CHAPTER 29

Legal Notices, Generally

**SECTION 15‑29‑10.** Computing time for publication of notices.

 The time for publication of legal notices shall be computed so as to exclude the first day of publication and include the day on which the act or event, of which notice is given, is to happen or which completes the full period required for publication.

HISTORY: 1962 Code Section 10‑1301; 1952 Code Section 10‑1301; 1942 Code Section 822; 1932 Code Section 822; Civ. P. ‘22 Section 773; Civ. P. ‘12 Section 459; Civ. P. ‘02 Section 421; 1870 (14) 521 Section 440.

LIBRARY REFERENCES

Westlaw Key Number Search: 378k9(4).

Time 9(4).

C.J.S. Time Section 24.

NOTES OF DECISIONS

In general 1

1. In general

Municipality failed to wait until 30 days had lapsed, between date it published notice of hearing on annexation and date of enactment of annexation ordinance, as required by statute, when it published its notice on April 28 and enacted ordinance on May 27. Town of Summerville v. City of North Charleston (S.C. 2008) 378 S.C. 107, 662 S.E.2d 40. Municipal Corporations 33(2)

Applied in Johnson Cotton Co. v. Cannon (S.C. 1963) 242 S.C. 42, 129 S.E.2d 750.

Under a special act, relating to an election on the question of the issuance of sewerage bonds by a municipality, providing that the city council shall give “at least three weeks” notice by advertisement in one of the papers of the city, a publication made August 25th is, under this section [former Code 1962 Section 10‑1301], a valid notice as to an election to be held on September 15th. Cleveland v. Calvert (S.C. 1899) 54 S.C. 83, 31 S.E. 871. Municipal Corporations 918(3)

**SECTION 15‑29‑20.** Publication in four successive weeks as equivalent of publication for one month or thirty days.

 When publication for one month or thirty days is required the publication in four successive weeks shall be sufficient if at least twenty‑nine days shall have expired after the first publication thereof on or before the date fixed for the doing of the thing of which notice is given.

HISTORY: 1962 Code Section 10‑1302; 1952 Code Section 10‑1302; 1942 Code Section 8903; 1932 Code Section 8903; Civ. C. ‘22 Section 5716; 1921 (32) 217.

LIBRARY REFERENCES

Westlaw Key Number Search: 378k5.

Time 5.

C.J.S. Time Section 6.

**SECTION 15‑29‑30.** Publication in three successive weeks as equivalent of publication for three weeks or twenty‑one days.

 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.

HISTORY: 1962 Code Section 10‑1303; 1952 Code Section 10‑1303; 1942 Code Section 8900; 1932 Code Section 8900; Civ. C. ‘22 Section 5713; 1921 (32) 217.

LIBRARY REFERENCES

Westlaw Key Number Searches: 378k6; 378k8.

Time 6, 8.

C.J.S. Time Sections 7 to 10.

Notes of Decisions

Construction and application 1

1. Construction and application

Under South Carolina law, sixteen‑day waiting period from date that notice of judicial sale is first published to date that sale can take place did not require mortgagee to wait until seventeenth day after publication to conduct foreclosure sale; expiration of the sixteenth day could occur on date of sale. In re Madison (Bkrtcy.D.S.C. 2010) 438 B.R. 866. Mortgages And Deeds Of Trust 1952

**SECTION 15‑29‑40.** Publication in two successive weeks as equivalent of publication for two weeks or fifteen days.

 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.

HISTORY: 1962 Code Section 10‑1304; 1952 Code Section 10‑1304; 1942 Code Section 8901; 1932 Code Section 8901; Civ. C. ‘22 Section 5714; 1921 (32) 217.

LIBRARY REFERENCES

Westlaw Key Number Searches: 378k6; 378k8.

Time 6, 8.

C.J.S. Time Sections 7 to 10.

NOTES OF DECISIONS

In general 1

1. In general

This section [former Code 1962 Section 10‑1304] was intended to clarify former Code 1962 Section 10‑1306, relating to judicial sales of real and personal property, and does not apply to publication of notice of a hearing on a proposed amendment to a zoning ordinance under former Code 1962 Sections 47‑1004 and 47‑1005. Central Realty Corp. v. Allison (S.C. 1951) 218 S.C. 435, 63 S.E.2d 153.

**SECTION 15‑29‑50.** Publication for one week.

 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.

HISTORY: 1962 Code Section 10‑1305; 1952 Code Section 10‑1305; 1942 Code Section 8902; 1932 Code Section 8902; Civ. C. ‘22 Section 5715; 1921 (32) 217.

LIBRARY REFERENCES

Westlaw Key Number Search: 378k6.

Time 6.

C.J.S. Time Section 7.

**SECTION 15‑29‑60.** Length of time legal sales shall be advertised.

 All notices for the sale of any real estate under execution or order of court shall be advertised for twenty‑one days, that is to say once a week for at least three weeks prior to such sale. All notices for such sales of personal property, unless otherwise specially ordered, shall be advertised for fifteen days, that is to say once a week for two weeks before such sale.

HISTORY: 1962 Code Section 10‑1306; 1952 Code Section 10‑1306; 1942 Code Section 8899; 1932 Code Section 8899; Civ. C. ‘22 Section 5712; Civ. C. ‘12 Section 4200; Civ. C. ‘02 Section 3093; G. S. 2424; R. S. 2543; 1875 (16) 14; 1878 (16) 482.

CROSS REFERENCES

Advertisement of judicial sales, see Section 15‑39‑650.

LIBRARY REFERENCES

Westlaw Key Number Search: 229k11.

Judicial Sales 11.

C.J.S. Judicial Sales Sections 9 to 10.

Attorney General’s Opinions

The newspaper advertisement of the sale of property for nonpayment of taxes should be published in the pages of the newspaper and not included as an advertising insert. 1986 Op Atty Gen, No. 86‑63, p 201.

Notice of an intended sale of real estate by the probate court to pay the debts of a decedent under Code 1962 Section 19‑499 must be published once a week for at least three weeks prior to the date of the sale. 1965‑66 Op Atty Gen, No 1985, p 39.

NOTES OF DECISIONS

In general 1

1. In general

Cited in Central Realty Corp. v. Allison (S.C. 1951) 218 S.C. 435, 63 S.E.2d 153.

For discussion of what is compliance with this section [former Code 1962 Section 10‑1306], see Cleveland v. Calvert (S.C. 1899) 54 S.C. 83, 31 S.E. 871.

Advertisement in weekly newspaper in three successive issues next preceding date of sale of land is sufficient under this section [former Code 1962 Section 10‑1306]. Alexander v. Messervey (S.C. 1892) 35 S.C. 409, 14 S.E. 854.

**SECTION 15‑29‑70.** Probate notices or citations which need not be published in newspaper.

 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.

HISTORY: 1962 Code Section 10‑1307; 1952 Code Section 10‑1307; 1942 Code Section 212; 1932 Code Section 212; Civ. P. ‘22 Section 170; Civ. P. ‘12 Section 46; 1911 (27) 135; 1933 (38) 493; 1960 (51) 1748.

LIBRARY REFERENCES

Westlaw Key Number Searches: 162k74; 162k288; 162k362.

Executors and Administrators 74, 288, 362.

C.J.S. Executors and Administrators Sections 163 to 164, 533, 632.

**SECTION 15‑29‑80.** Charges for legal advertisements in newspapers.

 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, 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.

 The publication of any of the notices provided for in this section may be let by contract for not more than the price authorized by this section.

 No publication will be allowed to make any extra charges for affidavit of publication.

HISTORY: 1962 Code Section 10‑1308; 1952 Code Section 10‑1308; 1942 Code Section 8894; 1932 Code Section 8894; Civ. C. ‘22 Section 5707; Civ. C. ‘12 Section 4195; Civ. C. ‘02 Section 3091; 1899 (22) 47; 1902 (23) 1074; 1905 (24) 847; 1915 (29) 72; 1919 (31) 45; 1921 (32) 160; 1977 Act No. 146, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Search: 229k11.

Judicial Sales 11.

C.J.S. Judicial Sales Sections 9 to 10.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Costs Section 30, Legal Advertisements in Newspapers.

Attorney General’s Opinions

Because of the elimination of the statutory maximum rate for legal advertisements, county or state officers ordering publication of legal notices or summonses may consider all newspapers of general circulation that will publish for the local retail display advertising rate in determining which newspaper would be most likely to give notice. Their decision in each instance will depend upon the individual facts and circumstances of each case. 1976‑77 Op Atty Gen, No 77‑263, p 196.

Legal advertisements must be published at the rate provided by statute or posted as provided by statute when advertisements are not acceptable at the statutory rate. 1974‑75 Op Atty Gen, No 4098, p 177.

**SECTION 15‑29‑85.** Charges for legal advertisements in newspapers: rates for indigents.

 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.

HISTORY: 1977 Act No. 146, Section 2.

LIBRARY REFERENCES

Westlaw Key Number Search: 229k11.

Judicial Sales 11.

C.J.S. Judicial Sales Sections 9 to 10.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Costs Section 30, Legal Advertisements in Newspapers.

Attorney General’s Opinions

A newspaper, as a private business, is not required to accept all advertising which may be submitted to it. Thus, a newspaper has no duty to accept indigent’s legal advertising; if, however, it chooses to do so, the limitations of Section 15‑29‑85 would apply. 1994 Op Atty Gen, No. 94‑71, p. 149.

**SECTION 15‑29‑90.** Printing accounts shall be rendered under oath.

 All accounts rendered for printing shall be under oath that such accounts are in accordance with the requirements of this chapter.

HISTORY: 1962 Code Section 10‑1309; 1952 Code Section 10‑1309; 1942 Code Section 8894; 1932 Code Section 8894; Civ. C. ‘22 Section 5707; Civ. C. ‘12 Section 4195; Civ. C. ‘02 Section 3091; 1899 (22) 47; 1902 (23) 1074; 1905 (24) 847; 1915 (29) 72; 1919 (31) 45; 1921 (32) 160.

**SECTION 15‑29‑100.** Advertisements shall be posted if newspapers refuse to publish at rates fixed.

 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.

HISTORY: 1962 Code Section 10‑1310; 1952 Code Section 10‑1320; 1942 Code Section 8894; 1932 Code Section 8894; Civ. C. ‘22 Section 5707; Civ. C. ‘12 Section 4195; Civ. C. ‘02 Section 3091; 1899 (22) 47; 1902 (23) 1074; 1905 (24) 847; 1915 (29) 72; 1919 (31) 45; 1921 (32) 160.

LIBRARY REFERENCES

Westlaw Key Number Search: 229k11.

Judicial Sales 11.

C.J.S. Judicial Sales Sections 9 to 10.

Attorney General’s Opinions

Since both the Star Reporter and Osceola are published in Richland County, they meet the requirements of Code 1962 Sections 10‑452, 2403‑2404 [Code 1976 Sections 15‑9‑720, 15‑67‑30, 15‑67‑40]; State and county officials are prohibited from placing legal advertisements in The State or any other newspapers refusing to publish legal advertisements at the legal rate. Therefore, effective service by publication may be had only by advertising in newspapers subscribing to the legal rates; by naming a particular newspaper in an order of publication, the officer before whom application for such order is made necessarily has made the determination that the named paper is the one most likely to give notice to the person to be served. Consequently, the officer issuing the order of publication may include such an express finding, but where a particular newspaper is designated, no such finding is required; Code 1962 Section 10‑1310 [Code 1976 Section 15‑29‑100] appears to be mandatory only where all newspapers in any particular county refuse to insert such advertisements at the rate allowed in Code 1962 Section 10‑1310 [Code 1976 Section 15‑29‑100]. 1974‑75 Op Atty Gen, No 4144.