

1973 WL 27639 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1973

\*1 Mr. A. Ray Godshall  
Attorney at Law  
415-½ N. Limestone Street  
Post Office Box 66  
Gaffney, South Carolina 29340

Dear Ray:

Thank you for your letter of November 8, 1973, requesting my opinion concerning the status of a school building located in Blacksburg concerning which it is my understanding of the facts that the following has occurred:

A few years ago, the exact date not being known to me, the Board of Trustees of School District 1 conveyed property to community trustees pursuant to the provisions of Sections 21-331, et seq., Code of Laws, 1962, as amended, which statutes relate to conveyance of abandoned school buildings for use as community centers. Thereafter, apparently with the consent of the school trustees and the community trustees, the building was permitted to be used by Piedmont Community Actions, Inc., a branch of the Office of Economic Opportunity. I am not apprised as to the precise nature of the use which was made of the building by the latter agency. Piedmont Community Actions, Inc., insured the building, with the loss being payable to the Office of Economic Opportunity. The building was then burned, for which Piedmont Community Actions, Inc., received a payment of \$13,000.00. The check representing this payment was delivered to the School Trustees and is now retained by it. A proposal is now made to convey the property to the Town of Blacksburg to be used for recreational purposes as a community center. Piedmont Community Actions, Inc., and, presumably, the Office of Economic Opportunity are agreeable to having the \$13,000.00 check delivered to the Town of Blacksburg for the purpose of reconstructing the building for the use of the Town of Blacksburg for the purposes stated.

Irrespective of the worthwhile purposes for which the building has been used, as well as its intended use by the Town of Blacksburg, the status of the payment received for the fire damage to the building, as well as the right of the Board of Trustees to convey the property to the Town of Blacksburg, must be considered from its legal standpoint.

In my opinion, the title to the property is in the community trustees, to whom conveyance was originally made, subject to a reversion to the School District if the premises should cease to be used as a community center under the direction and control of the community trustees. Section 21-335 Code of Laws, 1962. Therefore, conveyance of the property to the Town of Blacksburg cannot be made by the school trustees or by the community trustees without enabling legislation.

It is my view that the proceeds of the check should be placed in escrow pending enactment of legislation or until disposition of the matter by order of court or by agreement of the parties.

In view of the fact that everyone seems agreed that the property can be used as a community center by the Town of Blacksburg, I strongly urge that authorizing legislation be obtained to permit its conveyance for this purpose and to authorize the School District to apply any interest which it may have in the proceeds of the insurance check to the Town of Blacksburg for use in the construction of the community center.

\*2 With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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