

1975 WL 29253 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 9, 1975

\*1 Honorable David J. McInnis  
Member  
S. C. House of Representatives  
P. O. Box 1815  
Sumter, SC 29150

Dear Mr. McInnis:

In response to your letter dated August 8, 1975, please find enclosed my opinion stating that a purchaser at a Section 45-550 sale takes the automobile subject to both the repairman's lien and the lien of the bank or finance company.

You also requested in our telephone conversation that I recommend to you the best manner in which to proceed to amend the existing statutes to allow a purchaser at a Section 45-550 sale to take priority over a pre-existing lien held by a bank or finance company. I would recommend that Section 10.9-307(2) be amended by adding the following clause at the end: provided, however, the buyer at a Section 45-550 (lien for repair or storage) sale shall take free of all security interests even though perfected except that of the Section 45-550 lienor.

I hope this advice is of some assistance to you. If I can be of any further help, please contact me.

Very truly yours,

John L. Choate  
Assistant Attorney General

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