



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON  
ATTORNEY GENERAL

February 23, 2000

Anna H. Gibson, Administrator  
County of Marlboro  
P.O. Box 419  
Bennettsville, South Carolina 29512

**RE: Informal Opinion**

Dear Ms. Gibson:

Your opinion request has been forwarded to me for reply. You ask whether the Clerk of Court has control of the Courthouse property. You state "[t]he circumstances that prompt the question is the designation of parking places in the Courthouse parking lot on the square for certain employees in the Courthouse by the Clerk of Court and a pending ordinance of the County Council that prohibits the designation of parking places for employees."

The powers and duties of Clerks of Court are discussed in Chapter 17 of Title 14 of the South Carolina Code of Laws. Pursuant to Section 14-17-210:

Every clerk **shall have charge of the courthouse** within his county, open the same when required for public use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five dollars for the use of the county, to be recovered by indictment. (emphasis added).

This Office has previously interpreted the phrase "shall have charge of the courthouse" to mean that the Clerk of Court is vested with custody and control over the courthouse and that the Clerk of Court is entrusted by the statute with the management of the **building** in all respects except where alterations or additions to the courthouse are involved. Op. Atty. Gen. dated December 8, 1961. Therefore, we advised that the maintenance and upkeep of the courthouse falls within the jurisdiction and authority of the Clerk of Court. Id.

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As you can see from this prior opinion, we have found that the Clerk of Court has custody and control over the courthouse building. However, it would not appear that this custody and control extends outside the walls of the courthouse building to the surrounding property.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am

Sincerely yours,

A handwritten signature in black ink that reads "Paul M. Koch". The signature is written in a cursive, slightly stylized font.

Paul M. Koch  
Assistant Attorney General