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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

November 23, 2005

The Honorable Timothy L. Nanney
Register of Deeds, Greenville County
County Square
301 University Ridge, Suite 1300
Greenville, South Carolina 29601

Dear Mr. Nanney:

In a letter to this office you referenced that you have received an order from a master in equity which states that "It is further ordered that the Clerk of Court for Greenville County satisfy of record that certain mortgage...." You have questioned whether the order needs to specify the correct office or can the register of deeds comply with the order as written.

Consistent with S.C. Code Ann. § 30-5-10

In every county in the State other than...Greenville...the duties prescribed by law for the register of deeds must be performed by the clerk of court who has all the powers and emoluments given the register of deeds in ...Greenville...(County). (emphasis added).

Pursuant to S.C. Code Ann. § 14-17-280,

The clerk or the register of deeds, as the case may be, in whose office any judgment or mortgage may be of record, on the receipt of the fees, shall permit any judgment creditor or his or her attorney or any mortgagee, as the case may be, to enter satisfaction thereof. Or if any judge shall order satisfaction of any such judgment or mortgage the clerk shall enter of record such satisfaction accordingly. (emphasis added).

See also: S.C. Code Ann. § 29-3-330 ("Upon presentation to the office of the Register of Deeds the Register is directed to record pursuant to Section 29-3-330(e) and mark the mortgage

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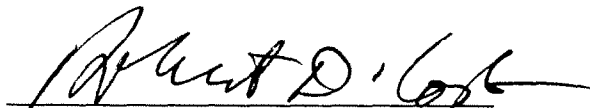
satisfied of record.”); § 29-3-350 (“All registers of deeds and all clerks of court in counties in which the clerks are required to perform the duties of registers of deeds shall enter the word “canceled”, together with the signature of the officer, upon the margin or across the indexes of real estate mortgages and chattel mortgages, respectively, when the real estate mortgage or chattel mortgage is duly canceled of record by the mortgagee or his assignee.”). Consistent with such, it is the duty of the Register of Deeds in Greenville County to satisfy mortgages generally. Therefore, in my opinion, as Register of Deeds, you would be authorized to satisfy the mortgages referenced in the order from the master in equity.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General