

1980 WL 120746 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1980

***1 RE: Claim and Delivery of a Buck Stove**

Honorable Jack S. Gerrard
Magistrate
Anderson County Courthouse
Anderson, SC 29621

Dear Magistrate Gerrard:

You have inquired as to the legality of making a claim and delivery on a buck stove. Only personal property is recoverable by claim and delivery. Fixtures attached to real property (such as a house) are considered real property and are not properly recoverable by claim and delivery.

A determination of whether a buck stove is a Fixture or personal property revolves around the manner of installation (is it screwed or nailed on?) and the installer's intention to leave it installed or part of the house.

With the information given us, there is sufficient doubt as to the stove being personal property, so that you are advised to forego claiming the stove until we receive sufficient information regarding the stove to render an opinion. It is my tentative opinion that the stove is a fixture, part of the house, and thus not recoverable.

Call if you need.

Yours truly,

Sally M. Young
Assistant Attorney General

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