

1978 WL 34716 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
February 21, 1978

***1 Re: Enforcement of Distress Warrants**

Mr. Neal Forney
Assistant Director
South Carolina Court Administration
Post Office Box 11788
Columbia, SC 29211

Dear Neal:

As to your question of whether officers have the authority to make forcible entry to execute a distress warrant in the absence of the tenant after repeated efforts have been made to find the tenant at home, a previous opinion of this Office, 1964 Ops. Att'y. Gen. No. 1720 p. 196, a copy of which is enclosed, indicated that the code sections relating to distraint do not empower officers to make forcible entry of residences in distraint actions. This opinion specifically stated that as to such situations, '. . . the common law rule applies; and an officer may not break the outer door or window of a residence in order to gain admittance.' (p. 199)

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

Sincerely,

Charles H. Richardson
Assistant Attorney General

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