



# The National Agricultural Law Center

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## Farm Ownership & Corporate Farming Laws: *South Carolina*



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# A National Agricultural Law Center Research Publication

## Farm Ownership & Corporate Farming Laws: South Carolina

### Fast Find:

- 1) Reporting: None
- 2) Prohibition: [S.C. Const. art. III, § 35](#); S.C. Code Ann. §§ [27-13-10](#); [27-13-20](#); [27-13-30](#); [27-13-40](#)
- 3) Corporate Farming: None

### [S.C. Const. art. III, § 35](#) [S.C. Code Ann. §§ 27-13-10 to 27-13-40](#)

*Current through laws passed by the 2021 First Regular Session of the 124th South Carolina General Assembly, subject to final approval by the Legislative Council, technical revisions by the Code Commissioner, and publication in the Official Code of Laws.*

#### [§ 35. Lands owned by aliens.](#)

It shall be the duty of the General Assembly to enact laws limiting the number of acres of land which any alien or any corporation controlled by aliens may own within this State.

#### [§ 27-13-10. Aliens and foreign corporations entitled to same property as natural-born citizens.](#)

Real and personal property of every description may be taken, acquired, held and disposed of by an alien, subject to the provisions of §§ 27-13-30 and 27-13-40, in the same manner in all respects as by a natural-born citizen. And a title to real or personal property or every description may be derived through, from or in succession to an alien, in the same manner in all respects as through, from or in succession to a natural born citizen. Foreign corporations shall have and exercise all rights granted to aliens in this section.

#### [§ 27-13-20. Titles derived through aliens legalized.](#)

Any citizen or alien who, prior to December 19, 1807, entered into any bona fide contract or received any grant or other deed of conveyance for or relating to any real property in this State or who derived their titles from or through aliens, either mediately or immediately, shall hold and enjoy it in fee simple or for any less estate, according to the nature of his contract, grant or other deed of conveyance, any law, usage or custom to the contrary thereof in any wise notwithstanding; provided, that nothing contained herein shall be so construed as to interfere with or at all invalidate any grant of real property which may, before December 19, 1807,



have been made by the General Assembly unto any person or any body corporate or to affect in any measure descents cast before the date aforesaid.

**§ 27-13-30. Limitation on alien land ownership.**

No alien or corporation controlled by aliens, either in his or its own right or as trustee, cestui que trust or agent, shall own or control within the limits of this State more than five hundred thousand acres of land. Nothing in this section shall apply to lands owned or controlled by any such person or corporation nor to lands mortgaged to such a person or corporation on March 9, 1896, nor shall this section apply to lands conveyed by an alien to a corporation controlled by such alien.

**§ 27-13-40. Limitation on alien land ownership; land acquired on foreclosure of mortgage.**

But § 27-13-30 shall not apply to land purchased under proceedings, either by action or power of sale, to foreclose any mortgage acquired after March 9, 1896 by any alien or corporation controlled by aliens, but in such case such alien or corporation controlled by aliens shall not be entitled to hold such excess of land more than five years, unless the Comptroller General shall certify that a sale during that time would be materially detrimental to the interest of such alien or corporation controlled by aliens, in which case such alien or corporation controlled by aliens may hold such land for five years longer upon the same conditions.

