

1974 WL 27500 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1974

*1 Cpl. Robert G. Haselden
Isle of Palms Police Department
Isle of Palms, South Carolina 29451

Dear Cpl. Haselden:

Attorney General McLeod referred your letter of October 21, 1974 to me for consideration and reply. You requested information as to the proper procedure to follow for the recovery of personal property which was stolen and then pawned. Your concern was whether or not the complainant (theft victim) would have to pay the amount of the loan for which the property was pledged at the pawnshop.

If the facts are as you describe them, Mr. Joye should be able to recover the property without paying the amount of the loan. 68 Am.Jur.2d, Secured Transactions, § 57; 72 C.J.S., Pledges, § 8; 63 Am.Jur.2d, Property, § 46. Claim and delivery would be the proper procedure. Sections 43-171, et seq., Code of Laws of South Carolina (1962), as amended.

You should suggest that Mr. Joye obtain a private attorney to prosecute his claim. If I may be further assistance please contact me.
Very truly yours,

Wade S. Kolb, Jr.
Staff Attorney

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