



CHESTERFIELD COUNTY MAGISTRATE OFFICE

CLAIM AND DELIVERY

200 W. Main St. Chesterfield SC 29709 PH: 843.623.9009 FAX: 843.623.3494

The following standards must be met to file a Claim and Delivery:

1. Must own the property or have a security interest in the property.
2. Must have specific identification of property.
3. Must sign affidavit reflecting above.
4. Must send twenty (20) day notice of default and consumer's Right to Cure Notice by certified mail.
5. Value of property must be \$7,500.00 or less.
6. Only Deputies and constables may serve a Claim & Delivery.

The following must be provided to the court to file:

1. Original and copy of the Claim and Delivery affidavit
2. Original and copy of the complaint
3. Two copies of the right to cure letter
4. Two copies of any payment history
5. Two copies of any contract

Below is the procedure that is followed upon filing:

1. The papers are processed and served by a Sheriff's Deputy. When the Defendant is in receipt of the papers, he/she must return the property to the plaintiff or appear at the Magistrate Office at the specified time and date that will appear on the pre-seizure hearing form which will be served on the Defendant.
2. If the property is returned to the Plaintiff and/or the account is brought up to date, the Plaintiff must file a written dismissal with the court.
3. If the Defendant does not return the property or bring the account up to date, the Plaintiff must appear in the court at the specified time and date set by the courts. If the Plaintiff fails to appear in court, the case may be dismissed.
3. If the judge rules for the plaintiff, the fee for a PICK UP ORDER may be paid to the clerk. If the sheriff is unable to complete the PICK UP of the property, a judgment may be obtained against the defendant.

Filing Fee \$55.00

Service Fee \$10.00

Notary Fee \$2.00

Pick up Order \$20.00 (Paid after court)

)

)

)

)

)

)

)

)

)

)

Plaintiff, personally appearing before me, who being duly sworn, states the following:

1. The plaintiff is the owner, or is entitled to possession, of the property described below. (Give detailed description of each item):

2. The property described above is being wrongfully withheld by the defendant,

3. To the best knowledge of the plaintiff, the property is being withheld by the defendant because:

4. The property was taken from the ownership or possession of the plaintiff due to any tax, fine or assessment (and if so seized, it should not have been by virtue of its exempt status).

5. The actual value of the above described property is: (Itemize and give total if more than one item involved.)

*TOTAL \$

That this amount has been determined in the following manner, to wit:

6. That the Notice of Right to Cure as required by Section 37-5-110 and Section 37-5-111, Code of laws of South Carolina, 1976, as amended, has been given on _____ (is not required).

DATED:

Sworn to before me,
this _____ day of _____, 20____.

Magistrate or Notary Public for South Carolina

My Commission expires _____

)
)
)
)
)
)
)

Plaintiff (or his attorney or agent)

FOR COURT USE ONLY
ENDORSEMENT OF DISPOSSESSION

Based upon the showing of plaintiff made by affidavit and:

(☐ "hearing held and date" or ☐ "no other")

the court hereby directs the constable to immediately take possession of the above described personal property from the defendant and to:

- ☐ retain protective possession of the personal property until otherwise instructed by the Court.
☐ deliver possession of the personal property to _____

IT IS SO ORDERED.

Dated: _____

Magistrate