

1983 WL 182078 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

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\*1 Peter D. Hyman, Esquire  
Hyman, Morgan, Brown, Jeffords, Rushton & Fallon  
Post Office Box 1770  
Florence, South Carolina 29503

Dear Mr. Hyman:

Attorney General Medlock recently reassigned your letter of July 25, 1983, to me for response. You had asked what would happen to publicly owned property such as school buildings and other similar facilities once annexation of a portion of Williamsburg County into Florence County is completed.

The general law is stated in [Gamble v. DuBose, 215 S.C. 252, 54 S.E.2d 803 \(1949\)](#), a copy of which is enclosed: Gamble dealt with ownership of school property after three school districts consolidated. The Supreme Court stated generally: Moreover, our State Constitution of 1895 contains in Art. VII regulations pertinent to the creation of new counties and the transfer of territory from one county to another with provision for the moving territory to carry with it its (just portion of the indebtedness) of its old county, but there is no provision for it to take any of the (assets) of its former parent county. Similar provision is found in Art. XI, Sec. 5, with respect to territory added to a city school district which is already bonded or otherwise possessed of school buildings.

[Id.](#), 215 S.C. at 256, 54 S.E.2d at 805. The opinion further contains a good discussion of the common law pertaining to ownership of school property after boundaries are altered.

You may also wish to consider [Section 59-17-20 et seq., Code of Laws of South Carolina \(1976\)](#) pertaining to alteration of the boundaries of school districts and the effect of such alteration on indebtedness and ownership of property, in the event school district boundaries are altered.

As to real or tangible property belonging to the Town of Hemingway, that property would remain the property of the Town after annexation. See, 2 McQuillin, Municipal Corporations § 7.47.

I hope this answers your question as to publicly owned property after annexation is completed. If we may be of further assistance, please advise us.

Sincerely,

Patricia D. Petway  
Staff Attorney

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