

The State of South Carolina



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1550*

Office of the Attorney General

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December 12, 1986

Larry W. Propes
Deputy Director
South Carolina Court Administration
Post Office Box 50447
Columbia, South Carolina 29250

Dear Larry:

You have requested advice as to whether a clerk of court can docket and enroll a transcript of a final judgment that was rendered in a United States District Court outside of South Carolina if the judgment has been registered in the United States District Court for South Carolina pursuant to 28 U.S.C. §1963. Section 1963 provides as follows:

A judgment in an action for the recovery of money or property now or hereafter entered in any district court which has become final by appeal or expiration of time for appeal may be registered in any other district by filing therein a certified copy of such judgment. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner. (Emphasis added.)

The provisions for county clerks of court to docket judgments from courts outside their jurisdiction are set forth, in part, as follows in Section 15-35-540 of the Code of Laws of South Carolina (1976):

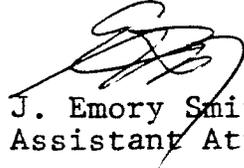
"[a] transcript of a final judgment of...any district or circuit court of the United States within this state directing in whole or in part the payment of money, may be docketed with the clerk of court...in any county and when so docketed shall be entered upon the book of abstracts and duly indexed...."

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Because §1963 provides that out of state federal judgments properly registered in another district court have the same effect as a judgment of the latter court and because §15-35-540 provides that judgments of district courts in this state may be docketed with county clerks of court, a plain reading of these provisions clearly indicates that out-of-state district court judgments properly registered with district courts in this State may be docketed with county clerks of court in this state pursuant to Section 15-35-540. Sutherland Statutory Construction, Vol. 2A, §51.01. This conclusion is not inconsistent with a previous opinion of this Office that did not address registration under §1963. 1966-67 Ops. Atty. Gen. No. 2224.

If you have any questions, please let me know.

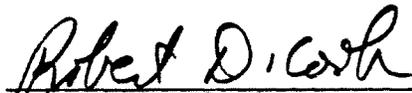
Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr:st

REVIEWED AND APPROVED:


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Chief Deputy Attorney General


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