

1975 WL 29211 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 28, 1975

*1 Ms. Sylvia Roth
Research Validation Corporation
P. O. Box 689
Long Beach, New York 11561

Dear Ms. Roth:

Thank you for your letter of November 19, 1975, relative to the scheduled auction to be held by your company on December 18, 1975, in Spartanburg County, South Carolina. You have inquired as to the necessity of your company being licensed or obtaining special permits in order to hold the same.

Inasmuch as your auction will be of personalty only, concluded in one day and held in other than an incorporated municipality or town of this State, it would appear that no license or permit would be required. Section 56-202 of the South Carolina Code authorizes the municipal regulation of auction sales of personalty and would have no application in view of the auction site in the community of Una, South Carolina. Similarly, other State laws with regard to the auction of real estate and livestock would not be involved as yours is a proposed auction of surplus machinery. Finally, Section 12-23.1 of the South Carolina Code requiring authorization for foreign corporations doing business within this State would be of no effect where an isolated transaction is completed within a period of thirty (30) days and such is not in the course of a series of transactions.

As a matter of information, your attention is directed to 10.2-328 and 10.6-108 as sections of the Commercial Code of this State dealing with auction and auction sales.

With best wishes,
Yours very truly,

John P. Wilson
Senior Assistant Attorney General

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