

1977 WL 37399 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1977

*1 Honorable James M. Waddell, Jr.
Senator
Box 1026
Beaufort, SC 29902

Dear Senator Waddell:

You have requested some information concerning three demonstration housing units and the furniture therein which were built on land owned by Beaufort-Jasper Comprehensive Health Services, Inc. The Comprehensive Health Services, Inc. wants to acquire title to the houses and furniture and use the property for office space.

With respect to the buildings themselves, there is no question that since the lease has expired and the houses were not removed, they are now the property of Beaufort-Jasper Comprehensive Health Services, Inc., the fee simple owner of the property. As to the furniture, however, the contract between Battelle of Columbus and the South Carolina State Housing Authority provides that this and all other funds and property advanced to the Housing Authority (except the prototypes themselves, as noted above) are the property of the federal government (p. 47). Nevertheless, the contract also provides that such funds or property may be disposed of 'as may be directed or authorized by BATTELLE-COLUMBUS.' The net result of all of this is that the State Housing Authority has no property interest in the furniture, and that HUD or the federal government has apparently delegated to Battelle-Columbus the power to dispose of this government property. If this Office can be of any help in dealing with Battelle, please let me know.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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