

1983 WL 182022 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 10, 1983

*1 Honorable Jack M. Allison
Cherokee County Magistrate's Court
Cherokee County Courthouse Annex
Gaffney, South Carolina 29340

Dear Magistrate Allison:

The Attorney General, T. Travis Medlock, referred your letter dated June 15, 1983, to me for response. I have researched your question and it appears that Section 22-3-1370 would be the answer to your question. This section requires that an Order restraining the defendant from damaging, concealing or removing the property in question be issued by you during a claim & delivery action. It appears that this section is the criminal sanction contemplated when the property is disposed of. Therefore, it does not appear necessary to seek a criminal warrant under Section 29-1-30 as you have suggested.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

John R. Rakowsky
Assistant Attorney General

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