

1978 WL 34977 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 11, 1978

**\*1 SUBJECT: Certificate of the Auditor and Register of Mesne Conveyances of the Legal Qualification of a Surety.**

The fee to be charged by the register of mesne conveyances of Charleston County for searching records and certifying satisfaction of the legal qualification for a surety is ten cents.

The Honorable Hazel B. Crosby

Acting Register of Mesne Conveyances, Charleston County

QUESTION:

Is the register of mesne conveyances authorized to charge a fee for the certification of qualification that is required by § 17-302 of the 1962 Code of Laws?

APPLICABLE LAW:

§§ 17-302 and 27-75 of the 1962 Code of Laws

DISCUSSION:

Section 17-302 requires as a condition precedent that a surety for bail file with the clerk of court certificates from the county auditor and the register of mesne conveyances 'showing his legal qualification to act as surety on such bond or recognizance'. The fees allowed by the register's office for Charleston County are provided by §§ 27-75 and 27-76 of the 1962 Code of Laws. Those provided by § 27-76 are for recording documents, however, § 27-75 provides:

'The register of mesne conveyances for Charleston County shall be allowed ten cents for every search.'

This is the only provision that we find that authorizes the collection of a fee for searching records in the register's office and issuing the certificate.

CONCLUSION:

The fee to be charged by the register of mesne conveyances of Charleston County for searching records and certifying satisfaction of the legal qualification for a surety is ten cents.

Joe L. Allen, Jr.

Deputy Attorney General

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