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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

August 18, 2003

The Honorable Judy G. Hix
Register of Deeds
County of Greenville
301 University Ridge, Suite 1300
Greenville, South Carolina 29601-3655

Dear Ms. Hix:

In a letter to this office you questioned whether a document, a copy of which you forwarded to this office titled "Copyright Notice and Self-Executing Agreement" is a proper document for filing in your register of deeds office. Pursuant to S.C. Code Ann. Section 30-9-30(A) (Supp. 2002), a register of deeds "...shall keep a record, in the office in which he files all conveyances, mortgages, judgments, liens, contracts, and papers relating to real and personal property required by statute to be kept by him...."

I have reviewed the document and it does not appear to be within the type document typically authorized for filing in your office. Moreover, S.C. Code Ann. Section 30-9-30(B)(1) (Supp. 2002) provides that if an individual presents a document to the register of deeds office for filing or recording, that office "...may refuse to accept the document for filing or recording if...(the register of deeds)...reasonably believes that the...document is materially false or fraudulent or is a sham legal process." The term "sham legal process" is defined by S.C. Code Ann. Section 30-9-30(B)(4)(a) as "...a document that is not issued lawfully and that purports to be a judgment, lien or order of a court or appropriate government entity, or otherwise purports to assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of a person or property." Based upon my review of the referenced document, it appears that it might be construed as sham legal process. However, I would caution that Section 30-9-30(B)(1) further provides that "...if the person presenting the ...document to the...register of deeds resubmits the document within ten business days after the refusal with a sworn, written affidavit asserting the validity of the document and

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establishing the identity, mailing address, and phone number of all parties connected to the document, the...register of deeds must accept the document for filing.”

With kind regards, I am,

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles H. Richardson".

Charles H. Richardson
Senior Assistant Attorney General