

**PLAINTIFF'S DIRECTIONS FOR CLAIM AND DELIVERY
BEAUFORT COUNTY MAGISTRATE COURT**

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.
4. 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)

Beaufort County Magistrate
4819 Bluffton Parkway
P.O. Box 840
Bluffton, SC 29910
Telephone: (843) 255-5613 or (843) 255-5614
Fax: (843) 255-9517

STATE OF SOUTH CAROLINA)
 COUNTY OF BEAUFORT)
)
 _____)
 PLAINTIFF(S))
 _____)
 ADDRESS)
 _____)
 CITY, STATE, ZIP CODE)
 _____)
 PHONE NUMBER)
 VS.)
 _____)
 DEFENDANT(S))
 _____)
 ADDRESS)
 _____)
 CITY, STATE, ZIP CODE)
 _____)
 PHONE NUMBER)

 CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

COMPLAINT FOR CLAIM & DELIVERY
 CONSUMER CREDIT TRANSACTION

Plaintiff would show to the Court:

1. Defendant:
 - Is a resident of Beaufort County, SC and Sec. 37-5-113 of the Consumer Protection Code requires a Complaint to be filed in the county of a debtor's residence.
 - Does not reside in South Carolina but a sale, lease of personal property, or loan was made to the Defendant in Beaufort County, SC, and Sec. 37-5-113 of the Consumer Protection Code provides for a Complaint to be filed in the county in which the sale, lease, or loan was made.
 - The personal property to be repossessed is located in Beaufort County, SC.

2. Defendant incurred a debt by entering into a consumer credit transaction and to secure payment of debt signed and granted a security interest in personal property purchased with the loan proceeds. The personal property is described as follows:

3. Plaintiff is now the holder of the security interest and seeks to collect the debt by possessing the property and selling it as provided in the Uniform Commercial Code and Consumer Protection Code.

4. Defendant has failed to comply with the terms of the consumer credit transaction and is in default of the debt owed to the Plaintiff in the amount of \$_____. The balance is determined as follows:

5. A Notice of Right to Cure:
 - Has been given to Defendant who has failed to cure the default and bring payments current; OR
 - Default in payments is on the same debt on which a prior Notice of Right to Cure was given; OR
 - Was sent at least once in a 12 month period and involved an open-end credit transaction.

THE PLAINTIFF ASKS THE COURT FOR JUDGMENT AGAINST THE DEFENDANT AS FOLLOWS:

- For enforcement of Plaintiff’s security interest by repossession of the property described in this Complaint and sale by Plaintiff as provided in the Uniform Commercial Code, Sec. 36-9-601 et seq. as amended.
- For a deficiency judgment, upon subsequent application to the Court, against defendant-Debtor should a sale not bring an amount sufficient to satisfy the balance of the debt plus costs and expenses as provided in Sec. 37-5-103 and 36-9-608 as amended.
- For damages in the amount of which the present value of the property if possession cannot be had.
- For an Ex Parte Order Restraining Damage or Concealment of property pending a final trial as provided in the attached Affidavit.

Being duly sworn, Plaintiff(s), _____, personally appeared before me and stated that s/he is the Plaintiff in this action; that s/he has read the Complaint, and that the facts are true of his/her own knowledge except those matters and things alleged upon information and belief and as to those s/he believes to be true.

SWORN to and Subscribed before me)
)
This _____ day of _____, 20____)
)
_____)
Notary Public of South Carolina)
)
My Commission expires: _____)

Signature of Plaintiff or Attorney

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE MAGISTRATE'S COURT

PLAINTIFF(S)

VS

DEFENDANT

**AUTHORIZATION FOR
NON-LAWYER REPRESENTATIVE**

MAILING ADDRESS

CITY, STATE, ZIP

TELEPHONE

I, THE UNDERSIGNED, AS _____ OF
(Title/Relationship to Business)

_____ AUTHORIZE _____
(Name of Business) (Name of Representative)

A NON-LAWYER, TO REPRESENT THIS BUSINESS IN CIVIL ACTIONS IN MAGISTRATE'S COURT. I ACKNOWLEDGE THAT THE BUSINESS IS LEGALLY BOUND BY ALL ACTIONS UNDERTAKEN BY THE REPRESENTATIVE DURING THE COURSE OF REPRESENTATION, AS WELL AS TO ANY JUDGMENT OF THE COURT OBTAINED THEREFROM. I FURTHER ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGE IN THE STATUS OF THIS AUTHORIZATION.

SWORN to and subscribed before me,

This ____ day of _____, 20____

(Signature)

Notary Public for South Carolina

(Printed Name)

My Commission Expires: _____

For: _____
(Business Name)