



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

February 5, 1996

Robert L. McCurdy, Esquire  
South Carolina Court Administration  
Post Office Box 50447  
Columbia, South Carolina 29250

Re: Informal Opinion

Dear Mr. McCurdy:

In a letter to this Office you questioned whether the Bail Bond Reform Act as codified in S.C. Code Sections 38-53-10 et seq. requires resident clerks of court to countersign property bond approvals from non-resident clerks. You particularly referenced an accommodations bondsman who attempts to use real property located in one county to cover a bond in another county.

I am unaware of any provision in the referenced legislation or in any other relevant provision which specifically requires such counter-approval. As you pointed out, Section 38-53-10(1) requires that an accommodation bondsman provide satisfactory evidence of ownership, value, and marketability of property to satisfy the official taking the bond that the property will assure the full amount of the bond. Such a determination would be made typically by the clerk of the county where the property is located based upon the documentation in that county as to the property's net value. A clerk in the county where the bond is pending would have no means to consider the property's net worth. As a result, any approval by that clerk would be meaningless. Therefore, I am in agreement with your conclusion that after property has been valued by the clerk of court in the county of location, the counter-approval by the clerk of the county where the bond is pending appears unnecessary.

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 question

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asked. It has not, however, been personally scrutinized by the Attorney General, nor officially published in the manner of a formal opinion.

Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

CHR/fg