

1983 WL 181858 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 21, 1983

\*1 Samuel H. Abrams, Esquire  
P. O. Box 1947  
Sumter, SC 29150

Dear Mr. Abrams:

In a letter to this Office you questioned whether the time provided to answer a summons and complaint in magistrate's court is twenty or thirty days. I assume you are questioning whether Circuit Court Rule 102, which provides that an answer must be served within thirty days after the service of a copy of the complaint, is applicable to the magistrate's court.

Pursuant to [Section 22-3-120, Code of Laws of South Carolina](#), 1976, a defendant is provided twenty days to answer a complaint in a case brought in magistrate's court where twenty-five dollars or more is demanded. See: [Hasten Furniture Co. v. Southern Railway](#), 82 S.C. 238, 64 S.E. 223 (1909). The Supreme Court in adopting Rule 102 for the circuit courts failed to provide that such rule would be applicable to a magistrate's court. Furthermore, in a conversation with an attorney with the State Court Administration, it was disclosed that no separate orders have been issued by the Court mandating a thirty day period to answer complaints as to cases brought in the magistrate's court. Therefore, the twenty day period remains applicable.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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