

1975 S.C. Op. Atty. Gen. 223 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4159, 1975 WL 22454

Office of the Attorney General

State of South Carolina

Opinion No. 4159

October 16, 1975

***1** The South Carolina Real Estate Commission would not have jurisdiction over a dispute between the owner of real property and a tenant on that real property as to the legality of the lease entered into by the parties.

TO: H. T. Owings, Jr.
Chief Investigator
S. C. Real Estate Commission

QUESTION PRESENTED:

Would the South Carolina Real Estate Commission have jurisdiction to hear a dispute between the owner of real property and the tenant thereof over the legality of the parties' lease?

STATUTES, CASES:

Code of Laws of South Carolina, 1962, as amended, Sections 56–1545.1:1(4) and 56–1545.2

DISCUSSION OF ISSUES:

Section 56–1545.1:1(4), Code of Laws of South Carolina, 1962, as amended, defines the term ‘real estate’ as follows: The term ‘real estate’ shall mean leaseholds, as well as any other interest in land, whether corporeal, incorporeal, freehold or nonfreehold, and whether the real estate is situate in this State or elsewhere.

Section 56–1545.2 indicates the provisions of the real estate law ‘shall not apply to any transaction involving the sale of real estate by anyone who is the owner thereof or who owns any interest therein.’

Reading these sections together the result is inescapable that an individual owner of real estate is not to be governed by this chapter of the Code of Laws when he elects to rent his premises to a tenant.

CONCLUSION:

Since the owner of real property is not governed by the South Carolina Code chapter on real estate law, the South Carolina Real Estate Commission would have no jurisdiction to investigate the legality of a lease entered by the owner and a tenant.

George C. Beighley
Staff Attorney

1975 S.C. Op. Atty. Gen. 223 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4159, 1975 WL 22454

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.