

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
C/A NO. **2021-CP-40-**_____

Road/Route I-20/I-26/I-126 (Carolina Crossroads)
Project ID No. P027662
Tract 407

South Carolina Department of Transportation

Condemnor,

VS.

Claire H. Reed, as Trustee of "The Living Trust of Claire H. Reed dated September 5, 2007" and William H. Hinnant, Jr.,

Landowner(s).

CONDEMNATION NOTICE
AND
TENDER OF PAYMENT

(Non-Jury Trial Demanded)

COPY TO: Richland County Assessor's Office 2020 Hampton Street, Columbia, SC 29204

TO: THE LANDOWNER(S) ABOVE NAMED

Pursuant to the South Carolina Eminent Domain Procedure Act, Section 28-2-10, et seq., Code of Laws of South Carolina, 1976, as amended, you are hereby notified as follows:

1. The South Carolina Department of Transportation (SCDOT) is the Condemnor herein and seeks to acquire the real property described herein for public purposes.

2. **Claire H. Reed, as Trustee of "The Living Trust of Claire H. Reed Dated September 5, 2007" is named as Landowner(s) in this action by virtue of her claim(s) of title (or other interests) as shown by that certain deed from Claire H. Reed, dated June 4, 2008 and recorded June 25, 2008 in Deed Book R1441, Page 1286 in the records of the ROD Office for Richland County; also as heir(s) at law of Naomi Stevenson Hinnant who died intestate on July 26, 2007 as shown by that certain Probated Estate filed in the records of the Probate Court for Richland County in Probate Roll No. 2007-ES-40-01101, and by Deed of Distribution dated April 1, 2008 and recorded**

Condemnation Notice and Tender of Payment (continued)

April 3, 2008 in Deed Book R1417, Page 602 in the records of the ROD for Richland County.

3. **William H. Hinnant, Jr. is named as Landowner(s) in this action by virtue of his claim(s) of title (or other interests) as heir(s) at law of Naomi Stevenson Hinnant who died intestate on July 26, 2007 as shown by that certain Probated Estate filed in the records of the Probate Court for Richland County in Probate Roll No. 2007-ES-40-01101, and by Deed of Distribution dated April 1, 2008 and recorded April 3, 2008 in Deed Book R1417, Page 602 in the records of the ROD for Richland County.**

4. The following is a description of the real property subject to this action and a description of the interest sought to be acquired in and to the property by the Condemnor:

All that parcel or strip of land, in fee simple, containing 51,784 SF (1.33 acres) of land, more or less, being the entire property and all improvements thereon, including if any, including rights of access as may be needed for controlled access facilities and the 1,822 square foot+/- brick dwelling, owned by Claire H. Reed, Trustee of "The Living Trust of Claire H. Reed dated September 5, 2007" and William H. Hinnant, Jr. The property herein being conveyed is further described as being all that certain piece, parcel or lot of land, with the improvements thereon, if any, situate, lying and being on the Southwestern side of Arrowwood Road, Northwest of the City of Columbia, in the County of Richland, State of South Carolina, being shown on a plat prepared for Naomi S. Hinnant and W. H. Hinnant by Richard M. Lee, R.S., dated May 5, 1958 and recorded in the Office of the R.M.C. for Richland County in Plat Book 11 at Page 15, and being further shown and delineated on a plat prepared for W. H. Hinnant and Naomi S. Hinnant by Isaac B. Cox, R.S., dated June 19, 1965, recorded in Plat Book 26 at Page 663. Said lot being bounded and measuring as follows, to wit: On the Northwest by the remainder of Lot H-3, whereon it measures one hundred ninety-six and four-tenths feet (196.4'); on the Southwest by the right-of-way of Interstate Highway 26 whereon it measures three hundred ten feet (310'); on the Northeast by Arrowwood Road, whereon it fronts and measures three hundred ten feet (310'); and on the Southeast by Lot H-5, whereon it measures one hundred seventy-six feet and four tenths feet (176.4'); be all measurements a little more or less.

Tax Map Number R07302-05-07

5. The SCDOT is vested with the power of eminent domain pursuant to Section 57-5-320 and Section 28-2-60, Code of Laws of South Carolina, 1976, as amended.

Condemnation Notice and Tender of Payment (continued)

6. The property sought herein is to be acquired for public purposes, more particularly for the construction of **a section of I-20/I-26/I-126 (Carolina Crossroads), in Lexington/Richland Counties.**

7. This action is brought pursuant to Section 28-2-240, Code of Laws of South Carolina, 1976, as amended.

8. The SCDOT has complied with the requirements set forth in Section 28-2-70(a), Code of Laws of South Carolina, 1976, as amended, by having the subject property appraised and making the appraisal available to the Landowner(s) where required by law, and certifies to the Court that a negotiated resolution has been attempted prior to the commencement of this action, or pursuant to Section 12-28-2940, Code of Laws of South Carolina, 1976, as amended, an appraisal of this property was not required.

9. Project plans may be inspected at the office of **South Carolina Department of Transportation, Richland Maintenance Office, 7201 Fairfield Road, Columbia, South Carolina 29203, under Project No. P027662, I-20/I-26/I-126 (Carolina Crossroads), Tract 407.**

10. THE CONDEMNOR HAS DETERMINED JUST COMPENSATION FOR THE PROPERTY AND RIGHTS TO BE ACQUIRED HEREUNDER, INCLUDING ALL DAMAGES (IF ANY), TO BE THE SUM OF **ONE HUNDRED THIRTY EIGHT THOUSAND FOUR HUNDRED SEVENTY TWO NO/100 DOLLARS (\$138,472.00)** AND HEREBY TENDERS PAYMENT THEREOF TO THE LANDOWNER(S).

11. Payment of this amount will be made to the Landowner(s) if within thirty (30) days of service of this Condemnation Notice, the Landowner(s) in writing requests payment, and agrees to execute any instruments necessary to convey to the Condemnor the property interests and rights described hereinabove. The Agreement and Request for Payment must be sent by first class certified mail with return receipt requested or delivered in person to Director, Rights of Way, South Carolina Department of Transportation, 955 Park Street, Columbia, South Carolina 29202. If no Agreement and Request for Payment is received by the Condemnor within the thirty (30) day period, the tender is considered rejected.

Condemnation Notice and Tender of Payment (continued)

12. If the tender is rejected, the Condemnor has the right to file this Condemnation Notice with the Clerk of Court of the County where the property is situated and deposit the tender amount with the Clerk. The Condemnor shall give the Landowner(s) and Other Condemnee(s) notice that it has done so and may then proceed to take possession of the property interests and exercise the rights described in this Condemnation Notice.

13. AN ACTION CHALLENGING THE CONDEMNOR'S RIGHT TO ACQUIRE THE PROPERTY AND RIGHTS DESCRIBED HEREIN MUST BE COMMENCED IN A SEPARATE PROCEEDING IN THE COURT OF COMMON PLEAS WITHIN THIRTY DAYS OF THIS CONDEMNATION NOTICE, OR THE LANDOWNER(S) WILL BE CONSIDERED TO HAVE WAIVED THE CHALLENGE.

14. THE CONDEMNOR HAS ELECTED NOT TO UTILIZE THE APPRAISAL PANEL PROCEDURE. Therefore, if the tender herein is rejected, the Condemnor shall notify the Clerk of Court and shall demand a trial to determine the amount of just compensation to be paid. A copy of that notice must be served on the Landowner(s). That notice shall state whether the Condemnor demands a trial by jury or by the Court without a jury. The Landowner(s) has the right to demand a trial by jury. The case may not be called for trial before sixty (60) days after the service of that notice, but it may thereafter be given priority for trial over other civil cases. The Clerk of Court shall give the Landowner(s) written notice by mail of the call of the case for trial.

15. THEREFORE, IF THE TENDER HEREIN IS REJECTED, THE LANDOWNER(S) IS ADVISED TO OBTAIN LEGAL COUNSEL AT ONCE, IF NOT ALREADY OBTAINED.

16. In the event the Landowner(s) accepts the amount tendered in this Notice, the attached Agreement and Request for Payment form should be signed and returned to the Condemnor within thirty (30) days of your receipt of this Notice.

Condemnation Notice and Tender of Payment (continued)

BELSER & BELSER, P.A.

BY: s/ William C. Dillard, Jr.
Attorney for Condemnor (SCDOT)
William C. Dillard, Jr. (SC Bar No. 78986)
1325 Park Street, Suite 300 (29201)
Post Office Box 96
Columbia, South Carolina 29202
Email: will@belserpa.com
Telephone: (803) 929-0096

Columbia, South Carolina

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