

1976 WL 30810 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1976

\*1 A deed without the address of the grantee may be accepted by a county Auditor as valid to transfer title to realty provided the same otherwise meets the requirements of a deed.

Mr. L. H. Siau, Jr.  
Georgetown County Auditor

#### QUESTION

Can I, as Auditor of Georgetown County, accept a deed without the address of the grantee being shown thereon as transferring title to realty?

#### ACT INVOLVED

Act 463, Acts of 1976, as amended by Senate Bill S.929.

#### DISCUSSION

The Act provided in part in Section 1 that:

‘All deeds conveying an interest in land and all mortgages of real estate recorded after July 1, 1976, shall include a derivation clause in the property description and there shall be inscribed on the deed or mortgage the mailing address of the grantee or mortgagee. \* \* \*.’

Section 2 of the Act prohibits the recordation of a deed without the derivation clause except upon satisfactory showing that the necessary information therefor was not available.

It is thus apparent that the requirements for the derivation clause preclude the recordation, however, there is no similar prohibition for failure to include the address of the grantee or mortgagee.

Section 3 of the Act further provides that the legality of the deed or mortgage is not affected by the failure to include the clause or the address. The language is that:

‘The provisions of this act are intended to be regulatory in nature and will not affect the legality, force, effect or record notice of any instrument recorded in violation hereof.’

#### CONCLUSION

A deed without the address of the grantee may be accepted as valid to transfer title to realty provided the same otherwise meets the requirements of a deed.

Joe L. Allen, Jr.  
Deputy Attorney General

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