

1980 WL 120582 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 7, 1980

***1 Re: Opinion on Judicial Fee Act**

The Honorable P. Kramer
Master-In-Equity for Dorchester County
P.O. Box 34
Summerville, South Carolina 29483

Dear Judge Kramer:

Thank you for your letter concerning the above. In that letter you inquired of this Office as to whether or not in a particular supplemental proceeding before you, a bond of \$50 or \$200 would be required. Apparently, there existed four (4) separate judgments, each involving a distinct judgment creditor and each involving the same debtor. The judgment creditors jointly filed a Petition for supplemental relief with the Circuit Court requesting an examination of the debtor. The Circuit Judge issued a single Rule To Show Cause in the supplemental proceeding and made a single reference to you, as Master, for the conduct of examination.

This practice of uniting judgment creditors of the same debtor for the purpose of examination of the debtor has been approved by the Court

The third exception complains that the judge erred in holding that the referee could hear the cases together. We are unable to see why not. The union did not and could not injure the defendant. The course pursued by the referee not only saved time, trouble and expense to all concerned, but was precisely the proper course. Where there is more than one judgment creditor, prosecuting supplementary proceedings against the same debtor, the practice is to unite them in one proceeding. [Emphasis added]. Kennesaw Mills Co. v. Walker, 19 S.C. Rpts. 104, 107.

[Section 14-11-310, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended in 1979, provides in part that ‘... a minimum deposit of \$50 for a Master's fee and cost shall be collected by the Master-In-Equity and deposited in the general fund of the County upon filing of the Order of Reference . . .’ Since this proceeding involved a single reference, the Master must collect at minimum a bond of \$50. This bond could be raised in amount if the Master anticipates that the \$50 will be insufficient to cover the statutory fees required.

If this Office can be of further assistance, please call upon us.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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