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THE STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
COLUMBIA

OPINION NO. 85-20 p 59 March 7, 1985
SUBJECT: Taxation & Revenue - Payment of interest upon redemption of lands purchased by the Forfeited Land Commission.

SYLLABUS: Interest prescribed by § 12-49-520 or § 12-51-90 must be paid as a condition for the redemption of land purchased by Forfeited Land Commissions.

TO: Honorable William A. Watts
Berkeley County Auditor

FROM: Joe L. Allen, Jr. *JLA*
Chief Deputy Attorney General

QUESTION: Is the payment of interest required as a condition for the redemption of lands sold for nonpayment of taxes when the purchaser is the Forfeited Land Commission?

APPLICABLE LAW: §§ 12-49-510, 12-49-520, 12-51-90 and 12-59-10, et seq., South Carolina Code of Laws, 1976.

DISCUSSION:

A Forfeited Land Commission is created for each county within the state pursuant to § 12-59-10, et seq. It takes title to lands purchased for it by the county auditor when there is no redemption. Section 12-49-510 directs the county auditor in cases where there is no bid equal to the taxes to:

" * * * buy the land for the county forfeited land commission, as the actual purchaser thereof, for the amount of such taxes and penalties, costs and charges, * * *."

The section further provides for the execution of title to the Forfeited Land Commission as done in other cases. Possession is obtained at that time. The right to redeem is provided by § 12-49-520. The pertinent language is that:

"The owner, any grantee from the owner * * * may * * * redeem such property by paying * * * the taxes, penalties, costs and expenses of such sale, together with

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seven percent interest on the whole amount of the purchase price of the land so sold and also any and all amounts paid by the bidder as taxes on the property * * *. Thereupon the sheriff shall pay back and refund to the purchaser the amount paid on his bid, with interest as above stated, and all taxes paid by the bidder and the bid by the purchaser shall be then cancelled and revoked, the owner or his grantee remaining in possession of such land. * * *."

By this language the owner must pay the interest as a condition for the redemption.

"The amount required to redeem land sold for delinquent taxes is generally governed by statute, and redemption can be effected only by payment of the full amount prescribed." 85 C.J.S., Taxation, § 872.

We find no exception or exemption from payment of the interest when the property is purchased by the Forfeited Land Commission. The rule is set forth in 85 C.J.S., Taxation, § 876 as follows:

"Where land was struck off to the state, county, or other taxing unit for taxes, the amount required to redeem it is usually the amount of all taxes delinquent and unpaid, or all taxes for years intervening between the tax sale and the exercise of the right, together with such costs and interest and penalties as the law may require. * * *."

The owner to redeem must therefore pay the amount prescribed by statute. Sections 12-49-520 and 12-51-90 prescribe the amount of the interest payment that is required.

CONCLUSION:

Interest prescribed by § 12-49-520 or § 12-51-90 must be paid as a condition for the redemption of land purchased by Forfeited Land Commissions.