

1978 WL 34665 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1978

*1 Jointly-owned property which is not the dwelling place of its owners does not qualify for the homestead exemption.

Honorable W. S. Richbourg
Auditor
Clarendon County

QUESTION

Does the homestead exemption apply to the following?

'The applicant, over sixty-five years of age, along with her son, inherited property from her husband on which is located the home in which she resides. No division of the property has been had and the status of the property is that both the applicant and son own the property as tenants in common. The son does not reside in the house and lives elsewhere. We desire your opinion as to whether the applicant in this situation meets the statutory requirement that she 'holds complete fee simple title * * * to the dwelling place.'

APPLICABLE LAW

[Section 12-37-250 of the 1976 Code](#) of Laws.

DISCUSSION

[Section 12-37-250 of the 1976 Code](#) of Laws provides for the homestead exemption. It specifically requires that the property be owned in fee simple and be the dwelling place of the owner. In an opinion dated December 18, 1974, dwelling place was defined to mean the permanent home and legal residence of the applicant. It was said also that the requirement of fee simple ownership was not met when property was jointly owned and not occupied by the owners.

CONCLUSION

Jointly-owned property which is not the dwelling place of its owners does not qualify for the homestead exemption.

G. Lewis Argoe, Jr.
Senior Assistant Attorney General

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