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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

July 13, 2005

The Honorable Judith V. Warner
Registrar of Mesne Conveyance
828 Richland Avenue West
Aiken, South Carolina 29801

Dear Ms. Warner:

In a letter to this office you indicated that the Registrar of Mesne Conveyance office in Aiken County implemented a new computer/imaging system in June, 2005. Such system requires that documents brought in for recording be scanned into a computer. The image is then immediately available. You indicated that the Aiken County Auditor's office stamps all deeds that have been recorded in the RMC office. Under the new system, the Assessor's office will continue to transfer the property ownership for tax purposes after the document has been scanned into the computer and the permanent indexing is complete.

You indicated that it is your information that several counties no longer required the county auditor's stamp on the recorded deeds. According to your letter, the auditor's stamp serves no purpose in your county and you would like for the requirement for the auditor's stamp to be waived.

Two statutory provisions are particularly relevant to your inquiry. Pursuant to S.C. Code Ann. § 30-5-80,

Before any deed of conveyance of real property, including timber deeds, timber leases and contracts of conveyance of timber, can be placed on record in the office of the register of deeds or clerk of court, it must have thereon the endorsement of the county auditor that it has been entered of record in his office.

S.C. Code Ann. § 12-39-260 provides that

Each county auditor shall keep a record of all sales or conveyances of real property made in the county, in which he shall enter, in columns, the names of the purchaser and seller, the quantity of land conveyed and the location and price of such land, and from such record he shall correct the county duplicates annually. For the purpose of carrying out this provision, the clerk of courts or register of deeds of each county shall have the endorsement of the county auditor on each deed of conveyance for real property that the conveyance has been entered in his office before such deed can be placed on the record in the recording office, and the county auditor shall be entitled

Replied Judith

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to a fee of twenty-five cents, for his own use, for making such entry and endorsement.¹

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). Statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

Consistent with Sections 30-5-80 and 12-39-260, before a deed may be recorded, it must have the endorsement of the county auditor showing that it has been entered in his office. If such endorsement is typically shown by the auditor's stamp, then such practice must be continued.

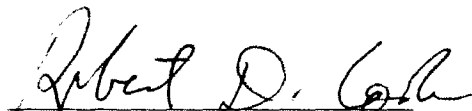
If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General

¹Similarly, S.C. Code Ann. § 8-21-130 states that "(f)or every entry and endorsement on any deed of conveyance of real property recorded in his office, each county auditor shall receive a fee of twenty-five cents.