SOUTH CAROLINA
JUDICIAL BRANCH

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| State of South Carolina | Civil Case No.: _____<br>[Fill in the Civil Case Number] |
| County of _____<br>[Fill in the County Where this Form will be Filed] | In the Magistrates Court |

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| Plaintiff(s): _____ vs.<br>Plaintiff's Address:<br>_____<br>_____<br>Telephone:_____ | Defendant(s): _____<br>Defendant(s) Address:<br>_____<br>_____<br>Telephone:_____ |

# Petition and Affidavit for Discarded or Abandoned Vehicle/Property/Mobile Home

I, [Fill in the Plaintiff's Name] _____, the Plaintiff in this civil action, do make the following claims:

The name of the Plaintiff/Plaintiff's business/Plaintiff local official is [Fill in the name of the Plaintiff/Plaintiff's business/Plaintiff local official] _____ , located in [Fill in the County of the Plaintiff/Plaintiff's business/Plaintiff local official] _____ County. Plaintiff's business license number is [Fill in Plaintiff's Business License Number, if applicable] _____ (if applicable). I make the following claims based on:

☐ 1. Vehicle Towed By Law Enforcement Order / Request

☐ 2. Vehicle Customer Ordered Repair / Towing

☐ 3. Stolen Vehicles

☐ 4. Derelict/Abandoned Mobile Home Sale/Destruction

☐ 5. Other Abandoned Property

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## 1. Vehicle Towed By Law Enforcement Order / Request:

On [Fill in Date the Plaintiff Received Vehicle Due to Law Enforcement Order/Request] _____ (date), the Plaintiff received a [Fill in Vehicle VIN and Description of Vehicle Received Due to Law Enforcement Order/Request] _____ (vehicle VIN and description) for towing and/or storage and as of [Fill in Current Date Vehicle Received Due to Law Enforcement Order/Request] _____ (current date), an amount of [Fill in Amount Owed on the Listed Vehicle Received Due to Law Enforcement Order/Request] _____ is owed on the above vehicle. This total amount represents: [Fill in Amount for Towing Vehicle Received Due to Law Enforcement Order/Request in Dollars] $ _____ Towing, [Fill in Amount for Repairs for Vehicle Received Due to Law Enforcement Order/Request in Dollars] $ _____ Repairs and/or [Fill in Amount for Storage for Vehicle Received Due to Law Enforcement Order/Request in Dollars] $ _____ Storage.

a) Did this vehicle have a colored tag or other notice advising that the vehicle had been declared abandoned or derelict? [Fill in with Yes or No if the Vehicle had a Colored Tag or Other Notice Advising Vehicle Declared Abandoned or Derelict] _____. If yes, attach tag or Law Enforcement Report.

b) Highway Patrol/Sheriff/Municipal Police [Fill in Who Requested to Tow Vehicle Due to Law Enforcement Order/Request (Highway Patrol, Sheriff or Municipal Police)] _____ called to tow a vehicle from the public roadway/ public property/private property [Fill in From Where the Vehicle was Towed (Public Roadway, Public Property or Private Property)] _____ as a result of abandonment/ accident/breakdown/after an arrest [Fill in Why the Vehicle was Towed (Abandonment, Accident, Breakdown, After an Arrest or Other)] _____ or [If Other, Fill in Other Reason for Towing] _____ (other).

c) I reported the vehicle to be in my possession on [Fill in Date of Vehicle Possession Due to Law Enforcement Order/Request] _____ (date) to [Fill in Agency That Vehicle Possession Due to Law Enforcement Order/Request was Reported] _____ (agency).

d) I received information on ownership and lien holders on [Fill in Date Information was Received About Ownership and Lien Holders for Vehicle Possessed Due to Law Enforcement Order/Request] _____ (date). Copy attached.

e) I have sent a Certified, Return Receipt letter to [Fill in Titleholder Name of Vehicle Possessed Due to Law Enforcement Order/Request] _____ (titleholder) on [Fill in Date Certified, Return Receipt Letter was Sent to Titleholder of Vehicle Possessed Due to Law Enforcement Order/Request] _____ (date); to [Fill in Lienholder Name of Vehicle Possessed Due to Law Enforcement Order/Request] _____ (Lienholder) on [Fill in Date Certified, Return Receipt Letter was Sent to Lienholder Regarding Vehicle Possessed Due to Law Enforcement Order/Request] _____ (date). Thirty (30) days has passed and no effort has been made to claim the vehicle by this owner [Fill in Yes or No if No Effort Has Been Made to Claim the Vehicle Possessed Due to Law Enforcement Order/Request by the Owner After Thirty Days Have Passed] _____ (Yes/No), or the letter was returned unclaimed [Fill in Yes or No if the Letter Regarding Vehicle Possessed Due to Law Enforcement Order/Request Was Returned Unclaimed] _____ (Yes/No). Copy attached.

f) Owner/Lienholder information has been received from [Fill in the State Agency Name That Provided Owner/Lienholder Information on Vehicle Possessed Due to Law Enforcement Order/Request] _____ State Agency. A copy is attached.

g) No Ownership/Lienholder information is available after reasonable search or certified return receipt letter(s) to the owner and/or lienholder was returned unclaimed and Notice of vehicle sale was published on [Fill in the Date of Notice of Sale Publication for Vehicle Possessed Due to Law Enforcement Order/Request] _____ in [Fill in Name of Newspaper where Sale Notice of Vehicle Possessed Due to Law Enforcement Order/Request Was Published] _____. Copy attached.

## 2. Vehicle Customer Ordered Repair / Towing:

On [Fill in Date Plaintiff Received Vehicle for Repair or Towing] _____ (date), the Plaintiff received a [Fill in Vehicle VIN and Description of Vehicle that Plaintiff Received for Repair or Towing] _____ (vehicle VIN and description) for repairs or towing and as of [Fill in Current Date that Plaintiff Received Vehicle for Repair or Towing] _____ an amount of [Fill in Amount Owed on Vehicle Received for Repair or Towing] _____ is owed on the vehicle herein. This total represents: [Fill in the Cost of Towing Vehicle Plaintiff Received for Repair or Towing in Dollars] $ _____

Towing, [Fill in the Cost of Repairs on Vehicle that Plaintiff Received for Repair or Towing in Dollars] $ _____ Repairs and/or [Fill in the Cost of Storage of Vehicle that Plaintiff Received for Repair or Towing in Dollars] $ _____ Storage. Towing/repairs were ordered by [Fill in Name of Person Who Ordered Towing/Repairs of Vehicle] _____ (name of person).

a) On [Fill in Date Report of Unclaimed Vehicle was Sent Regarding Vehicle Received for Repair or Towing] _____ (date), I sent a Report of Unclaimed Vehicle to the South Carolina Department of Public Safety concerning this vehicle.

b) On or about [Fill in Date of Letter] _____, the South Carolina Department of Public Safety sent a letter to me stating that the vehicle was registered to [Fill in Name of Person the Vehicle Received for Repair or Towing was Registered] _____ and that there was a lien [Fill in Yes or No if There was a Lien on Vehicle Received for Repair or Towing] _____ with the lienholder listed as [Fill in the Name of the Lienholder of Vehicle Received for Repair or Towing] _____. Copy attached.

c) I sent a Certified, Return Receipt Letter to [Fill in Titleholder and Person Ordering Towing/Repairs if Different from Titleholder for Vehicle Received for Repairs or Towing] _____ on [Fill in Date Letter was Received by the Addressee Regarding the Vehicle Received for Repair or Towing] _____, which was received by the addressee, 30 days has passed, and no effort has been made to claim the vehicle. [Fill in Yes or No if 30 Days Have Passed and no Effort has been Made to Claim Vehicle that was Received for Repairs or Towing] _____(Yes/No). The letter was returned unclaimed [Fill in Yes or No if Letter Regarding Vehicle Received for Repairs or Towing was Returned Unclaimed] _____ (Yes/No). Copy attached.

d) The lienholder was notified, Certified, Return Receipt Letter on [Fill in the Date the Letter was Sent to the Lienholder Regarding Vehicle Received for Repairs or Towing] _____ (date), and the letter was received by the addressee [Fill in Yes or No Whether the Letter was Received by the Addressee Regarding Vehicle Received for Repairs or Towing] _____ (Yes/No). Lienholder's letter was returned unclaimed [Fill in Yes or No if the Lienholders Letter Regarding Vehicle Received for Repairs or Towing Returned Unclaimed] _____ (Yes/No). Mailing date of letter is: [Fill in the Mailing Date of Letter Regarding Vehicle Received for Repairs or Towing] _____. Copy attached.

e) Owner/Lienholder information has been received from [Fill in Name of State Agency that Provided Owner/Lienholder Information Regarding Vehicle Received for Repairs or Towing] _____ State Agency. A copy is attached.

f) No Ownership/Lienholder information was available after reasonable search, or the certified return receipt letter(s) to the Owner and/or Lienholder was returned unclaimed and Notice of Vehicle Sale was published on [Fill in Date Sale Notice of Vehicle Received for Repairs or Towing was Published in the Newspaper] _____ in the [Fill in Newspaper Name where Notice of Vehicle Sale for Vehicle Received for Repairs or Towing was Published] _____ (newspaper). Copy attached.

## 3. Stolen Vehicles:

On [Fill in Date Plaintiff Received Vehicle for Repairs or Towing That Was Stolen] _____ (date), the Plaintiff received a [Fill in Vehicle VIN and Description of Vehicle Plaintiff Received for Repairs or Towing That Was Stolen] _____ (vehicle VIN and description) for repairs or towing, which was stolen and as of [Fill in Current Date] _____ an amount of [Fill in Amount Owed on Vehicle That Was Stolen] _____ is owed on the vehicle herein. This total represents: [Fill in the Cost of Towing on Vehicle That Was Stolen in Dollars] $ _____ Towing, [Fill in the Cost of Repairs on Vehicle That Was Stolen in Dollars] $ _____ Repairs and/or [Fill in the Cost of Storage of Vehicle That Was Stolen in Dollars] $ _____ Storage. Towing/repairs were ordered by [Fill in Name of Person Who Ordered Towing/Repairs of Vehicle That Was Stolen] _____ (name of person).

a) Highway Patrol/Sheriff/Municipal Police [Fill in Who Requested to Tow Vehicle That Was Stolen (Highway Patrol, Sheriff or Municipal Police)] _____ called to tow a vehicle from the [Fill in Where the Vehicle That Was Stolen Was Towed From (Public Roadway or Public Property or Private Property)] _____ public roadway/public property/private property and as a result determined that the vehicle was stolen.

b) I reported the vehicle to be in my possession on [Fill in Date of Vehicle Possession of the Vehicle That Was Stolen] _____ (date) to [Fill in Agency Vehicle Possession was Reported to of the Vehicle Was Stolen] _____ (agency).

c) I received information from Law Enforcement on ownership and lienholders on [Fill in Date Information was Received About Ownership and Lien Holders of the Vehicle That Was Stolen] _____ (date). Copy attached.

d) I have sent a Certified, Return Receipt letter to [Fill in Titleholder Name of the Vehicle That Was Stolen] _____ (titleholder) on [Fill in Date Certified, Return Receipt Letter was Sent to Titleholder of the Vehicle That was Stolen] _____ (date) and to [Fill in Lienholder Name of the Vehicle That Was Stolen] _____ (lienholder) on [Fill in Date Certified, Return Receipt Letter was Sent to Lienholder of the Vehicle that Was Stolen] _____ (date). The same was received by addressee(s), 30 days has passed, and no effort has been made to claim the vehicle [Fill in Yes or No if No Effort Has Been Made to Claim the Vehicle That Was Stolen After Thirty Days Have Passed] _____ (Yes/No). The letter was returned unclaimed [Fill in Yes or No if the Letter Regarding the Vehicle That Was Stolen Was Returned Unclaimed] _____ (Yes/No). Copy attached.

e) No Ownership/Lienholder information was available after reasonable search, or the certified return receipt letter(s) to the Owner and/or Lienholder was returned unclaimed and Notice of Vehicle Sale was published on [Fill in Date Notice of Vehicle Sale of the Vehicle That Was Stolen was Published in the Newspaper] _____ in the [Fill in Newspaper Name Where Notice of Sale of Vehicle That Was Stolen Was Published] _____ (newspaper). Copy attached.

## 4. Derelict/Abandoned Mobile Home Sale/Destruction:

a) The mobile home located at [Fill in the Location of the Mobile Home] _____ has been (evicted) (abandoned)(declared derelict) [Fill in if the Mobile Home has been Evicted, Abandoned or Declared Derelict (Evicted, Abandoned, or Declared Derelict)] _____ by Court Order dated [Fill in the Court Order Date] _____ (copy attached) and the required notice was posted on [Fill in the Date the Notice was Posted] _____ (date) and remained posted for 30 days. Description of mobile home: Make [Fill in the Make of the Mobile Home] _____, Model [Fill in the Model of the Mobile Home]

_____, Vehicle Identification Number [Fill in the Vehicle Identification Number of the Mobile Home] _____.

b) A request for title information was filed with the motor vehicle division on [Fill in the Date the Request for Title Information of the Mobile Home was Made] _____ (date) and for tax information with the County Auditor on [Fill in the Date the Request for the Mobile Home Tax Information was Made] _____ (date).

c) That I sent a Certified Return Receipt letter concerning this action to (titleholder)(tax payer)(lienholder) [Fill in to Whom the Letter Regarding the Mobile Home Was Sent (Titleholder, Tax Payer or Lienholder)] _____ on [Fill in Date Letter Regarding Mobile Home was Sent] _____ (date).

d) The letter was [Check All that Apply]

- ☐ Received by the titleholder;
- ☐ Unclaimed by the titleholder;
- ☐ Received by Tax Payer;
- ☐ Unclaimed by Tax Payer;
- ☐ Received by Lienholder;
- ☐ Unclaimed by Lienholder

e) No ownership information is available because [Fill in the Reason No Ownership Information is Available for Mobile Home] _____.

f) The sale of this mobile home was published on [Fill in Date Notice of Mobile Home Sale was Published in the Newspaper] _____ in the [Fill in Newspaper Name Where Sale Notice for Mobile Home Was Published] _____ (newspaper).

THEREFORE, plaintiff requests that the Court order the mobile home described herein sold/destroyed and removed.

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## 5. Other Abandoned Property:

On [Fill in Date Plaintiff Came into Possession of Other Abandoned Property] _____ (date), the Plaintiff came into possession of a [Fill in Description of Abandoned Property] _____ (description of property) and as of [Fill in Current Date] _____ (current date), an amount of [Fill in Amount Owed on Abandoned Property] _____ is owed on the above item. This total amount represents: [Fill in Amount Owed for Storage of Abandoned Property in Dollars] $_____ Storage, [Fill in Other Amount Owed on Abandoned Property in Dollars] $_____ Other (Specify) [Fill in Description of Other Amount Owed] _____.

a) I have sent a Certified, Return Receipt letter to [Fill in Titleholder Name of Other Abandoned Property] _____ (titleholder) on [Fill in Date Certified, Return Receipt Letter was Sent to Titleholder of Other Abandoned Property] _____ (date); to [Fill in Lienholder Name of Other Abandoned Property] _____ (Lienholder) on [Fill in Date Certified, Return Receipt Letter was Sent to Lienholder of Other Abandoned Property] _____ (date).

   Thirty (30) days has passed and no effort has been made to claim the item by this owner [Fill in Yes or No if No Effort Has Been Made to Claim the Other Abandoned Property After Thirty Days Have Passed] _____ (Yes/No), or the letter was returned unclaimed [Fill in Yes or No if the Letter Regarding the Other Abandoned Property Was Returned Unclaimed] _____ (Yes/No). Copy attached.

b) Owner/Lienholder information has been received from [Fill in Name of State Agency that Provided Owner/Lienholder Information Regarding Other Abandoned Property] _____ State Agency. A copy is attached.

c) No Ownership/Lienholder information is available after reasonable search or certified return receipt letter(s) to the owner and/or lienholder was returned unclaimed and Notice of item sale was published on [Fill in Date Notice of Item Sale was Published in Newspaper for Other Abandoned Property] _____ (date) in [Fill in Name of Newspaper Notice of Item Sale for Other Abandoned Property was Published] _____ (name of newspaper). Copy attached.

Check all that apply:

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☐ Plaintiff has given all proper notices as provided in Section 29-15-10 of the South Carolina Code of Laws and is now entitled to sell said vehicle at public sale after proper advertisement.

☐ Plaintiff has attached copies of all paperwork.

☐ Non-Attorney Representation Form attached, if required.

Therefore, plaintiff moves that this Court order that all vehicles/mobile homes/property described herein be sold at public auction/destroyed.

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 Filer Date Filer Signed

Business (if applicable): _____
[Fill in Business Name (if Applicable)]

Address/City/State/Zip: _____
[Fill in the Business Address Including the City, State and Zip Code]

Telephone Number: _____
[Fill in Filer's Telephone Number]

Email: _____
[Fill in Filer's Email Address]

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] _____.