence involving your office, Mr. R. L. Glover, Charleston, South Carolina, and the South Carolina Tax Commission, relative to the question whether Broadmoor-Kingsport Apartments, Inc., a Tennessee corporation, was doing corporate business within the State of South Carolina without prior qualification with your office. Reference is made to letter to this Office from Mr. Roy D. Bates, Columbia attorney, dated January 14, 1981, to the effect that Broadmoor-Kingsport Apartments, Inc., has never had any connection with the ownership or operation of the Ashley Oaks Apartments in Charleston, South Carolina. Documentation submitted with Mr. Bates' letter also included documentation reflecting that title to the Ashley Oaks Apartments is vested in Ashley Oaks, a South Carolina limited partnership registered with your office and with the Clerk of Court for Charleston County. Hence, Ashley Oaks Apartments and Ashley Oaks are authorized to conduct business in this State pursuant to the South Carolina partnership laws.

We have no independent documentation to support the contentions of Mr. Glover that corporate activities are being engaged in, in this State, by a foreign corporation not otherwise authorized to do business in the State. It is my understanding that any proceedings brought in Magistrate Courts within Charleston County are initiated by a duly authorized corporate or partnership entity with authority to do business in the State of South Carolina. Under the circumstances, we are concluding our file in this matter, and also sending copy of this letter to the magistrates referred to as receiving copies of Mr. Bates' letter of January 14, 1981. We are also transmitting copy of this letter to Mr. Glover who was also the recipient of a copy of Mr. Bates' letter of January 14, 1981. With reference to Mr. Glover's letter to me of December 31, 1980, with copies to magistrates in Charleston County, it would appear that Mr. Glover's factual premise is erroneous in that the apartment complexes referred to in his letter are duly authorized partnership entities, and that the Tennessee corporation is not actually engaged in the ownership and operation of the subject apartments. Hence, I would concur in the comment of Mr. Bates in paragraph 2 of his letter, to the effect that authorized corporate or partnership entities doing business in the State of South Carolina have authority also to file appropriate actions in Magistrate Courts of this State.

Yours very truly,

Victor S. Evans
Deputy Attorney General

P. S. It is our further understanding that Devonshire and Broadmoor Apartment Complexes, as referred to in Mr. Glover's letter of December 31, 1980, are not owned or operated by non-qualified partnership or corporate entities.

*2 V.S.E.

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