

# The State of South Carolina



## Office of the Attorney General

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ATTORNEY GENERAL

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March 5, 1991

The Honorable Betty L. Williams  
Clerk of Court, Georgetown County  
Post Office Drawer 1270  
Georgetown, SC 29440

Dear Ms. Williams:

You have requested an Opinion of this Office concerning the proper fees for modification of mortgages and for cancellation of financing statements indexed in mortgage indices. The fee for modifications of mortgages should be \$6.00 under S.C. Code Ann. § 8-21-310(3) (Supp. 1990). This statute sets the fee for an instrument affecting a single real estate mortgage. See Ops. Atty. Gen. July 18, 1990 and June 15, 1987. My understanding from talking with you is that the cancellations of financing statements to which you refer are "termination statements." The fee for filing the termination statement is set forth as follows in section 36-9-404(3) (Supp. 1990):


If the termination statement is in the standard form prescribed by the Secretary of State, the uniform fee for filing and indexing the termination statement is \$8.00, and otherwise is \$10.00, plus in each case an additional fee of \$2.00 for each name more than one against which the termination statement is required to be indexed.

See Ops. Atty. Gen. February 3, 1969 (addresses predecessor to section 36-9-404).

THE HONORABLE BETTY L. WILLIAMS  
March 5, 1991  
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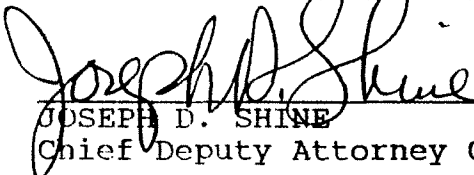
If you have any questions, please let me know.

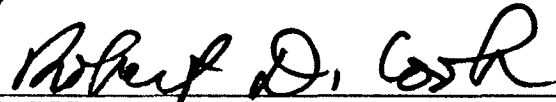
Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESjr/jps

REVIEWED AND APPROVED BY

  
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JOSEPH D. SHINE  
Chief Deputy Attorney General

  
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ROBERT D. COOK  
Executive Assistant for Opinions