

# The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE 803-734-3660

August 24, 1987

The Honorable Herbert Kirsh  
Member, House of Representatives  
532-A Blatt Building  
Columbia, South Carolina 29211

Dear Representative Kirsh:

Your letter of August 5, 1987 to Attorney General Medlock has been referred to me for response. In that letter, you apparently inquired about whether an entity known as the Dogwood Hollow Condo Association (Dogwood) is prohibited by the provisions of S. C. Code Section 12-7-285 from engaging in the sale of condominiums. For purposes of this response, I am assuming that Dogwood is a non-profit corporation duly chartered under the provisions of Section 33-31-10, et seq., CODE.

As you are probably aware, Section 12-7-285 was repealed in 1985 by Section 22 of Act No. 101. Therefore, the activities of associations such as Dogwood are no longer subject to the provisions of that statute.

However, as a non-profit corporation, Dogwood's powers are prescribed by the provisions of Section 33-31-100, CODE. Subsection (8) of 33-31-100 authorizes a non-profit corporation to:

"...hold, purchase, lease, mortgage or otherwise dispose of and convey such real and personal estate as is limited by its charter or, if not so limited, such an amount as the business of the corporation requires."

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By virtue of this language, Dogwood is able to engage in the sale of condominiums. Its power to do so is limited only by the provisions of its charter.

I trust that you will find this information to be responsive to your inquiry. Please contact me if I can be of any further assistance.

Very truly yours,

*Wilbur E. Johnson*

Wilbur E. Johnson  
Assistant Attorney General

WEJ/fc

REVIEWED AND APPROVED BY:

*Donald J. Zelenka*

Donald J. Zelenka  
Chief Deputy Attorney General

*Robert D. Cook*

Robert D. Cook  
Executive Assistant for Opinions