

**STATE OF SOUTH CAROLINA**

**COUNTY OF LEXINGTON/RICHLAND**

Road/Route I-20/I-26/I-126 (Carolina Crossroads)  
Project ID No. P027662  
Tract 208

South Carolina Department of Transportation

Condemnor,

VS.

**Columbia NCP, LLC, a Delaware limited liability company,**

Landowner(s),

and

**PFP Holding Company IV, LLC, Mortgagee, Acore Capital Mortgage LP, Mortgagee, and Acore Capital Mortgage LP, Secured Party of Record;**

Other Condemnee(s).

IN THE COURT OF COMMON PLEAS  
C/A NO.

CONDEMNATION NOTICE  
AND  
TENDER OF PAYMENT

(JURY TRIAL DEMANDED)

**ROW  
FILE  
COPY**

**Copy To: Brownstein, Hyatt, Farber, Schreck: Attn: Robert Kaugmann, 410 Seventeenth Street, Suite 2200, Denver, Colorado 80202-4432**

**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 NCP, LLC, a Delaware limited liability company is named as Landowner(s) in this action by virtue of their claim(s) of title (or other interests) as shown by that certain special warranty deed dated September 24, 2015 from Broad River**

Project ID No. P027662 - Road/Rte I-20/I-26/I-126 (Carolina Crossroads) -Tract 208

Condemnation Notice and Tender of Payment (continued)

**Silagi, LLC, a limited liability company, recorded October 7, 2015 in the ROD Office for Richland County in Deed Book 2063, Page 226.**

3. **PFP Holding Company IV, LLC is made a party in this action as "Other Condemnee(s) by virtue of their claims of interest in that certain Mortgage dated September 29, 2015 and recorded October 7, 2015 in the ROD Office for Richland County in Mortgage Book 2063, Page 237, including all assignments and agreements as constituted.**

4. **Acore Capital Mortgage, LP is made a party in this action as "Other Condemnee(s) by virtue of their claims of interest in that certain Mortgage dated October 19, 2018 and recorded October 25, 2018 in the ROD Office for Richland County in Book 2345, Page 2924, including all assignments and agreements as constituted; also, as Secured Party of Record by that certain UCC Financing Statement recorded October 25, 2018 in Book 2345, Page 2948.**

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 11,812 square feet (0.271 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 NCP, LLC, a Delaware limited liability company, shown as the "Area of Acquisition" on Exhibits "A" and "B", attached hereto and made a part hereof, between approximate survey stations 3218+00 and 3224+00 on the left of Broad River Road Ramp E (see Exhibit "A"); also between approximate survey stations 219+00 and 220+00, and between approximate survey stations 220+00 and 223+00 on the left of US Route 176 (Broad River Road) (see Exhibit "B"). Property herein conveyed is along a relocated/construction centerline as shown on plans between approximate survey stations 210+00 and 243+46.38, US Route 176 Broad River Road).**

**Tax Map Number R07403-04-07**

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.

Condemnation Notice and Tender of Payment (continued)

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.

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 285.**

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 FIVE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$105,200.00)** 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.

Condemnation Notice and Tender of Payment (continued)

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 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.

Condemnation Notice and Tender of Payment (continued)

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.

BY: \_\_\_\_\_  
Attorney for Condemnor (SCDOT)

Telephone:

\_\_\_\_\_, South Carolina

\_\_\_\_\_, 20 \_\_\_\_\_

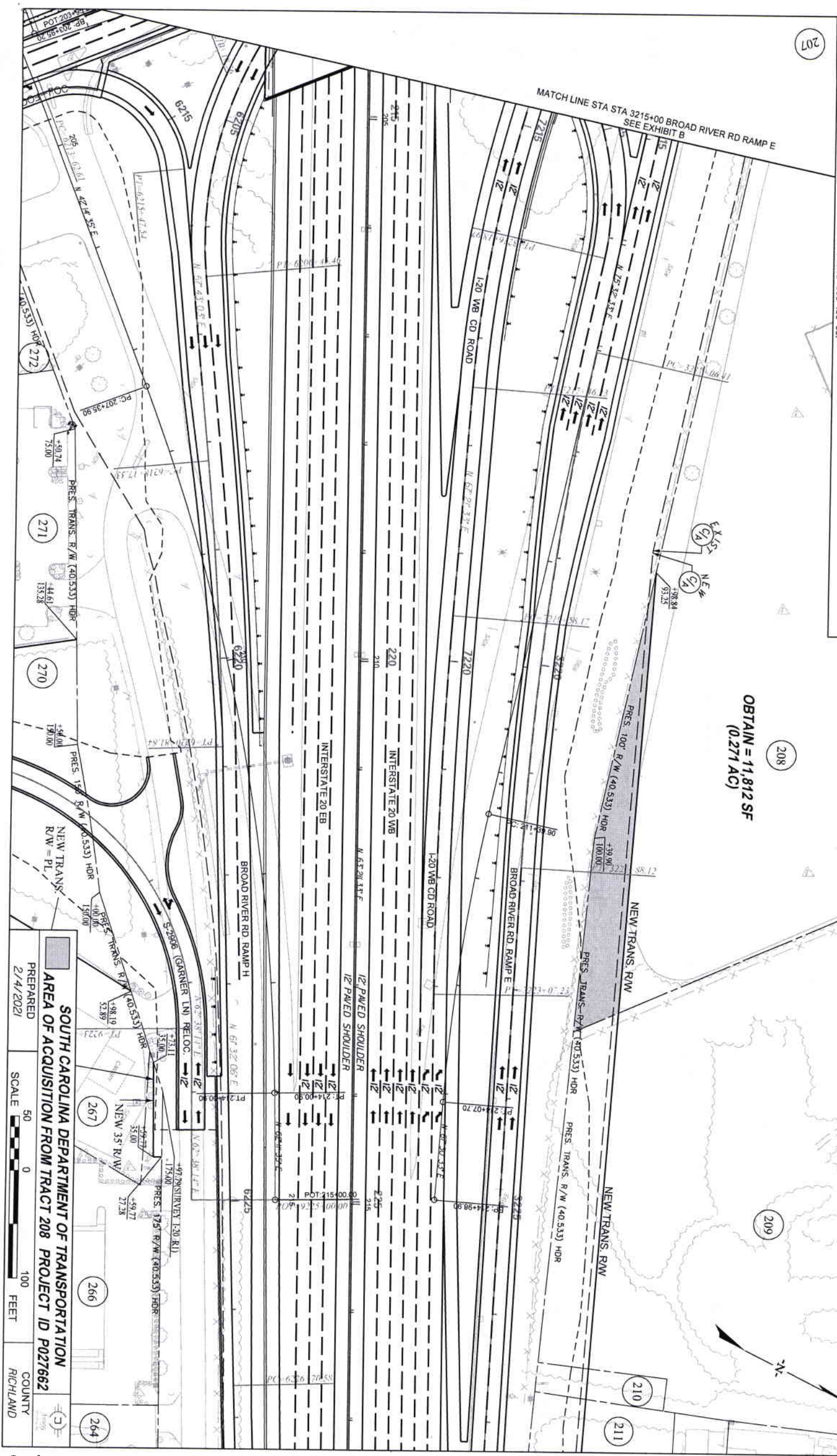


EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING STUDIES, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS, 965 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

RELOCATE S-2906 (GARNER LN) CENTERLINE FROM STA 9214+92.02 TO STA 9225+00.00

OBTAIN = 11,812 SF  
(0.271 AC)



**SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**  
**AREA OF ACQUISITION FROM TRACT 208 PROJECT ID P027662**  
PREPARED 2/4/2021  
SCALE 50 0 100 FEET  
COUNTY RICHLAND



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 SCDOT HEADQUARTERS, 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-000.

SEE EXHIBIT A FOR TOTAL OBTAIN

