

1979 WL 43198 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 6, 1979

*1 Samuel J. Abrams, Esquire
Attorney at Law
138 North Main Street
Sumter, South Carolina 29150

Dear Mr. Abrams:

In a letter to this Office you stated that you interpreted provisions of the recently enacted Judicial Adjustment Act, Act No. 164 of 1979, as providing that once the fifteen dollar filing fee has been paid for filing an action in a clerk of court's office no further fee may be required to be paid for any additional filing in the same action. You specifically questioned whether a clerk of court may charge for entering a satisfaction on a judgment.

As to the fees and costs to be collected by clerks of court, the provision of Act No. 164 of 1979 to be codified as Section 8-21-310 provides:

'(11)(a) For filing first complaint or petition, including application for a remedial and prerogative writ and bond on attachment or other bond, in a civil action or proceeding, in a court of record, fifteen dollars; provided, there shall be no further fee for filing an amended or supplemental complaint or petition, nor for filing any other paper in behalf of the plaintiff or petitioner in the same action or proceeding, except for entry of final judgment, order or decree in the action; and provided, further, an original application for post-conviction relief may be filed without fee upon permission of the court to which such application is addressed; and provided, further, there shall be no further fee for entering and filing any verdict, judgment, final decree or order of dismissal and enrolling a judgment thereon, for signing, sealing and issuance of execution, for entering satisfaction or partial satisfaction on a judgment;'

A further provision of such proposed section states:

' . . . (12) no fee shall be charged to a defendant or respondent for filing an answer, return, demurrer or other papers in any civil action or proceeding, in a court of record;'

Therefore, it appears that the General Assembly has provided for the payment of a fifteen dollar fee for the initial filing of a complaint in a civil action with no other fees to be charged for the filing of those subsequent pleadings referenced in subsection (11)(a). As to your specific question concerning whether a clerk of court may charge for entering a satisfaction on a judgment, as above referenced, while subsection (11) appears to have conflicting provisions, the intent as indicated in the final portion of such subsection stating no further fee should be considered as controlling. Therefore, once the fifteen dollar fee is paid for filing the initial pleadings ' . . . there shall be no further fee for . . . entering satisfaction or partial satisfaction on a judgment.' Of course, as to the filing of any matters specifically referenced by other provisions of the above section, such as deed or plats, such fees as provided would have to be paid.

If there are any further questions, do not hesitate to contact me.

Sincerely,

*2 Charles H. Richardson
Assistant Attorney General

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