

1978 WL 34612 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1978

**\*1 RE: The extent of civil jurisdiction in the magistrate courts.**

Mr. Neal Forney  
Assistant Director  
South Carolina Court Administration  
Post Office Box 11788  
Columbia, SC 29211

Dear Mr. Forney:

You have requested an opinion of this Office regarding the extent of civil jurisdiction of magistrate courts under Section 22-3-10 and the inclusion of costs and fees in the determination of the jurisdictional amount.

[Section 22-3-10 of the 1976 Code of Laws of South Carolina](#) provides generally that magistrates shall have civil jurisdiction in cases in which the amount claimed does not exceed \$500.00, except, of course, in cases of landlord-tenant and bastardy which expressly are not limited. The statute, nonetheless, clearly purports to limit magistrate jurisdiction, in pertinent part, to those cases in which no more than \$500.00 is claimed.

Additional fees or costs permitted by law which ultimately are taxed against the losing party generally are not considered to be part of the amount claimed. See generally cases collected at 7 South Carolina Digest, Costs, Key No. 21, et seq.; 20 C.J.S., Costs, Section 19, et seq. Accordingly, costs and fees which may ultimately be awarded the prevailing party have no bearing upon the magistrate's threshold determination of whether the amount claimed is within the jurisdictional limits of [Section 22-3-10](#), and, therefore, should not be considered by the magistrate in determining jurisdiction.

Therefore, it is the opinion of this Office that costs and fees which may ultimately be awarded the prevailing party in a civil action should not be considered by a magistrate in determining whether the matter is within the jurisdictional limits of his court as provided by [Section 22-3-10](#).

Very truly yours,

Richard P. Wilson  
Assistant Attorney General

1978 WL 34612 (S.C.A.G.)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.