

1981 WL 158123 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 2, 1981

\*1 Mr. Harry D. Johnson  
Register of Mesne Conveyances  
Sumter County Courthouse  
Sumter, South Carolina 29150

Dear Mr. Johnson:

In a letter to this office you indicated that a question has arisen concerning the proper fee to be charged for recording releases and assignments of mortgages when more than one original document is referenced. As indicated, [Section 8-21-310\(3\), Code of Laws of South Carolina](#), 1976, as amended, is considered to provide the proper fee for filing a partial release of a mortgage. Such section provides:

‘ . . . for recording of any assignment or transfer of a mortgage or other written instrument affecting title to property or lien for the payment of money, unless such assignment or transfer is a part of the original mortgage or instrument when offered for initial filing, four dollars, and an additional one dollar per page for any such document containing more than three pages; . . . ’

It appears that in determining the fee to be charged in the above instance, consideration may only be given to the actual number of documents submitted for recording. Such referenced section does not permit the fee to be based upon the number of documents to be assigned or released.

With best wishes.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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