

STATE OF SOUTH CAROLINA  
COUNTY OF MCCORMICK

\_\_\_\_\_  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

\_\_\_\_\_  
PLAINTIFF(S)

VS

**AFFIDAVIT  
(CLAIM AND DELIVERY)**

\_\_\_\_\_  
DEFENDANT(S)

PLAINTIFF, \_\_\_\_\_, PERSONALLY  
APPEARING BEFORE ME, WHO BEING DULY SWORN, STATES THE FOLLOWING:

1. THE PLAINTIFF IS THE OWNER, OR IS ENTITLED TO THE 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 NOT/WAS 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 SEIZED BY VIRTUE OF ITS EXMPT STATUS).
5. THE ACTUAL VALUE OF THE ABOVE DESCRIBED PROPERTY IS :( ITEMIZE AND GIVE TOTAL IF MORE THAN ONE ITEM INVOLVED.)  
**TOTALS** \_\_\_\_\_
6. THAT A RIGHT TO CURE AS SPECIFIED IN SECTION 37-5-110 AND SECTION 37-5-111 (HAS BEEN GIVEN ON \_\_\_\_\_)

DATED \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF (OR HIS ATTORNEY OR AGENT)

SWORN TO BEFORE ME THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAGISTRATE OR NOTARY FOR  
SOUTH CAROLINA

\_\_\_\_\_  
MY COMMISSION EXPIRES

STATE OF SOUTH CAROLINA  
COUNTY OF MCCORMICK

\_\_\_\_\_  
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IN THE MAGISTRATE'S COURT

\_\_\_\_\_  
\_\_\_\_\_  
PLAINTIFF (S)

(CLAIM AND DELIVERY)

VS.

\_\_\_\_\_  
\_\_\_\_\_  
**UNDERTAKING**

1. PLAINTIFF \_\_\_\_\_
2. DEFENDANT \_\_\_\_\_
3. AMOUNT OF THIS UNDERTAKING \$ \_\_\_\_\_
4. ADDRESS TO WHICH NOTICE OF EXCEPTION TO SURETY MAY BE SENT \_\_\_\_\_

\_\_\_\_\_  
5. WE THE UNDERSIGNED, HEREBY SUBMIT TO THE JURISDICTION OF THE COURT IN ALL MATTERS AFFECTING OUR LIABILITY ON THIS UNDERTAKING, AND OBLIGATE OURSELVES, JOINTLY AND SEVERALLY, UNTIL FINAL ADJUDICATION OF THIS ACTION.

- |                        |                     |
|------------------------|---------------------|
| 6. SURETY (NAME) _____ | SURETY (NAME) _____ |
| PHONE _____            | PHONE _____         |
| ADDRESS _____          | ADDRESS _____       |

7. I DECLARE THE FOREGOING IS TRUE AND CORRET AND THAT THIS DECLARATION IS EXHAUSTED ON;

\_\_\_\_\_  
DAY OF \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_, BY \_\_\_\_\_ 20\_\_\_\_, BY \_\_\_\_\_

AS SURETY.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

**APPROVAL**

**THE ABOVE UNDERTAKING BY SURETY IS HEREBY APPROVED BY THIS COURT.**

DATED \_\_\_\_\_ MAGISTRATE \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF MCCORMICK

\_\_\_\_\_  
CIVIL CASE NUMBER

\_\_\_\_\_  
PLAINTIFF (S)

VS.

\_\_\_\_\_  
DEFENDANT (S)

**NOTICE OF RIGHT TO A  
PRESEIZURE HEARING**

( CLAIM AND DELIVERY)

YOU, \_\_\_\_\_ THE DEFENDANT, HAVE THE RIGHT TO REQUEST A HEARING WITHIN FIVE DAYS FROM THE DAY YOU ARE SERVED WITH THIS NOTICE FOR THE PURPOSE OF DETERMINING WHO SHALL HAVE IMMEDIATE POSSESSION OF THE PROPERTY DESCRIBED IN AFFIDAVIT.

IF YOU SHOULD FAIL TO DEMAND A HEARING FIVE DAYS FROM THE DAY YOU RECEIVE THIS NOTICE, WAIVER OF YOUR RIGHT TO A HEARING WILL BE PRESUMED, AND AN ORDER MAY BE ISSUED FOR THE IMMEDIATE TAKING OF THE PROPERTY DESCRIBED IN AFFIDAVIT FROM YOUR POSSESSION.

IF YOU DESIRE A HEARING ON THIS MATTER, PLEASE CONTACT MAGISTRATE PATTY SMITH AT 211 WEST AUGUSTA STREET EXT. OR P.O. BOX 1116 MCCORMICK S.C. 29835

THIS REQUEST MUST BE MADE IN WRITING TO THE COURT.

**ORDER RESTRAINING DAMAGE OR CONCEALMENT OF PROPERTY.**

YOU, \_\_\_\_\_, THE DEFENDANT WHO, UPON INFORMATION AND BELIEF, HAS POSSESSION OF THE PROPERTY DESCRIBED ARE ORDERED TO RESTRAIN FROM DAMANING, CONCEALING, OR REMOVING FROM THIS COUNTY THE PROPERTY DESCRIBED IN AFFIDAVIT.

THIS ORDER SHALL REMAIN IN EFFECT UNTIL FINAL ADJUDICATION OF THIS ACTION, AND VIOLATION OF THIS ORDER SHALL SUBJECT YOU TO A FINE OF \$100.00 OR A TERM OF IMPRISONMENT OF THIRTY (30) DAYS.

DATED \_\_\_\_\_ MAGISTRATE \_\_\_\_\_