

1981 WL 158002 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 6, 1981

*1 Kenneth G. Goode, Esquire
Fairfield County Attorney
Post Office Box 488
Winnsboro, South Carolina 29180

Dear Mr. Goode:

In a letter to this office you questioned whether there are any restrictions or regulations concerning the size of plats submitted to a clerk of court for recording and whether there is any statutory authorization for local regulation of the size of plats.

I am unaware of any general statutes of statewide authority which regulate the size of plats submitted for a recording. [Section 30-5-230, Code of Laws of South Carolina](#), 1976, states as to the recording of plats:

‘It shall be lawful for the owner of any real property or any interest therein or for any holder of a lien thereon to have a plat thereof, or a blueprint, tracing, photostatic or other copy of a plat thereof recorded in the office of the register of mesne conveyances or in the office of the clerk of court in those counties in which the office of register of mesne conveyances does not exist, of the county in which such property, or any part thereof, is situated. When any such plat or blueprint, tracing, photostatic or other copy of such plat is affixed or filed in the book provided by any such officer for that purpose and duly indexed, it shall be deemed a recording thereof.’

The only general statute I find referring to the size of plats is [§ 8-21-310\(7\), Code of Laws of South Carolina](#), 1976, as amended, which provides the filing fee to be collected by clerks of court and registers of mesne conveyances for recording plats. Such provision states that:

‘for copying and recording a plat larger than eight and one-half by fourteen inches, five dollars; for plats of such legal size dimensions, or smaller, three dollars;’

The General Assembly has in the past enacted several special acts pertaining to certain counties which regulate the size of plats which may be accepted by particular clerks of court. For instance, Act No. 969 of 1970 states that:

‘in Georgetown County no plat shall be recorded in the office of clerk of court unless (1) a true copy on tracing cloth and one blue or white print are furnished at the time of recording and (2) the plat or each separate filed section of any larger plat does not exceed twenty-four inches by thirty inches.’ See also: Act No. 858 of 1970 (Laurens County); Act No. 1103 of 1974 (Berkeley County).

I have not found any special act for Fairfield County which pertains to the recording of plats in such County.

As to your question concerning whether there is any statutory authorization for local regulation of the size of plats, my research has not revealed statutory authority specifically providing for such. An obvious problem in authorizing a county to regulate the size of plats submitted for recording, absent specific authorization for such, would be the argument that such may be construed as adding to or altering the duties of clerks of court and registers of mesne conveyances. Such altering of the duties of such officials by a county is generally not authorized.

*2 If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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