

1984 S.C. Op. Atty. Gen. 213 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-90, 1984 WL 159897

Office of the Attorney General

State of South Carolina

Opinion No. 84-90

July 26, 1984

\*1 The Honorable David E. Jenkins  
Clerk of Court for Abbeville County  
Post Office Box 579  
Abbeville, South Carolina 29620

Dear Mr. Jenkins:

You have requested advice of this Office as to whether County Council may require your office to house records of the Probate Court. According to information that you have given me you are only being required to store the records in your office. You are not otherwise being required to act as custodian of them.

This matter appears to be controlled by [Sections 4-1-80](#) and [14-23-1100 of the Code of Laws of South Carolina](#), 1976, which require county governing bodies to provide office space for the Clerks of Court and Probate Courts respectively. This authority would appear to allow Council to designate space in the Clerk's office for these records just as it could designate other space in the courthouse for them. This conclusion does not appear to conflict with Section 14-17-210 which gives the Clerk 'charge of the courthouse.' See, [Ops. Atty. Gen.](#) (May 4, 1978

This conclusion should be qualified by Council's lack of authority to alter the duties of the Probate Court to maintain its own records under [Section 14-23-1100](#). See also, Section 30-1-20. Therefore while Council can require the records to be stored in your office, it cannot make you responsible for maintaining them or accounting for them. You may want to advise Council and the Probate Court in writing that you do not consider yourself accountable for these records.

If I can be of further assistance, please let me know.

Yours very truly,

J. Emory Smith, Jr.  
Assistant Attorney General

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