

1977 S.C. Op. Atty. Gen. 69 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-75, 1977 WL 24417

Office of the Attorney General

State of South Carolina

Opinion No. 77-75

March 9, 1977

*1 Honorable Horace C. Smith

Senator

Spartanburg County

118 Walnut Street

Spartanburg, SC 29301

Dear Senator Smith:

Your letter of February 7, 1977, to Attorney General McLeod regarding the applicability and requirements of Section 21–238, Code of Laws of South Carolina, 1962, as amended, to a proposed sale of land by the Spartanburg School District Number Seven Board of Trustees to the Spartanburg Arts Council has been referred to me for an opinion. It is the opinion of this Office that Section 21–238 does not require that a school board receive the ‘fair market value’ in the sale of real property if the governing authority (i.e. the trustees) consider that the transaction in question is in the District's interest, See: Atty. Gen. Op. No. 4044, July 2, 1975. In other words, the only restrictions imposed on the proposed transaction by Section 21–238 are (1) the determination of the trustees that ‘they deem it expedient to do so . . .;’ and (2) the consent of the county board of education or in those counties which do not have a county board of education, the governing body of the county.

Please call me if you need additional information.

Sincerely,

Kenneth L. Childs

Assistant Attorney General

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