

Plaintiff Directions for Claim and Delivery

Must meet the following standards to file a claim and delivery:

- A. Must own property or have security interest in property.
- B. Must have specific identification of property.
- C. Must sign an affidavit reflecting the above.
- D. Must send ten day notice of default and consumer's right to cure notice by certified mail. (For secured property only. Consumer credit sale or lease or Rent to Own).
- E. Must be secure property only.

To File:

Must provide the following to the court:

- A. Affidavit (Claim and Delivery) original copy.
- B. Complaint – original.
- C. Copy of contract.
- D. Any payment history.
- E. Letter (Right to Cure) (For secured property only)
- F. A letter for "Authorization for Non-Lawyer Representation" will be required if you will be representing a business you do not own.

After Filing:

- The papers are processed and served by the Sheriff's Department or you may choose to hire your own process server as long as they are not a party to this action. When the defendant is in receipt of the papers he/she must return the answer to the complaint within 5 days of service to the court or may respond to you, the plaintiff, with satisfaction of this claim.
- If the property is returned to the plaintiff and/or account is brought up-to-date, you the plaintiff must file a written dismissal of the complaint to the court.
- If the defendant does not return the property or bring the account up-to-date, and the court has not heard from the defendant or plaintiff, a default hearing will be held and you the plaintiff must appear at this hearing. If defendant responds to the complaint a trial will be set up and both parties must appear for this hearing. If you, the plaintiff, does not appear the case will be dismissed. If the defendant does not show the case will be heard in defendant's absence.

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
PLAINTIFF)
STREET ADDRESS)
CITY STATE ZIP CODE)
TELEPHONE VS.)
DEFENDANT(S))
STREET ADDRESS)
CITY STATE ZIP CODE)
TELEPHONE)

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

AFFIDAVIT
AND
COMPLAINT
IN
CLAIM AND DELIVERY

THE 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:

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 NOT/WAS TAKEN FROM THE OWNERSHIP OR POSSESSION OF THE PLAINTIFF DUE TO
ANY TAX FINE OR ASSESSMENT (AND IF SEIZED, IT SHOULD NOT HAVE BEEN SEIZED BY VIRTUE OF ITS
EXEMPT STATUS).

5. THE ACTUAL VALUE OF THE ABOVE DESCRIBED PROPERTY IS: _____ PLUS A COURT COST
\$ _____
6. THAT THE NOTICE OF RIGHT TO CURE AS REQUIRED BY SEC. 37-5-110 AND SEC. 37-5-111, CODE OF LAWS
OF SOUTH CAROLINA, 1976, AS AMENDED HAS BEEN GIVEN BY _____ DATE _____

SWORN TO BEFORE ME THIS _____
DAY OF _____ 20 ____

MAGISTRATE OR NOTARY PUBLIC FOR S.C.

MY COMMISSION EXPIRES: _____

PLAINTIFF (OR HIS ATTORNEY) _____

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

PLAINTIFF(S))

STREET ADDRESS)

CITY STATE ZIP CODE)

TELEPHONE)
VS.)

DEFENDANT(S))

STREET ADDRESS)

CITY STATE ZIP CODE)

TELEPHONE)

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

AFFIDAVIT AND ITEMIZATION
OF ACCOUNTS

Plaintiff, _____, personally appearing before me, who, being duly sworn, states that he is the plaintiff in this action and that the itemization of accounts which follows is true and correct.

He further states that no part of the sum included in the itemization below has been paid or satisfied in any fashion, and is today due and owed to him

ITEMIZATION OF ACCOUNTS

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

(Copies of bills, papers or other proof of any of the above accounts should be attached to this document.)

Sworn to before me)
this _____ day of _____, _____)

Magistrate or Notary Public for South Carolina)

My Commission expires _____)

PLAINTIFF (or his attorney)

STATE OF SOUTH CAROLINA

CIVIL CASE NUMBER

COUNTY OF HAMPTON

IN THE MAGISTRATE'S COURT

PLAINTIFF(S)

VS.

DEFENDANT(S)

ORDER RESTRAINING DAMAGE OR
CONCEALMENT OF PROPERTY
(Claim and Delivery)

§22-3-1370

You, _____, the defendant, who, upon information and belief, has possession of the property described below:

are ordered to restrain from damaging, concealing, or removing from this county the property described above.

This order shall remain in effect until final adjudication of this action, and violation of this order shall subject you to a fine of \$100.00 or a term of imprisonment of thirty (30) days.

Date:

MAGISTRATE

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

**AUTHORIZATION FOR
NON-LAWYER REPRESENTATIVE**

VS.

I, _____, as _____ of _____, authorize _____, a non-lawyer, to represent this business in the above title civil action. I acknowledge that the business is legally bound by all actions undertaken by the representative during the course of the representation, as well as to any judgment of the Court obtained there from.

Sworn to and Subscribed

Before me this _____ day of
_____, 20____

Magistrate of Notary Public for South Carolina

My Commission Expires: _____

Signature

Section 1