

1983 WL 181759 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1983

*1 The Honorable Julius Murray
Representative
District No. 81
519-B Blatt Building
Columbia, SC 29211

Dear Representative Murray:

In a letter to this Office, you requested an opinion on whether or not a magistrate may hear a claim and delivery case where they value of the claim is less than \$1,000 but the value of the property is more than \$1,000.

As referenced by [§ 22-3-1320, Code of Laws of South Carolina](#), 1976, before process can be issued in a claim and delivery action, the plaintiff must, by affidavit, show among other things the actual value of the personal property claimed. [Section 22-3-10, Code of Laws of South Carolina](#), 1976, as amended, states that magistrates have civil jurisdiction:

‘(11) in actions to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent or attorney, shall not exceed the sum of \$1,000;’

Therefore, in response to your inquiry, a claim and delivery action may be brought in the magistrate's court so long as the value of the property to be regained does not exceed the magistrate's jurisdictional amount of \$1,000. If the property's value does exceed that amount, recovery of the personal property may only be had through an action in the circuit court. The value of the claim is irrelevant in determining whether such an action may properly be brought in the magistrate's court.

If there are any further questions, please do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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