

1973 WL 27060 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 18, 1973

***1 re: Closing Fees**

Mr. Elmer McCullough
Right of Way Office
S. C. State Hwy. Dept.
P. O. Drawer 191
Columbia, South Carolina

Dear Mr. McCullough:

You have requested that this Office advise you as to the fees to be paid to attorneys for services rendered by them in closing real estate transactions for the South Carolina State Highway Department. It has been the policy of the Department to pay attorneys' fees based upon the minimum fee schedule for Richland County. The fee schedules listed therein include a title examination fee of one half of one percent of the amount involved for a closing, and it further provides under the real estate category a \$10 and \$15 fee for the preparation of deeds. The Department has followed the policy of the Richland County Bar, of considering the cost of preparing a deed to be included in the one half of one percent of the amount involved in the closing of a real estate sale, and when the sale is closed making no additional compensation for the preparation of a deed.

I might note that the Richland County Bar Association has abandoned the minimum fee schedule, and does not recognize its use. It is, therefore, a matter of Departmental policy as to the fees to be paid to an individual attorney for services performed by him. It is quite proper for the Department to adopt as its policy a percentage fee for the closing of real estate sales, which closing includes the preparation of a deed. I have discussed this matter with several attorneys from the Richland County Bar Association, who perform extensive real estate transactions. They advise me they customarily include the cost of preparing a deed in the percentage fee of closing a real estate sale.

In conclusion it is the opinion of this Office that the Department can adopt its own policy in determining what fees are payable in a particular instance. I trust that this has been sufficient in answer to the question which you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

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