

1981 WL 158057 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 30, 1981

\*1 The Honorable Jack D. Howle, Jr.  
Judge  
Sumter County  
P. O. Box 1882  
Sumter, S. C. 29150

Dear Judge Howle:

In a letter to this office you indicated that the question has arisen as to the proper fee to be charged for filing a release of lien form. You indicated that the Register of Mesne Conveyances has interpreted such as a release and as a result, charges four dollars for filing such. You further stated that you were of the opinion that a two dollar fee was proper. In your letter you referenced that [Sections 29-3-780 and 29-3-790, Code of Laws of South Carolina](#), 1976, provides for the entry of a release of the mortgage on land sold in a foreclosure sale on the record of the mortgage foreclosed with [Section 29-3-790](#) specifically providing for such release to be made on the margin of the record book in which the mortgage is recorded.

It appears that the question may be resolved simply by an examination of the manner in which the release is recorded. [Section 8-21-310, Code of Laws of South Carolina](#), 1976, provides that:

‘(e)xcept as otherwise expressly provided, the following fees and costs shall be collected on a uniform basis in each county by clerks of court and registers of mesne conveyances or county treasurers as may be determined by the governing body of the county:

(3) For recording of any assignment or transfer of a mortgage or other written instrument affecting title to property or lien for the payment of money, unless such assignment or transfer is a part of the original mortgage or instrument when offered for initial filing, four dollars, and an additional one dollar per page for any such document containing more than three pages;

(5) For recording satisfaction on the record of a mortgage of real estate or a chattel mortgage or other recorded lien, and certifying such entry on the original or a copy thereof, two dollars;

Therefore, construing the above provisions, if the release is a separate form, pursuant to subsection (3), a four dollar fee would be appropriate. However, if the release of the lien is made in writing on the record of the mortgage itself, as referenced in [Section 29-3-790](#), supra, pursuant to subsection (5), a two dollar fee should be collected by the Register of Mesne Conveyances.

If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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