

1978 WL 34594 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 13, 1978

***1 RE: § 21-15-360**

Honorable Bessie Lee Nance
Judge of Probate Court
Abbeville County Courthouse
Abbeville, South Carolina

Dear Judge Nance:

I am writing relative to your request for an opinion concerning § 21-15-360 of the 1976 Code. You have asked whether said section directs the Probate Judge to appoint appraisers in the county wherein the property to be appraised is located. I have enclosed a prior opinion which answers that point. It was stated therein that '[i]t would appear that under § 19-456 (§ 21-16-360), the Judge of Probate of each county wherein the deceased has property appoints the appraisers in their respective county.'

A review of prior legislation reveals that this particular provision has existed in the South Carolina Code for approximately 200 years. It has remained virtually unchanged. The 1789 Act specifically provides that the Court shall appoint appraisers in the county wherein the appraisal takes place, that is, where the property lies. The present act speaks of appointing appraisers in each county where the goods be.

It would appear that the General Assembly has recognized the need for appointing local appraisers to appraise local property and thus, has mandated the same. A statutory construction which realizes the legislative intent should be adopted. [Lewis v. Gaddy, 254 S.C. 66, 173 S.E. 2d 376](#). I would advise that § 21-15-360 directs the Probate Court to appoint appraisers within the respective counties wherein the goods to be appraised are located.

If I can be of further assistance, please call on me.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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