

1973 S.C. Op. Atty. Gen. 325 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3642, 1973 WL 21093

Office of the Attorney General

State of South Carolina

Opinion No. 3642

October 12, 1973

***1 Jurisdiction of a Magistrate to entertain actions of forcible entry and detainer is dependent upon the value of the possession.**

Magistrate

Cameron, South Carolina

You have requested that this office advise you as to whether you have jurisdiction to entertain an action involving the dispossession of tenants, where there exists a question as to the validity of the lease.

It is clear that Magistrates have jurisdiction in civil actions between landlord and tenant and the possession of land, § 43–51, Code of Laws of South Carolina, 1962; however, such civil jurisdiction is limited to cases where the amount in controversy does not exceed two hundred dollars. Section 43–51.6, Code of Laws of South Carolina, 1962. The ‘Amount in Controversy’ has been judicially defined as the value of the right which is sought to be protected. *First English Lutheran Church of Oklahoma v. Evangelical Lutheran Synod of Kansas and adjacent States*, 135 F2d 701. In the situation you posed, the value of the right, is the value of possession of the disputed premises. It is this value which determines the amount in controversy, and consequently the existence of your magisterial jurisdiction.

It is therefore the opinion of this office that jurisdiction does lie within your Court if the value of the possession does not exceed two hundred dollars, if the value is in excess of two hundred dollars jurisdiction would not exist.

Timothy G. Quinn

Senior Assistant Attorney General

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