

1977 WL 37357 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 7, 1977

*1 Mr. Jacob H. Woodward
President
Parker Coin Club
Post Office Box 7423
Greenville, SC 29611

Dear Mr. Woodward:

Your letter asking an opinion as to whether or not you may hold a coin show on Sunday in South Carolina has been referred to me for answer. As I understand the facts, the Parker Coin Club, is a nonprofit organization which holds coin shows each fall in various shopping malls in the Greenville area. You questioned whether or not you may hold a coin show without violating the Sunday Blue Laws.

It is the opinion of this Office that any coin show that you hold on Sunday would be in violation of the South Carolina Blue Laws, specifically Section 53-1-40, Code of Laws of South Carolina, 1976. This opinion, of course, assumes that you will be selling coins to collectors.

If this Office may be of further assistance to you, please do not hesitate to contact us.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

ATTACHMENT

OPINION NO. 77-177

June 7, 1977

State Commissioner of Mental Health

Local mental health programs and clinics established pursuant to Section 32-1034.21, et seq., 1962 Code of Laws of South Carolina, as amended, are not 'State agencies' within the meaning of Act 701 of 1976, and as such are not required by that Act to lease real property through the Division of General Services.

OPINION NO. 77-178

June 7, 1977

A public adjuster is not subject to jurisdiction of the Department of Insurance. TO: General Counsel, Department of Insurance BY: Keith M. Babcock

Staff Attorney

In response to your letter of May 17, 1977, it is the opinion of this Office that an individual holding himself out to be a 'public adjuster' would not fall under the domain of the Department of Insurance. South Carolina Code Section 37-221 to 37-226

make no provision for insurance adjusters other than those connected with insurance companies. Therefore, 'public adjusters,' representing members of the public in adjusting claims, are not presently regulated under the South Carolina Code.

While the individual in question may not be subject to any action by the Department of Insurance, I believe that this Office should investigate this matter for the possibility that this individual has engaged in the unauthorized practice of law.

Raymond G. Halford
Senior Assistant Attorney General

OPINION NO. 77-179

June 7, 1977
York County Auditor

Title to real property acquired after the death of a spouse by acts of others would not satisfy the requirements of House Bill 2063 and the homestead exemption cannot be granted.

You have presented the following situation: A man dies intestate and the widow and children inherited the dwelling place. Later the children conveyed their interest to their mother by deed. She was over 57 years of age at the time of her husband's death and he was eligible for homestead exemption the year of his death.

*2 Would she be eligible for the exemption? I think the question is: Did this property pass to her *by reason of death* of spouse?

House Bill 2063 extends the homestead exemption and provides in part that:

'When any person who was entitled to a homestead exemption under this section dies and the surviving spouse is at least fifty seven years of age and acquires complete fee simple title or a life estate to the dwelling place * * *.'

Under settled rules of construction the provision is subject to strict construction.

'Statutory exemptions from liability for payment of taxes are subject to strict construction and one claiming an exemption must come clearly within the terms in order to prevail.' *M. B. Kahn Const. Co. v. Crain*, 222 S. C. 17, 71 S. E. 2d 503.

The statute contemplates that the surviving spouse 'acquire' complete fee simple or life estate to the homestead by reason of death. The estate involved was not so acquired in that it was in part granted by the children and the same does not therefore satisfy the conditions of the statute.

Title acquired after the death of a spouse by acts of others would not satisfy the requirements of House Bill 2063 and the homestead exemption cannot be granted.

AUTHORITIES:

Section 65-1522.1, as amended by House Bill 2063.

Joe L. Allen, Jr.
Deputy Attorney General

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