

CLAIM AND DELIVERY

(CONSUMER CREDIT TRANSACTION)

1. The filing fee is \$65.00. We will not accept personal checks.
2. The plaintiff must provide the Court with the defendant's correct name, mailing address, physical address, and telephone number.
3. The property to be repossessed must be located in Jasper County.
4. Before a creditor may file an action for claim and delivery the debtor must be in default for at least ten days as defined by § 37-5-109.
5. Documentation of the Notice of Right to Cure must be given to the court. The notice must state the name, address and phone number of the creditor, a brief description of the credit transaction, the consumer's right to cure the default, and the amount of the payment and date by which the payment must be made. If the debtor does not "cure" the default within twenty days, the creditor may proceed with the action.
6. The value of the property must not exceed \$7,500.00.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 _____)
 PLAINTIFF(S))
)
 VS.)
)
 _____)
 DEFENDANT(S))

 CIVIL CASE NUMBER

 IN THE MAGISTRATE'S COURT

 AFFIDAVIT AND COMPLAINT
 (Claim & Delivery)

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/was not (circle one) 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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 PLAINTIFF(S))
)
 VS.)
)
 _____)
 DEFENDANT(S))

 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 and Subscribed before me)
 this _____ day of _____, 2____.)
)
 _____)
 Magistrate or Notary Public for South Carolina)
)
 My Commission expires _____)

 PLAINTIFF (or his attorney)

