

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

Frank Ulmer Lumber)
Company, Inc.,)

Plaintiff,)

-vs-)

Town Contractors, Inc.,)
Greenville Associates,)
Ltd., and First Hartford)
Realty Corporation,)

Defendants.)

BOOK

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IN THE COURT OF COMMON PLEAS

FILED
GREENVILLE CO. S. C.

FEB 19 2 22 PM '75

BOONIE S. TANKERSLEY
R.H.C.

ORDER

75-CF-23-58

FILED CLERK OF COURT
GREENVILLE CO. S. C.
FEB 19 12 27 PM '75

This matter is before the Court on a Motion by the defendants, First Hartford Realty Corporation and Greenville Associates, Ltd., for an Order vacating the attachment filed by the plaintiff against certain real property situate in Greenville County. It appears from the Affidavits presented, and the plaintiff concedes, that the defendant, First Hartford Realty Corporation, was organized under the laws of the State of Delaware but has been duly domesticated and qualified to do business in the State of South Carolina. The defendant, Greenville Associates, Ltd., is a general partnership of which First Hartford Realty Corporation is a general partner. Each of the defendants is subject to the jurisdiction of the South Carolina Courts.

Section 12-23.4 of the 1962 Code of Laws of South Carolina provides that a foreign corporation authorized to do business in this state shall have the same rights and privileges as a domestic corporation. It, appears therefore, that First Hartford Realty Corporation is not a foreign corporation under the attachment statute and its property should not be subject to attachment in a case where the property of a domestic corporation would not be subject to attachment. Furthermore, to deny First Hartford Realty Corporation immunity from attachment in a case in which a domestic corporation would not be subject to attachment would be a denial of equal protection under the law.

H/W.S.W.

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