

1979 WL 43487 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 27, 1979

*1 The Honorable Fred B. Beall
South Carolina Real Estate Commission
2221 Devine Street—Suite 530
Columbia, South Carolina 29205

Dear Commissioner Beall:

You requested an opinion whether an individual who did not possess a real estate license could conduct a judicial sale or judicial auction of real estate.

The real estate licensing statute is not applicable, by its own terms, to sales by instrumentalities of the State or Federal Government. [§ 40-57-110, S.C. CODE](#), 1976. A court is an instrumentality of its respective government. An individual specifically appointed by a court to conduct a judicial sale of real estate would be an agent of that Court. See [Gague v. Brush](#), 30 F .Supp. 714, 716 (D.N.H., 1940).

Therefore, a sale made pursuant to an order of a state or federal court and made by an individual named by that court order is not subject to the licensing requirement of [§ 40-57-10, et. seq. S.C. CODE](#), 1976.

Sincerely yours,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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