

1982 WL 189343 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 22, 1982

*1 Mr. Harry D. Johnson
Register of Mesne Conveyances
Sumter County Courthouse
Sumter, South Carolina 29150

Dear Mr. Johnson:

In a letter to this office you raised several questions concerning the handling by your office of copies of legal instruments not previously recorded which are attached to original legal instruments submitted to your office for recording. You questioned whether such copied attachments may be recorded in your office along with the original documents to which they are attached and whether they should be indexed separately.

[Section 30-5-220 of the 1976 Code](#) of Laws states that:

'Photostatic copies or photo-recording copies, duly authenticated by the signature of the clerk of court, or other proper official charged with the duty of recording legal papers, of any county in this State shall be sufficient compliance with the law with reference to the recording of all legal papers. Such recording shall have all of the legal incidents and effect otherwise provided by the recording laws of this State and copies of legal papers so recorded shall be admissible in evidence as such record.'

It was held in a previous opinion of this office, 1972 Opinion of the Attorney General, No. 3272 at page 75, that the filing of xerox copies of legal instruments for recording with a clerk of court's office was permissible under [§ 30-5-220](#). It was determined that a xerox copy of a document would come within the definition of a photostatic copy or photo-recorded copy for purposes of [§ 30-5-220](#).

Referencing [§ 30-5-220](#), *supra*, it appears that copied attachments of documents may be recorded along with the original legal documents to which they are attached provided they meet the requirements of such section. To comply with such section, such copies must be photostatic copies or photo-recording copies and be duly authenticated.

As to your question of whether such copied documents, which are attached to other documents, should be indexed separately, it is the opinion of this office that such copied documents, which otherwise meet the requirements of [§ 30-5-220](#), *supra*, and are therefore eligible for recording, should in all instances be separately indexed. Original documents, which are also attached to other documents submitted for recording, should also be separately indexed.

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

Sincerely,

Charles H. Richardson
Assistant Attorney General

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