

1977 S.C. Op. Atty. Gen. 145 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-188, 1977 WL 24530

Office of the Attorney General

State of South Carolina

Opinion No. 77-188

June 17, 1977

\*1 The Honorable Ashby Gregg  
Mayor  
Town of Quinby  
Quinby, South Carolina

Dear Mr. Mayor:

You have requested information as to the method by which property may be annexed to a city upon petition of seventy-five percent of the freeholders owning at least seventy-five percent of the assessed value of the real property in the area requesting annexation.

This procedure is provided for in Section 47-19.5, Code of Laws for South Carolina, 1962, which authorizes annexation in such instances without the necessity of an election upon the agreement of the governing body to accept the petition and annex the area and to enact an ordinance declaring the area annexed to the city.

By 'freeholder' is meant any person twenty-one years of age, or older, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights and future interests) and who owns, at the date of the petition or of the referendum, at least an undivided one-tenth interest in a single tract and whose name appears on the county tax records as an owner of real estate.

A sample petition is enclosed herewith.

Upon receipt of the petition, the Town Council need only enact an ordinance accepting the petition and declaring the area annexed to the city or town.

Respectfully,

Daniel R. McLeod  
Attorney General

#### **ATTACHMENT**

##### **PETITION FOR ANNEXATION**

The undersigned hereby petition that the area described as follows be annexed to the Town of Quinby:  
(Here describe bounds of area and include map)

The undersigned further certify that they constitute at least seventy-five percent of the freeholders of the within area and that they own at least seventy-five percent of the assessed valuation of the real property in the above area.

The undersigned further certify that they are each of twenty-one years of age, or older, or are corporations or firms who own legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights and future interests); that each owns at least one undivided one-tenth interest in a single tract; and that each undersigned name appears on the county tax records as an owner of real estate.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

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