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## REFERRAL NUMBERS

Union County Magistrate Court  
864-429-1648

Union County Clerk of Court  
864-429-1630

Union County Sheriff's Office  
864-429-1612

Union County Magistrates Office  
210 W. Main St.  
Union, S.C. 29379

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## CLAIM & DELIVERY



Honorable Jimmy D. Crocker  
Chief Magistrate

Honorable D. Kevin Morrow  
Associate Chief Magistrate

## **WHAT IS IT:**

A Claim and Delivery is a legal action to recover personal property which is in the possession of another party. The party who begins the action is the Plaintiff, and the party who has possession of the property claimed is the Defendant.

## **HOW TO OBTAIN A CLAIM & DELIVERY:**

Upon completing the form for claim and delivery and payment of the filing fees, a Magistrate in the county in which the property claimed is located can issue the claim and delivery. The property must be in the Magistrate's county jurisdiction. If the property is located in another county such as Spartanburg County, the Claim and Delivery Action must be filed with a Magistrate in that county.

## **WHAT KIND OF PROPERTY CAN BE CLAIMED:**

Any personal property which does not exceed (\$7,500.00) dollars in value. If the value of the property is more than (\$7,500.00) dollars, the Plaintiff must bring the action in Circuit Court.

## **HOW MUCH DOES THE ACTION COST:**

State law provides that at the time that the Claim and Delivery action is issued, the Magistrate's Court will collect \$65.00 for the action.

## **IS A LAWYER NECESSARY:**

The Plaintiff or the Defendant does not have to have a lawyer, but either may hire one. The Magistrate Court cannot appoint a lawyer for either the Plaintiff or the Defendant.



## **THE TRIAL:**

The trial will usually be held within 2 to 3 weeks after the action has been issued unless the action is not served five days prior to the trial or a jury trial has been requested in the case. At the trial, the Plaintiff must show by the greater weight of the evidence presented that the Defendant has possession of property to which the Plaintiff is lawfully entitled as well as the value of the property. The Defendant has the right to present evidence to show why there should not be a delivery of the claimed property to the Plaintiff.

## **WHAT HAPPENS AFTER THE TRIAL:**

If the Court finds for the Plaintiff, the Plaintiff can pay \$20 for an order of execution to claim the property. To attempt to recover the claimed property a Deputy can be present only to recover the property peaceably. The Plaintiff is responsible for transporting the claimed property. The Defendant after being served this action cannot dispose of the property. If the Defendant does dispose of the property after being served he could be charged criminally with disposing of property. If the property cannot be recovered, the Plaintiff can obtain a transcript of judgment from the Court to file with the Clerk of Court. When the transcript of judgement is filed, the judgement begins drawing interest and becomes a lien against any land which the Defendant owes or comes to own in Union County. The recorded judgment is good for 10 years.

