

STATE OF SOUTH CAROLINA

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

COUNTY OF RICHLAND

Road/Route I-20/I-26/I-126 (Carolina Crossroads)  
Project ID No. P027662  
Tract 197/198/199

South Carolina Department of Transportation

Condemnor,

VS.

Columbia Lodging, Inc., a South Carolina  
Corporation,

Landowner(s),

and

LW-SP2, L.P., Mortgagee and Richland County  
Treasurer, Delinquent Taxes,

Other Condemnee(s).

CONDEMNATION NOTICE  
AND  
TENDER OF PAYMENT

(JURY TRIAL DEMANDED)

Copy To: Williams & Walsh Attorneys at Law, Attn: Abigail B. Walsh, 652 Rutledge Avenue,  
Unit B, Charleston, South Carolina 29403

TO: THE LANDOWNER(S) AND OTHER CONDEMNEE(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. **Columbia Lodging, Inc., a South Carolina Corporation** is named as Landowner(s) in this action by virtue of **their** claim(s) of title (or other interests) as shown by that certain **deed dated August 30, 1990, from First Hotel Investment Corporation, a Delaware corporation, recorded September 4, 1990 in the ROD Office for Richland County in Deed Book 995, Page 827.**

## Condemnation Notice and Tender of Payment (continued)

3. LW-SP2, L.P. is made a party in this action as "Other Condemnee(s) by virtue of their claims of interest in that certain Assignment of Mortgage recorded April 4, 1994 in the ROD Office for Richland County in Mortgage Book M1719, Page 118 by assignment from Westinghouse Credit Corporation dated August 31, 1990 and recorded September 4, 1990 in Book M1292, Page 794.

4. Richland County Treasurer is made a party in this action as "Other Condemnee(s)" by virtue of those claims of interest in those certain unpaid 2020 property taxes.

5. 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 a total of 21,202 square feet (0.486 acre), more or less, and all improvements thereon, if any, including rights of access as may be needed for controlled accessed facilities, being a portion of the property, owned by Columbia Lodging, Inc., a South Carolina Corporation, shown as the "Area of Acquisition" on Exhibit "A", attached hereto and made a part here of, between approximate survey stations 7202+00 and 7208+00, left of I-20 WB CD Road.**

**Tax Map Numbers R07402-05-05, R07402-05-04, R07402-05-06**

6. 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.

7. 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 Richland/Lexington Counties.

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

9. 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.

Condemnation Notice and Tender of Payment (continued)

10. Project plans may be inspected at the office of South Carolina Department of Transportation, Richland County Maintenance Office, 7201 Fairfield Road, Columbia, South Carolina 29203, under Project No. P027662, I-20/I-26/I-126 (Carolina Crossroads), Tract 197/198/199.

11. 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 FORTY-EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$148,500.00) AND HEREBY TENDERS PAYMENT THEREOF TO THE LANDOWNER(S).

12. 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.

13. 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.

14. 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.

15. 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

## Condemnation Notice and Tender of Payment (continued)

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.

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

17. 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.

HINCHEY, MURRAY & PAGLIARINI, LLC

s/David G. Pagliarini, Esquire

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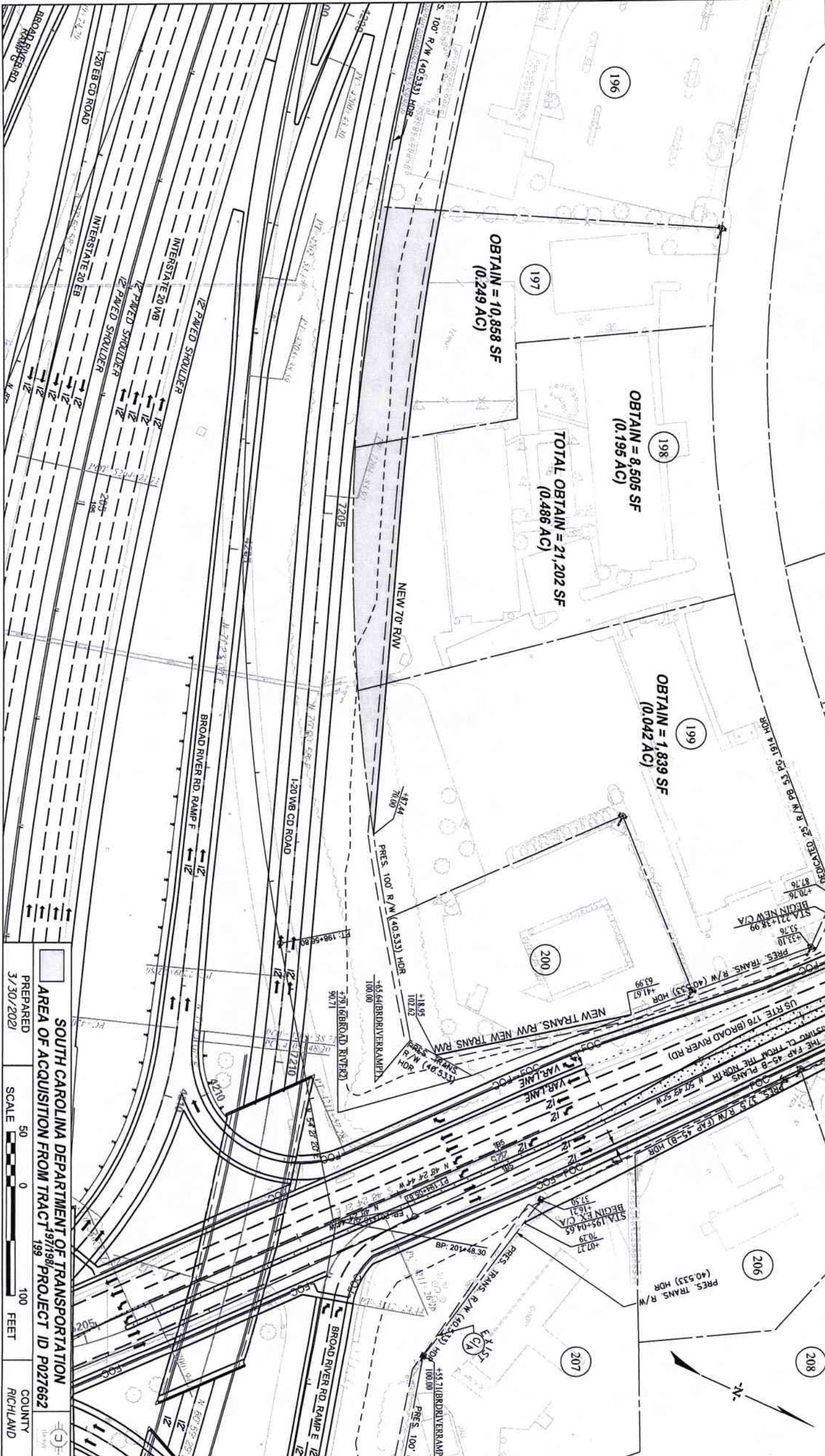
David G. Pagliarini, Esquire  
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145 River Landing Drive, Suite 101 B  
Charleston, South Carolina 29492  
(843) 971-8646  
david@lawyershmp.com  
*Attorney for Condemnor (SCDOT)*

Charleston, South Carolina  
April 29, 2021



EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION. THE AREA OF ACQUISITION IS SHOWN IN SHADING AND IS SUBJECT TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDDT STANDARD DRAWING 809-105-00.



SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
AREA OF ACQUISITION FROM TRACT 199  
PREPARED 3/30/2021  
SCALE 50 0 100 FEET  
COUNTY RICHLAND