

Smith

Clerks of Court

3217 PJ  
"Index"

The State of South Carolina



Office of the Attorney General

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May 23, 1988

The Honorable Peggy J. Whitman  
Register of Mesne Conveyances  
Aiken County  
P. O. Box 537  
Aiken, South Carolina 29802

Dear Ms. Whitman:

You have requested the advice of this Office as to a couple of matters concerning the recording of documents.

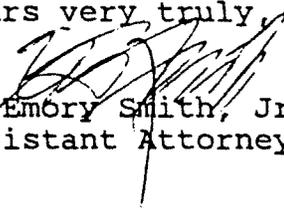
As to indexing, a specific manner is not expressly set forth in the provisions for indexing at § 30-9-50 et seq. of the Code of Laws of South Carolina, 1976; however, the provisions for recording in § 30-9-40 provide guidance in their requirements that the names of the grantor and grantee, mortgagor or mortgagee, etc., be entered upon the record. Sutherland Statutory Construction, Vol. 2A, § 51.02 and Yahnis Coastal Inc., v. Stroh Brewery, (South Carolina Supreme Court, Opinion No. 22853, April 4, 1988). I suggest that you also contact other registers of mesne conveyances and clerks of court for information as to how they index documents.

As to whether a plat that has not been approved by a planning commission can be filed as an exhibit with a title, I refer you to § 6-7-1040 which provides that no plat of a subdivision shall be filed or recorded until it has been approved and the approval has been entered in writing upon the plat. This statute makes filing or recording a plat, without such approval, a misdemeanor. Because of the clear mandate here that such plats be approved before recording, requiring approval of plats attached as exhibits to titles would appear to be consistent with this legislative intent. See, Spartanburg Sanitary Sewer District v. City of Spartanburg, 283 S.C. 67, 321 S.E.2d 258 (1984). Finally, as to your request for a copy of the Digest of opinions concerning clerks

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and registers, an updated version of that index is attached.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESJR/srcj  
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook  
Executive Assistant for Opinions