

State of South Carolina

In the Magistrates Court

County of \_\_\_\_\_

Plaintiff(s): \_\_\_\_\_

Civil Case Number \_\_\_\_\_

vs.

Defendant(s): \_\_\_\_\_

**Affidavit and Complaint  
(Claim and Delivery)**

Plaintiff(s) Telephone: \_\_\_\_\_

Plaintiff(s) Email Address: \_\_\_\_\_

Plaintiff, [Fill in Plaintiff Name] \_\_\_\_\_, 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) [Fill in Detailed Description of Property Plaintiff Owns or is Entitled to Possess]: \_\_\_\_\_
2. The property described above is being wrongfully withheld by the defendant, [Fill in Name of Defendant] \_\_\_\_\_.

3. To the best knowledge of the plaintiff, the property is being withheld by the defendant because [Fill in Reason Property is Withheld by Defendant]: \_\_\_\_\_
  
4. The property was / was not [Fill in if the Property Was or Was Not Due Any Tax, Fine or Assessment (was or was not)] \_\_\_\_\_ 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:     \$ \_\_\_\_\_  
                  [Fill in Total Actual Value of Property in Dollars]

That this amount has been determined in the following manner, to wit:

[Fill in How Total Actual Value was Determined]:

6. 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 [Fill in Date Notice of Right to Cure Was Given] \_\_\_\_\_ (date).

*\*this is not required for submission if no Notice was received*

Dated: \_\_\_\_\_  
          [Fill in Date Affidavit and Complaint Signed]

I swear or affirm that I know the facts above to be true. I believe anything above that is stated on information and belief to be true.

\_\_\_\_\_  
Signature of Plaintiff or Person filing on behalf of Plaintiff

Sworn to and subscribed before me this [Fill in Day Sworn] \_\_\_\_ day of [Fill in Month Sworn]  
\_\_\_\_\_, [Fill in Year Sworn] \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

My Commission expires the [Fill in Expiration Day] \_\_\_\_ day of [Fill in Expiration Month]  
\_\_\_\_\_, [Fill in Expiration Year] \_\_\_\_\_.

\_\_\_\_\_  
**FOR COURT USE ONLY**

**ENDORSEMENT OF DISPOSSESSION**

Based upon the showing of plaintiff made by affidavit and:

hearing held on (enter date below): 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 personal property until otherwise instructed by the Court.
- deliver possession of the personal property to \_\_\_\_\_.

IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Magistrate