**Case# Horry County Sheriff’s Office** **HCSOJudgment@horrycountysc.gov**

**Plaintiff: Main Line: 843-915-5450 Kim Costa: 843-915-8574**

**Defendant: Cpl. Bobby Strickland: 843-915-8572**

# Keep this page for reference.

**JUDGMENT & EXECUTION GENERAL GUIDELINES**

## The judgment creditor (plaintiff) or their attorney may refer to the following steps as a general guideline of procedures used by The Horry County Sheriff’s Office when executing against property for judgment satisfaction.

1. The judgment/execution is submitted to The Horry County Sheriff’s Office.
2. A file is opened and a ten (10) day courtesy letter is sent to the judgment debtor (defendant) informing them an execution has been filed and they have ten (10) days to contact us or make full payment.
3. If the judgment is not paid within ten (10) days, we will perform a search of public records to identify any property deeded or titled to the judgment debtor. The Sheriff’s Office cannot levy the debtor’s only home or only vehicle. If no property is identified, a finding of “Nula Bona” is made and the execution is returned. Nula Bona simply means the debtor has no property upon which the sheriff can levy.
4. If property deeded or titled to the judgment debtor is identified, the judgment creditor or their attorney is notified by mail and provided with a levy deposit request letter. This letter will refer to personal or real property as the case may be. They then have two options: to ask for a Nula Bona and take it to Supplemental Proceedings (where the Master in Equity can review everything the judgment debtor owns), or to proceed following the instructions provided in the levy letter. This letter will instruct the judgment creditor how to proceed. A certified title report (proof of ownership) will be required as well as a $1,500.00 deposit for expected costs. The judgment creditor should carefully examine the title report before submitting the $1,500.00 deposit. Liens and age of property should be considered to avoid loss of deposit. Levy deposits can only be recovered if the property in question generates enough money at sale. If the title report and deposit are not received, the file will be closed and the execution returned. Judgments are good for ten (10) years and may be re-submitted once per year, or upon information that the debtor has acquired assets since the last search. The judgment creditor is strongly encouraged to remain aware of any assets the debtor may own, whether or not an execution has been submitted to the sheriff.
5. Once the title report and deposit are received, a deputy will proceed to locate the property in question. When located, it will be visually inspected for damage or disrepair. Property damaged or in poor condition will not be levied until the judgment creditor is made aware of the condition and affirms, they still wish to proceed. If the creditor declines to go forward at this point, the execution and $1,500.00 deposit will be returned. If the property cannot be located in Horry County, the execution and deposit will be returned with a finding of “Nula Bona”.
6. Personal property is placed under levy and towed to a designated location. A sale will then be scheduled with proceeds applied toward judgment. Real property will be placed under levy and a sale will be scheduled to take place at the Horry County Judicial Government and Judicial Center in accordance with South Carolina law.
7. If the sale of the debtor’s property fails to fully satisfy the judgment, the judgment creditor may then move against more of the debtor’s property if any is available. When the judgment has been satisfied, the judgment creditor must release the judgment by submitting a satisfaction form to the Clerk of Court where the judgment is recorded. A judgment may be deemed satisfied for less than the full amount with the consent of the judgment creditor. If the defendant has multiple judgments pending, it is not the responsibility of the Sheriff’s Office to determine priority of how or which of these judgments are to be satisfied.
8. Any questions about this process should be directed to The Horry County Sheriff’s Office by emailing the judgment department at HCSOJudgment@horrycountysc.gov or calling 843-915-8582.

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# EXECUTION AGAINST PROPERTY “CHEATSHEET”

(Common Pleas # written on Coversheet)

**STATE OF SOUTH CAROLINA, CASE NUMBER: 20 CP260**

**COUNTY OF HORRY**

To the Sheriff of the County of Horry,

Greetings: (Date clocked at clerk of court on transcript)

Whereas, judgment was rendered on the day of , A.D., 20 in an action in the Court of Common Pleas, between said **plaintiff**, , and said **defendant,** , in favor of said **plaintiff,** , against the said **defendant,** for the sum of $ (amount of judgment) as appears to us by the Judgment Roll, filed in the office of the Clerk of the Court of Common Pleas, Horry County, SC.

(Date clocked at clerk of court on transcript)

Whereas, the said judgment was docketed in Horry County on the day of , A.D., 20 , in the sum of $ (amount of judgment) dollars, for costs of suit, is now actually due thereon.

Therefore we command that you satisfy the said judgment out of the personal property of the said judgment debtor within Horry County, or if sufficient personal property cannot be found, then out of the real property in Horry County belonging to said judgment debtor on the day when the said judgment was so docketed in Horry County, or at any time thereafter, in whose hands so ever the same may be, and duly return this execution, according to law, to the Clerk of the Court of Common Pleas for Horry County.

**(**Leave Blank**)**

WITNESS the honorable Horry County Clerk of Court at Conway, S. C. the day of , A. D., 20 .

(Leave Blank to be signed by Horry County Clerk of Court) (L. S.) (Plaintiff Signature only here)

C.C.C.P. Plaintiff or Plaintiff’s Attorney Signature

STATEMENT

Amount of Judgment $  **(**Amount**)**

Plaintiff’s Attorney $

Clerk… $ $35.00

Sheriff… $ $25.00

Total $ (Total**)**

Interest from date hereof…………………………. (SUPPORTING DOCUMENTS REQUIRED) $

**STATE OF SOUTH CAROLINA )**

**) AFFIDAVIT**

**COUNTY OF HORRY )**

Personally appeared before me,  **(Plaintiff)**, who, upon being duly

sworn, deposes and states as follows:

1. My name is  **(Plaintiff)**, and I am the judgment creditor, or his/her

attorney at law, in Civil Action No. **20 CP260\_** .

1. I hereby swear and affirm under oath, and under penalty of perpetrating a fraud upon the court, that everything contained in the attached Execution Against Property, to include all facts stated with reference to the judgment entered and all figures relating to the amount actually, due on the judgment (amount of judgment, fees and/or costs, and post-judgment interest), are true and correct according to the best of my knowledge, information and belief.

**FURTHER, THE AFFIANT SAITH NOT.**

**(Signature of Plaintiff or Plaintiff Attorney)**

**SWORN TO before me**

**this day of , 20**

**Notary Public for South Carolina**

**My Commission Expires:**

 Plaintiff name here 20 CP260

## Judgment Creditor (Plaintiff) Case Number

**-vs-**

 Defendant’s name here

## Judgment Debtor (Defendant)

Pursuant to Section 23-19-10, South Carolina Code of Laws 1976, as amended, the filing fee for a Writ of Execution is $25.00. All additional expenses incurred as a necessary part of the service including, but not limited to, towing fees, storage fees and publication fees is the responsibility of the Plaintiff or their representative. These fees are required to be deposited with the Sheriff’s Office prior to the levy. In the event that the actual lawfully incurred costs exceed the deposited amount, the Plaintiff or their representative will be responsible for the balance. Should the amount be less than the deposited amount or should the levy not be accomplished then a refund will be forwarded accordingly.

The lawful responsibility of the Sheriff’s Office is, by the seizure of property, to attempt to satisfy your outstanding execution against the defendant. The Sheriff’s Office can only seize taxable, titled assets (i.e., vehicles, boats, planes, and real estate). Defendant’s property must be in the exact name as it appears on your Judgment/Execution. If the defendant has multiple judgments pending it is not the Sheriff’s Offices responsibility to determine priority of how or which of these judgments are satisfied. Unless specifically ordered by a judge the Sheriff’s Office does not levy/seize on office equipment and home furnishings simply due to the difficulty of proving ownership with these type items. The Sheriff’s Office is mandated by State Statute to begin this process by searching for personal property (i.e., vehicles, boats, etc.) first, if this should result in a negative outcome then we may proceed to real property (i.e., land, homes, etc.). You must understand, as the plaintiff, that should the Sheriff’s Office be unable to locate any property titled to the defendant or should the personal property have a lack of equity then there is nothing further that the Sheriff’s Office can legally do. Should this be your case, your judgment/execution is valid for ten (10) years and we suggest that you continue to check for property. Should property be located at a later date, you can return the execution to our office and we will be happy to attempt to collect it again.

All of the filing fees that the Plaintiff has incurred due to this execution will be automatically added to your case. You may also include Interest at the correct rate according to statute. According to Section 23-19-10, South Carolina Code of Laws 1976, as amended, the Sheriff’s Office is also entitled to a commission on all monies that is collected. This is calculated at the rate of 7.5% on the first five hundred dollars ($500.00) and 3% on the balance above that amount. This commission will only be charged if the execution is collected. It will in no way be charged to you, the plaintiff, it will be added just prior to the collection of the case and will be completely incurred by the defendant.

If the Horry County Sheriff’s office can assist in any way or further clarification is needed, please email the judgment department at HCSOJudgment@horrycountysc.gov or call 843-915-8582.

## By signing, I the plaintiff, hereby agree to assume all costs lawfully incurred in connection with the service of this execution.

**(Signature) (Date)**

**(Print Name)**

**(Home Phone) (Work Phone)**

**(Address) (City, State, Zip)**

**(Email)**

**This information is not required**

Any information provided about the Judgment Debtor (Defendant) may be help in the collection of this debt as well as verification of ownership of property belonging to the defendant.

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**INFORMATION OF THE DEFENDANT**

Do you know the Judgment Debtor?

Date of Birth?

Social Security Number?

Address?

Phone Number?

Other Helpful Information?

# EXECUTION AGAINST PROPERTY

**STATE OF SOUTH CAROLINA, CASE NUMBER: 20 CP260**

**COUNTY OF HORRY**

To the Sheriff of the County of Horry, Greetings:

Whereas, judgment was rendered on the day of , A.D., 20 in an action in the Court of Common Pleas, between said plaintiff, , and said defendant, , in favor of said plaintiff, , against the said defendant, for the sum of $ (amount of judgment) as appears to us by the Judgment Roll, filed in the office of the Clerk of the Court of Common Pleas, Horry County, SC.

Whereas, the said judgment was docketed in Horry County on the day of , A.D., 20 , in the sum of $

 dollars, for costs of suit, is now actually due thereon.

Therefore we command that you satisfy the said judgment out of the personal property of the said judgment debtor within Horry County, or if sufficient personal property cannot be found, then out of the real property in Horry County belonging to said judgment debtor on the day when the said judgment was so docketed in Horry County, or at any time thereafter, in whose hands so ever the same may be, and duly return this execution, according to law, to the Clerk of the Court of Common Pleas for Horry County.

WITNESS the honorable Horry County Clerk of Court at Conway, S. C. the day of , A. D., 20 .

 (L. S.)

C.C.C.P. Plaintiff or Plaintiff’s Attorney Signature

STATEMENT

Amount of Judgment $

Plaintiff’s Attorney $

Clerk… $ $35.00

Sheriff… $ $25.00

Total $

Interest from date hereof…………………………. (SUPPORTING DOCUMENTS REQUIRED) $

**STATE OF SOUTH CAROLINA )**

**) AFFIDAVIT**

**COUNTY OF HORRY )**

Personally appeared before me, (Plaintiff), who, upon being duly

sworn, deposes and states as follows:

1. My name is (Plaintiff), and I am the judgment creditor, or his/her

attorney at law, in Civil Action No. 20 CP260 .

1. I hereby swear and affirm under oath, and under penalty of perpetrating a fraud upon the court, that everything contained in the attached Execution Against Property, to include all facts stated with reference to the judgment entered and all figures relating to the amount actually, due on the judgment (amount of judgment, fees and/or costs, and post-judgment interest), are true and correct according to the best of my knowledge, information and belief.

**FURTHER, THE AFFIANT SAITH NOT.**

(Signature of Plaintiff or Plaintiff Attorney)

SWORN TO before me

this day of , 20

Notary Public for South Carolina

My Commission Expires:

20 CP260

(Plaintiff) Case Number

-vs-

(Defendant)

Pursuant to Section 23-19-10, South Carolina Code of Laws 1976, as amended, the filing fee for a Writ of Execution is $25.00. All additional expenses incurred as a necessary part of the service including, but not limited to, towing fees, storage fees and publication fees is the responsibility of the Plaintiff or their representative. These fees are required to be deposited with the Sheriff’s Office prior to the levy. In the event that the actual lawfully incurred costs exceed the deposited amount, the Plaintiff or their representative will be responsible for the balance. Should the amount be less than the deposited amount or should the levy not be accomplished then a refund will be forwarded accordingly.

The lawful responsibility of the Sheriff’s Office is, by the seizure of property, to attempt to satisfy your outstanding execution against the defendant. The Sheriff’s Office can only seize taxable, titled assets (i.e., vehicles, boats, planes, and real estate). Defendant’s property must be in the exact name as it appears on your Judgment/Execution. If the defendant has multiple judgments pending it is not the Sheriff’s Offices responsibility to determine priority of how or which of these judgments are satisfied. Unless specifically ordered by a judge the Sheriff’s Office does not levy/seize on office equipment and home furnishings simply due to the difficulty of proving ownership with these type items. The Sheriff’s Office is mandated by State Statute to begin this process by searching for personal property (i.e., vehicles, boats, etc.) first, if this should result in a negative outcome then we may proceed to real property (i.e., land, homes, etc.). You must understand, as the plaintiff, that should the Sheriff’s Office be unable to locate any property titled to the defendant or should the personal property have a lack of equity then there is nothing further that the Sheriff’s Office can legally do. Should this be your case, your judgment/execution is valid for ten (10) years and we suggest that you continue to check for property. Should property be located at a later date, you can return the execution to our office and we will be happy to attempt to collect it again.

All of the filing fees that the Plaintiff has incurred due to this execution will be automatically added to your case. You may also include Interest at the correct rate according to statute. According to Section 23-19-10, South Carolina Code of Laws 1976, as amended, the Sheriff’s Office is also entitled to a commission on all monies that is collected. This is calculated at the rate of 7.5% on the first five hundred dollars ($500.00) and 3% on the balance above that amount. This commission will only be charged if the execution is collected. It will in no way be charged to you, the plaintiff, it will be added just prior to the collection of the case and will be completely incurred by the defendant.

If the Horry County Sheriff’s office can assist in any way or further clarification is needed, please email the judgment department at HCSOJudgment@horrycountysc.gov or call 843-915-8582.

## By signing, I the plaintiff, hereby agree to assume all costs lawfully incurred in connection with the service of this execution.

(Signature of Plaintiff or Plaintiff Attorney) (Date)

(Print Name)

(Home Phone) (Work Phone)

(Address) (City, State, Zip)

(Email)

**This information is not required**

Any information provided about the Judgment Debtor (Defendant) may be help in the collection of this debt as well as verification of ownership of property belonging to the defendant.

.

**INFORMATION OF THE DEFENDANT**

Do you know the Judgment Debtor?

Date of Birth?

Social Security Number?

Address?

Phone Number?

Other Helpful Information?