

1974 S.C. Op. Atty. Gen. 263 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3851, 1974 WL 21354

Office of the Attorney General

State of South Carolina

Opinion No. 3851

September 3, 1974

**\*1 In Re: Surety Appearance Bonds, Municipal Courts, Magistrates' Courts, Estreatment of**

Honorable Nikki G. Setzler  
City Recorder  
City of Cayce  
Post Office Box 1036  
West Columbia, S.C. 29169

Dear Judge Setzler:

You have inquired as to the proper procedure by which a surety bond in municipal court [or magistrate's court] may be estreated.

It appears that exclusive jurisdiction to estreat an appearance bond conditioned on appearance in 'any court of criminal jurisdiction within the State' is in the Court of General Sessions. [Sections 17-310 and 17-311, 1962 Code; [State v. Williams](#), 84 S.C. 21].

In view of the foregoing, it is the opinion of this Office that the Attorney General or Circuit Solicitor must give the notice required under Section 17-311, and that the Court of General Sessions has exclusive jurisdiction to confirm judgment as a result of forfeiture by noncompliance.

Mr. Neal Forney of the School of Judicial Education, University of South Carolina, Columbia, South Carolina, has published a booklet of forms for the estreatment of peace bonds. Those forms can easily be modified for use in the estreatment of appearance bonds. [COLEMAN ON PEACE BONDS, Judicial Education, University of South Carolina, Columbia, S.C., 29208]. I am sure Mr. Forney will send you a booklet of such forms upon request.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

1974 S.C. Op. Atty. Gen. 263 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3851, 1974 WL 21354