

Civil Remedies and Procedures

Summons

Notice of summons on unknown parties

15-9-720

If a summons has been given to an unknown party in the county where a “cause” is pending then a notice of the summons must be published. This may be done by the granting of a court, judge, clerk, master or judge of probate in that county once a week for three weeks in a newspaper in that county.

Section When	Notice	Where
15-9-720	A notice for summons of an unknown resident	A newspaper in that county Once a week for three weeks

Exact wording:

“In actions (1) affecting the title to real property, (2) for the partition of real estate or (3) for the foreclosure of a mortgage on real estate, if (a) any party having any interest in or lien upon such real estate is unknown to the plaintiff, (b) the residence of such party cannot, with reasonable diligence, be ascertained by him and (c) such facts shall be made to appear by affidavit to the court, judge, clerk of court, master or judge of probate of the county in which the cause is pending, such court, judge, clerk, master or judge of probate shall grant an order that the summons be served on such unknown party by publishing it once a week for three weeks in a newspaper printed in the county where the premises are situated. Such publication shall be equivalent to a personal service on such unknown party.”

Publication of summons

15-9-740

A publication of a summons for an individual should be placed in one newspaper decided by the officer where the application was made. The summons shall give notice to an individual and state the time and place of the filing. It shall be placed within a reasonable amount of time and no less than once a week for three weeks. If the individual is a minor or “non compos mentis” then a similar notice will be made to an appointed guardian.

Section When	Notice	Where
15-9-740	A notice of summons stating the time and place of the filing	One newspaper designated by the officer in which the application is made Not less than once a week for three weeks

Exact wording:

“The order of publication shall direct the publication to be made in one newspaper, to be designated by the officer before whom the application is made, most likely to give notice to the person to be served and for such length of time as may be deemed reasonable not less than once a week for three weeks.” “In case of

minors, persons imprisoned outside of this State, lunatics confined outside of this State or in like cases, a similar order shall be made and like proceedings be had as in case of adults not under disabilities.” “In all cases in which publication is made the complaint must first be filed and the summons, as published, must state the time and place of such filing.”

**Creditors shall be summoned by public notice
15-17-420**

A public notice of summons to the creditors that the suit is filed must be published in a newspaper located in the area that the petitioner is found or if there is no newspaper than a newspaper of general circulation. The notice shall be published at least three weeks before the appointed day.

Section When	Notice	Where	Where
15-17-420	A public notice for the summons of creditors	A newspaper where the petitioner is found or a newspaper with general circulation if there is no such newspaper	At least three weeks before the appointed day.

Exact wording:

“Upon such petition the clerk shall, by order or rule, cause the petitioner to be brought before the court and also the creditors at whose suit such person shall stand charged, as well as all other creditors to whom he shall be indebted, to be summoned by public notice, to be given three weeks at least in some newspaper of the county wherein the debtor is confined and, if there be no newspaper published in such county, then in some newspaper of general circulation therein, personally or by their attorney, to appear before him at a day for that purpose appointed at or after the expiration of such period of three weeks.”

Legal Notices

“State and county officials authorized by law to publish advertisements in the newspapers of this State, including advertisements of sales of real and personal property by masters, clerks of court, judges of probate and sheriffs, citations, notices to creditors, notices of final settlement by executors, administrators, guardians and all other persons acting in a fiduciary capacity, service of summons by publication, notices of election ordered by commissioners, reports of county treasurers, supervisors and superintendents of education, notices of county auditors, proclamations of the executive department, proposals for works and supplies by the head of departments or other officials authorized to advertise for competitive bids and all other advertising whatever done by order of court or by State and county officials (see 15-29-80)”

**Publication of a legal notice for three successive weeks
15-29-30**

If sixteen days has passed from the first date of publication and on or before the date that the notice is fixed of a legal notice than three successive weeks in a newspaper shall be sufficient for the required three weeks or twenty-one days of publication.

Section When	Notice	Where	Where
15-29-30	A legal notice that requires three weeks or twenty one days of publication	A newspaper	If sixteen days has passed on the first date of the publication than three successive weeks shall be sufficient

Exact wording:

“When the statute requires a notice to be published in a newspaper for three weeks or twenty-one days the publication of such notice in three successive weeks shall be sufficient if at least sixteen days shall have expired after the date of the first publication and on or before the date fixed for the doing of the thing of which notice is given.”

**Publication of a legal notice for two successive weeks
15-29-30**

If eight days has passed from the first date of publication of a legal notice and on or before the date that the notice is fixed than two successive weeks in a newspaper shall be sufficient for the required two weeks or fifteen days of publication.

Section When	Notice	Where	Where
15-29-30	A legal notice that requires two weeks or fifteen days of publication	A newspaper	If eight days has passed from the first date of publication than two successive weeks in a newspaper shall be sufficient

Exact wording:

“When it is required that notice be published in a newspaper for two weeks or fifteen days the publication of such notice in two successive weeks shall be sufficient if at least eight days shall have expired after the date of the first publication and on or before the date fixed for the doing of the thing for which notice is given.”

**Publication for one week
15-29-50**

When a legal notice requires one week than the notice should be published at least six days after the date fixed.

Section When	Notice	Where
15-29-50	A legal notice requiring one week of publication	A newspaper At least six days after the date fixed

Exact wording:

“When it is required that notice be published in a newspaper for one week the first publication of such notice shall precede the date fixed for the doing of the thing at least six days.”

**Probate notices or citations that do not need to be published
15-29-70**

It is not necessary to publish a probate notice or citation if the estate is not more than \$500.

Section When	Notice	Where
15-29-70	A probate notice or citation	Any publication As long as the estate value does not exceed \$500 than it does not need to be published

Exact wording:

“It shall not be necessary to publish in any newspaper any notice or citation relating to any estate in the courts of probate when the value of such estate does not exceed five hundred dollars. In such cases the notices required by law shall be posted for the time required by law at the door of the courthouse of the county in which the probate proceeding is filed.”

**Charges for legal advertisements in newspapers
15-29-80**

Legal advertisements published in South Carolina shall be charged at the newspapers normal rate for display advertising. The legal advertisement must be in six point type if a newspaper does not use six point type, the price should be compensated based on a six point type measure. If placed by an ad agency it may be bigger and is up to the agency.

Section When	Notice	Where
15-29-80	Legal advertisements	A newspaper in the state of South Anytime

		Carolina	
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Exact wording:

(legal advertisements)“...shall be charged not more than the local retail display advertising rate shown on the newspaper's rate card or the rates published in the newspaper, deducting any and all applicable discounts earned by the volume or frequency of the legal advertising. The advertisement shall be set in solid six point type, including the caption and all other parts of the advertisement. Newspapers that do not use six point type shall receive compensation based on six point measure and any lesser measure shall be charged only at actual space measurement as printed; however, agencies placing advertisements may order larger measure at their discretion.”

**Charges for legal advertisements (rates for indigents)
15-29-85**

A person who is required but not financially able (indigent) to place a legal advertisement is to be charged a \$1 per inch for the first placement \$.50 per inch for any additional placements.

Section When	Notice	Where	
15-29-85	Legal advertisements when a person is not financially sound	A newspaper in the state of South Carolina	Anytime

Exact wording:

“Notwithstanding other provisions of Section 15-29-80 with regard to legal advertising rates, any person required to publish a summons or other legal notice who qualifies as an indigent shall not be charged an amount exceeding one dollar per inch for the first insertion and not exceeding fifty cents per inch for each subsequent insertion of that legal advertisement. Advertisements published under the provisions of this section shall comply with the layout requirements set forth in Section 15-29-80 with charges calculated in accordance with the measurement provisions set forth therein. As used in this section "indigent" means a person whose legal assistance is paid for with public funds or who would be qualified for such assistance in the proceeding which requires publication of the legal notice concerned.”

**Posting of legal advertisements in public places if refusal by a newspaper
15-29-100**

If a newspaper refuses to publish advertisements at the set rates than the advertisements must be posted in at least three public places in the county, one being at door of the courthouse.

Section When	Notice	Where	
15-29-100	Legal advertisement that have been refused publication by a newspaper	Three public places	Based on the refusal of a newspaper

Exact wording:

“If the proprietors or managers of the newspapers in any county shall refuse to insert such advertisements in their newspapers at the rates allowed in Section 15-29-80 such notices shall be posted in at least three public places in the county, one of which shall be at the courthouse door.”

Judgment and Decrees

Notice of application for the discharge of bankrupts from judgments 15-35-640

In a case where a judgment creditor or his attorney cannot find a creditors residence or place of business, the creditor is a nonresident and his attorney his dead, cannot be found or has been removed from the State than a notice of application may be published. The placement shall occur once a week for no more than three weeks in newspaper decided upon by a judge of the court.

Section When	Notice	Where
15-35-640	A notice of the application of a judgment creditor if a creditor cannot be found	A newspaper decided upon by the judge of court Once a week for no more than three weeks

Exact wording:

Notice of the application, accompanied with copies of the papers upon which it is made, must be served upon the judgment creditor or his attorney of record in the judgment, in the same manner as provided in the rules of the circuit courts of this State for the service of process, if the residence or place of business of such creditor or his attorney is known. But if such residence or place of business is unknown and cannot be ascertained after due diligence or if such creditor is a nonresident of this State and if his attorney is dead, removed from or cannot be found within the State, upon proof of such facts by affidavit, a judge of the court may make an order that the notice of such application be published in a newspaper designated therein once a week for not more than three weeks. Such publication, shown by the affidavit of the publisher, shall be sufficient service upon such judgment creditor of the application.”

Judicial Sales

Publication and contents of the advertisement of sale on property under execution 15-39-660

An advertisement of sale that is published on property that has been taken under execution should be done so in a gazette in the county that it is taking place in. The sheriff should state in the advertisement the property that is to be sold, the time and place, the name of the owner of such property and the party where the sale is to be made. The

notice shall be placed for three weeks prior to the sale and for fifteen days if it is personal property (15-39-650.)

Section When	Notice	Where
15-39-660	An advertisement of sale on property that has been taken under execution	A gazette within the county Three weeks prior to sale date or fifteen days prior if it is personal property (15-39-650)

Exact wording:

“The sheriff shall specify in the advertisement the property to be sold, the time and place of sale, the name of the owner of the property and the party at whose suit the sale is to be made and shall publish the advertisement at three public places in the county, one of which shall be at the courthouse door, and publication shall also be made in some gazette, as provided in Section 15-39-650, before the day of sale, if the sale is to be made in a county in which a newspaper may be printed.”

Service on unknown parties; Notice of lis pendens (def: pending a lawsuit nothing should be changed)

15-67-40

A plaintiff that is involved in an action on adverse claims to “real property” may add a statement in their affidavit for any unknown parties to step forward. The statement may read as follows, "Also all other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the complaint herein." The affidavit shall be published in the same newspaper as the claim.

Section When	Notice	Where
15-67-40	A notice of lis pendens or the addition of adding a title for unknown parties to the advertisement of sale of property taken under execution. The statement should read as follows, Also all other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the complaint herein."	The same newspaper as the claim Upon the filing of an affidavit

Exact wording:

“In any action brought to determine adverse claims to real property within this State the plaintiff may insert in the title thereof, in addition to the names of such persons as are known or appear of record to have some right, title, interest, estate or lien in or on the real property in controversy, the following: "Also all other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the complaint herein." Service of the summons may be had upon all such unknown persons defendant by publication in the same manner as against nonresident defendants, upon the filing of an affidavit of the plaintiff, his agent or attorney, stating the existence of a cause of action to try adverse claims within this State. The plaintiff shall before commencement of such publication file with the clerk of the court a notice of the pendency of the action, a copy of which shall be published in the same newspaper with and immediately following the summons.”

**Notice of the lack of payment on required premium of an agency or political subdivision in reference to insurance coverage.
15-78-160**

If there is a failure of payment on a required premium by an agency or political subdivision than a notice must be published on the termination of the insurance coverage by The State Budget and Control Board. The notice must be published at least thirty days prior to the cancellation of the overage in a newspaper of regular circulation the county.

Section When	Notice	Where	
15-78-160	A notice of impending termination on insurance coverage	A newspaper of regular circulation in the county where the party is located	Not less than thirty days prior to the termination

Exact wording:

“If an agency or political subdivision fails to pay any required premium within sixty days from the date the premium is invoiced, the State Budget and Control Board may cancel the policy for nonpayment of premium by mailing a notice of cancellation giving not less than thirty days' notice of the cancellation to the delinquent agency or political subdivision. Prior to the termination of the insurance coverage, notice of the impending termination also must be published in a newspaper of regular circulation in the county where the insured's headquarters is located. The State Budget and Control Board is not liable for any risk or loss occurring after the effective date of the cancellation.”