

1981 WL 158022 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 22, 1981

***1 RE: Publication of Estate Notices in a Weekly Newspaper**

The Honorable Rosemary Trakas
Judge of Probate
Courthouse
Greenwood, South Carolina 29646

Dear Judge Trakas:

You have asked this office for an opinion on whether certain legal notices required to be published in newspapers may be published in weekly newspapers located in the county of probate. Specifically, you have asked us to focus our research on the requirement of publication of notice to creditors pursuant to § 21-15-630 of the Code, notice of the issuance of letters of administration pursuant to § 21-15-90 of the Code, and notice of the final discharge pursuant to [§ 14-23-350 of the Code](#).

Each of these sections generally require, with some qualification, that the notices be published in a newspaper in the county of probate. No restrictions as to the type or nature of the paper, its circulation, or its publication schedule are imposed.

Sections 21-15-630 and 21-15-90, provide for publication once a week for a respective number of weeks designated therein. A weekly newspaper would be published on a timely recurring basis to meet the requirements of these sections.

[Section 14-23-350](#), requires that the publication be 'for the space of at least one (1) month'. This section when read in comport with § 15-29-20, clarifies the requirement that a publication for one (1) month is construed as requiring that the publication be for four (4) successive weeks. Thus, the publication requirements of [§ 14-23-350](#) with regard to the recurrence of the publication could be satisfied by publication in a weekly newspaper.

It should be mentioned that the purpose of the publication requirement is to give notice to interested parties. Care, therefore, should be exercised in choosing newspapers so as to ensure that persons toward whom the notice is directed have a reasonable opportunity to read it.

In conclusion, it is the opinion of this office that the notice requirements of §§ 21-15-90, 21-15-630 and [14-23-350](#), may be satisfied by publication in weekly newspapers.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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