

1975 WL 29213 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 18, 1975

*1 L. E. Kornahrens, Jr.
Sheriff
2 Court House Square
Charleston, South Carolina

Dear Sheriff Kornahrens:

Thank you for your letter of March 5, 1975. Therein you described procedure typically employed by your office when an execution against property is received. At the onset it must be made perfectly clear that we are situated in an adversary setting. Any attorney who is in the employ of a particular client is charged with insuring that his client's cause of action receives vitality in the framework of the adversary system. It is my judgment that the onus is on plaintiff, his agent or attorney to provide your office with sufficient description of real or personal property which would enable said office to execute the judgment. The sheriff cannot levy any property until a sufficient description of the property is had. Section 10-1713, Code of Laws of South Carolina, 1962, provides that the sheriff make a memorandum in writing of the date of every levy. Research has failed to reveal any point of law that would require the sheriff to furnish plaintiff with a description of sufficient real or personal property to satisfy a judgment. The dictates of logic militate against such a view.

With best wishes,

Herman L. Moore
Law Clerk

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