

Condemnation Notice and Tender of Payment (continued)

**STATE OF SOUTH CAROLINA**

**COUNTY OF LEXINGTON/RICHLAND**

Road/Route **I-20/I-26/I-126 (Carolina Crossroads)**

Project ID No. **P027662**

Tract **387**

South Carolina Department of Transportation

Condemnor,

VS.

**Leslie N. Hogg,**

Landowner(s),

and

**Dianne A. Rushing, Mortgagee, and AOS  
Contractor, Mortgagee**

Other Condemnee(s).

IN THE COURT OF COMMON PLEAS

C/A NO.

CONDEMNATION NOTICE  
AND  
TENDER OF PAYMENT

(JURY TRIAL DEMANDED)

**Copy To: Abigail B. Walsh, Williams & Walsh, Attorneys at Law, 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. **Leslie N. Hogg** 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 by Dianne A. Rushing dated March 17, 2014 and recorded March 24, 2014 in Deed Book R1934, Page 138 in the ROD Office for Richland County.**

Project ID No. P027662 - I-20/I-26/I-126 (Carolina Crossroads) - Tract 387

## Condemnation Notice and Tender of Payment (continued)

3. **Dianne A. Rushing is made a party in this action as "Other Condemnee(s) by virtue of her claims of interest in that certain Mortgage dated March 14, 2014 and recorded March 24, 2014 in the ROD Office for Richland County in Deed Book 1934, Page 141.**

4. **AOS Contractor is made a party in this action as "Other Condemnee(s) by virtue of their claims of interest in that certain Mortgage information provided by the landowner, but unrecorded at this time.**

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 0.074 of an acre (3,230 square feet), more or less, being a portion of the property, and all improvements thereon, if any, owned by Leslie N. Hogg, shown as the "Area of Acquisition" on Exhibit "A", attached hereto and made a part hereof, between approximate survey stations 9015+00 and 9017+00, left of Road S-2891 (Morninghill Drive Relocated). Property herein conveyed is along a relocated centerline as shown on plans between) approximate survey stations 8999+92.87 and 9029+82.97 Road S-2891 (Morninghill Drive Relocated).**

**Tax Map Number R05915-03-13**

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 Lexington/Richland 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 Maintenance Office, 7201 Fairfield Road, Columbia, South Carolina 29203, under Project No. P027662, I-20/I-26/I-126 (Carolina Crossroads), Tract 387.**

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 **TWELVE THOUSAND FIVE HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$12,575.00)** 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

## Summons (continued)

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.

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: s/S. Murry Kinard  
Attorney for Condemnor (SCDOT)  
Murry Kinard, Attorney At Law-Bar No.66590  
Kinard & Jones, LLC  
303 South Lake Drive, Lexington, SC 29072  
Telephone: 803-359-1003

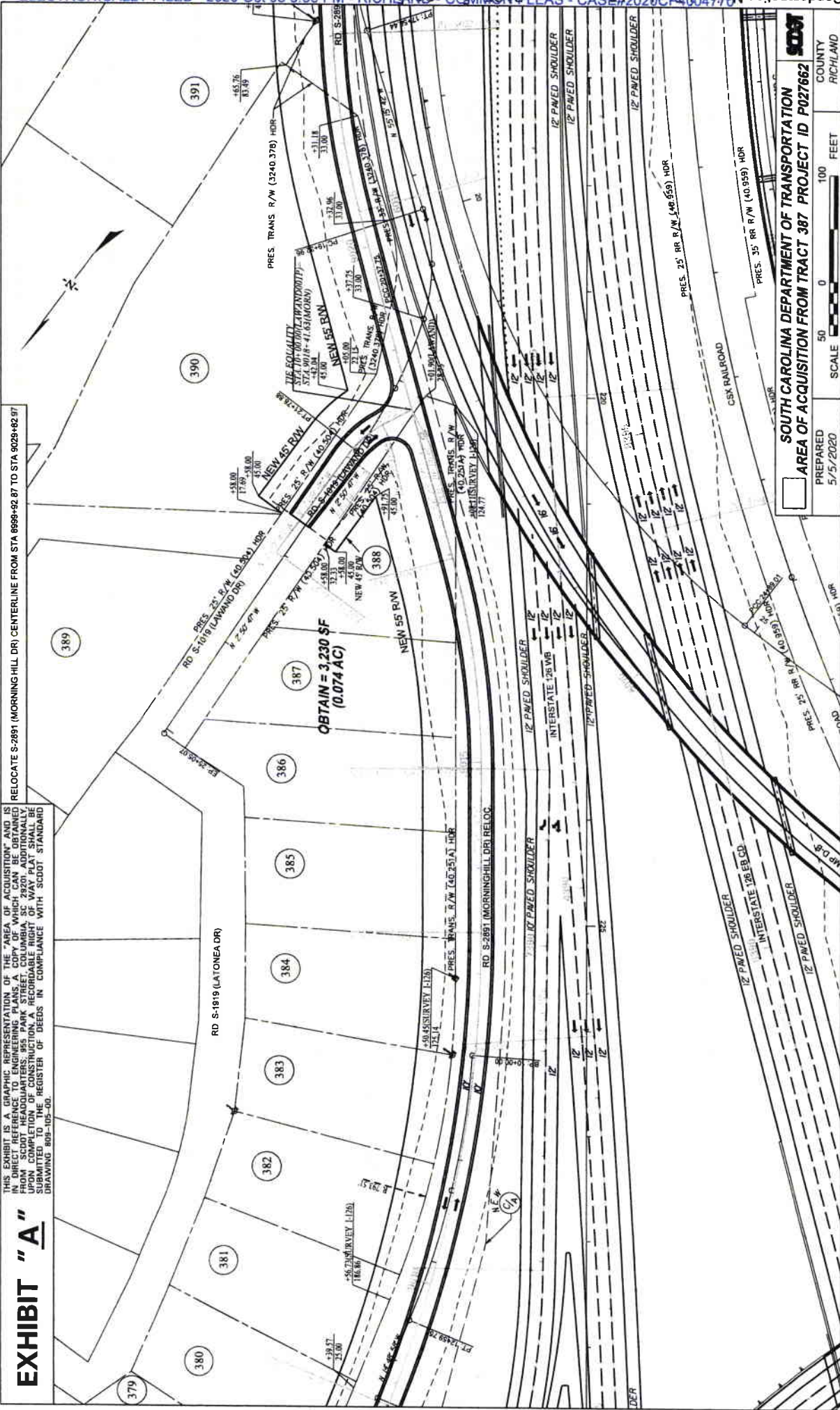
Lexington, South Carolina

October 7, 20 20



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 809-105-00.

RELOCATE S-2891 (MORNING HILL DR) CENTERLINE FROM STA 8999+92.87 TO STA 9029+82.97



**SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
AREA OF ACQUISITION FROM TRACT 387 PROJECT ID P027662**

PREPARED 1/5/2020	 SCALE 0 100 FEET	COUNTY RICHLAND
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Revised 7/9/2020

**STATE OF SOUTH CAROLINA**

IN THE COURT OF COMMON PLEAS  
C/A NO.

**COUNTY OF LEXINGTON/RICHLAND**

Road/Route **I-20/I-26/I-126 (Carolina Crossroads)**  
Project ID No. **P07662**  
Tract **387**

South Carolina Department of Transportation

Condemnor,

VS.

**SUMMONS**

**Leslie N. Hogg,**

Landowner(s),

and

**Dianne A. Rushing, Mortgagee and AOS  
Contractor, Mortgagee,**

Other Condemnee(s).

TO: THE LANDOWNER(S) AND OTHER CONDEMNEE(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED, advised and notified, that pursuant to the South Carolina Eminent Domain Procedures Act, Section 28-2-10, et seq., the within Condemnation Notice and Tender of Payment, a copy of which is herewith served upon you, has been filed with the Clerk of Court for Richland County. The purpose of this lawsuit is to enable the Condemnor, the South Carolina Department of Transportation, to acquire certain real property

Condemnation Notice and Tender of Payment (continued)

for its public purposes, as is more fully stated in the attached Condemnation Notice and Tender of Payment. Responsive pleadings to the Condemnation Notice and Tender of Payment are not necessary.

BY: s/S. Murry Kinard  
Attorney for Condemnor (SCDOT)  
Murry Kinard, Attorney At Law-Bar No.66590  
Kinard & Jones, LLC  
303 South Lake Drive, Lexington, SC 29072  
Telephone: 803-359-1003

Lexington , South Carolina

October 7 , 20 20

ELECTRONICALLY FILED - 2020 Oct 08 3:38 PM - RICHLAND - COMMON PLEAS - CASE#2020CP4004770

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS  
C/A NO.

COUNTY OF LEXINGTON/RICHLAND

Road/Route I-20/I-26/I-126 (Carolina Crossroads)

Project ID No. P027662

Tract 387

South Carolina Department of Transportation

Condemnor,

VS.

LIS PENDENS

Leslie N. Hogg,

Landowner(s),

and

Dianne A. Rushing, Mortgagee and AOS  
Contractor, Mortgagee,

Other Condemnee(s).

NOTICE IS HEREBY GIVEN that the Condemnor above named pursuant to the South Carolina Eminent Domain Procedures Act, Section 28-2-10, et seq., of the South Carolina Code of Laws, 1976, as amended, has brought an action against the Condemnee(s) above named to acquire the real property described herein for public purposes, to-wit:

**All that parcel or strip of land, in fee simple, containing 0.074 of an acre (3,230 square feet), more or less, being a portion of the property, and all improvements thereon, if any, owned by Leslie N. Hogg, shown as the "Area of Acquisition" on Exhibit "A", attached hereto and made a part hereof, between approximate survey stations 9015+00 and 9017+00, left of Road S-2891 (Morninghill Drive Relocated). Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 8999+92.87 and 9029+82.97 Road S-2891 (Morninghill Drive Relocated).**

Tax Map Number R05915-03-13



Lis Pendens (continued)

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), Lexington/Richland Counties.**

BY: s/S. Murry Kinard  
Attorney for Condemnor (SCDOT)  
Murry Kinard, Attorney At Law-Bar No.66590  
Kinard & Jones, LLC  
303 South Lake Drive, Lexington, SC 29072  
Telephone: 803-359-1003

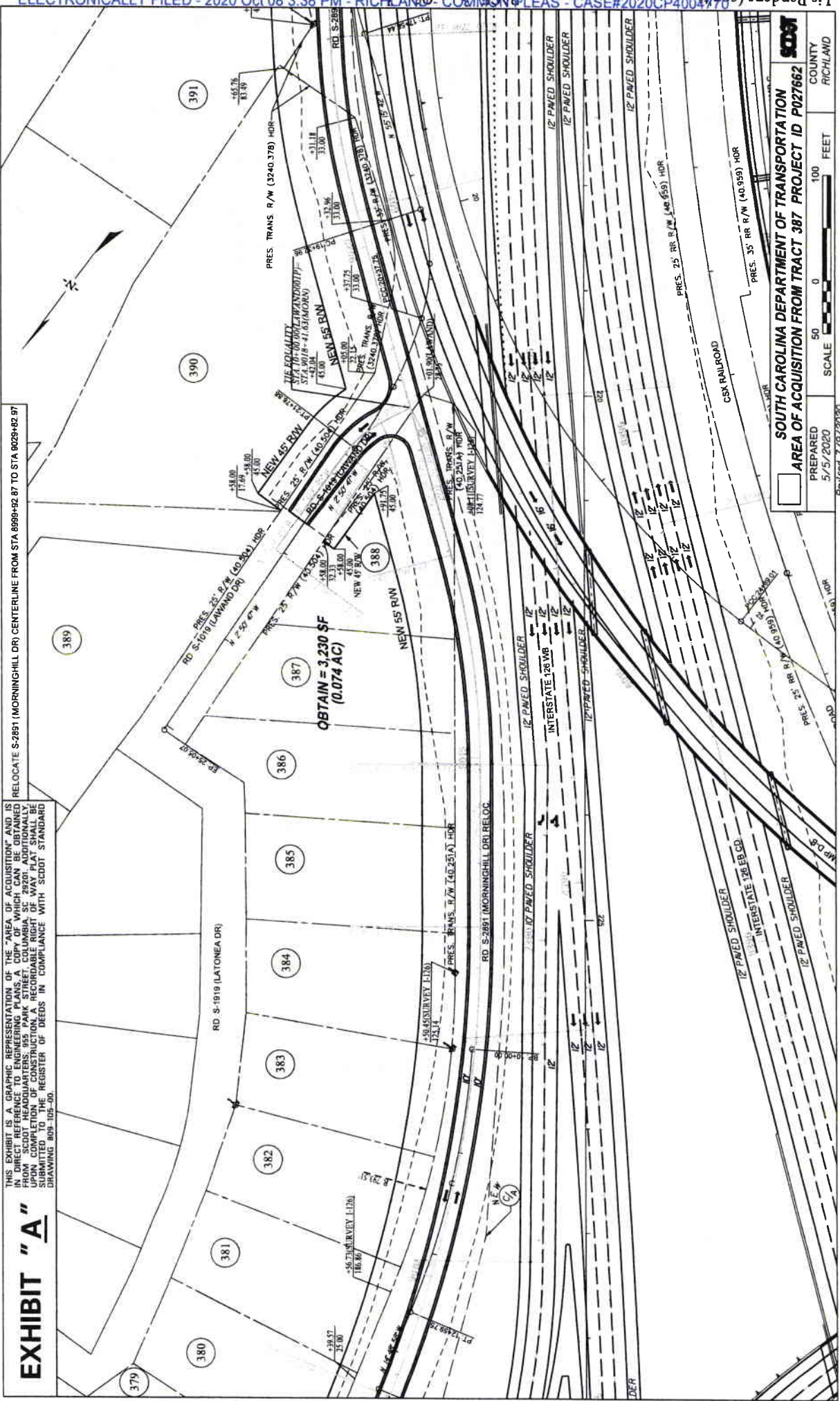
Lexington , South Carolina

October 7 , 20 20

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RELOCATE S-2891 (MORNINGHILL DR) CENTERLINE FROM STA 8999+92.87 TO STA 9029+82.97



**SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**AREA OF ACQUISITION FROM TRACT 387 PROJECT ID P027662**

**COUNTY**  
RICHLAND

**PREPARED**  
5/5/2020

**SCALE**



0 50 100  
FEET

**DATE PLOTTED**  
5/20/2020

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS  
C/A NO.

COUNTY OF LEXINGTON/RICHLAND

Road/Route I-20/I-26/I-126 (Carolina Crossroads)  
Project ID No. P027662  
Tract 387

South Carolina Department of Transportation

Condemnor,

AFFIDAVIT

VS.

Leslie N. Hogg,

Landowner(s),

and

Dianne A. Rushing, Mortgagee and AOS  
Contractor, Mortgagee,

Other Condemnee(s).

PERSONALLY APPEARED before me **William C. Johnston** who, being first duly sworn, says and deposes:

1. That the amount tendered by the Condemnor to the Landowner(s) in the Condemnation Notice has been rejected;
2. That the Condemnor demands a trial not earlier than sixty (60) days after the date of service of this affidavit upon the Landowner(s);
3. That the Condemnor demands a trial by jury;
4. That, at this time, the Condemnor does not demand that this action be given priority over other cases;

Affidavit (continued)

5. That the Clerk of Court should notify the following of the call of the case.

Leslie N. Hogg  
300 Latonea Drive  
Columbia, South Carolina 29210

Dianne A. Rushing  
1530 Wyndham Road  
Columbia, South Carolina 29205

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

AOS Contractor  
1224 Two Notch Road  
Lexington, South Carolina 29073



William C. Johnston  
Assistant Director, Rights of Way for  
Mega Projects

SWORN to before me this

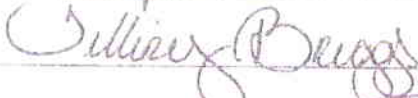
22<sup>nd</sup>

day of

September

, 20 20

Print or Type Notary Name



Tillery Briggs

NOTARY PUBLIC FOR

South Carolina

My Commission Expires:

February 12, 2030

**STATE OF SOUTH CAROLINA**

IN THE COURT OF COMMON PLEAS  
C/A NO.

**COUNTY OF LEXINGTON/RICHLAND**

Road/Route **I-20/I-26/I-126 (Carolina Crossroads)**  
Project ID No. **P027662**  
Tract **387**

South Carolina Department of Transportation

Condemnor,

NOTICE OF FILING

VS.

**Leslie N. Hogg,**

Landowner(s),

and

**Dianne A. Rushing, Mortgagee and AOS  
Contractor, Mortgagee,**

Other Condemnee(s).

TO: THE LANDOWNER(S) AND OTHER CONDEMNEE(S) ABOVE NAMED:

Pursuant to the South Carolina Eminent Domain Procedure Act, Section 28-2-230(b), et seq., Code of Laws of South Carolina, 1976, as amended, you are hereby notified that as you have rejected the amount tendered as just compensation as stated in the Condemnation Notice, the Condemnor has filed the Condemnation Notice with the Clerk of Court for **RICHLAND** County pursuant to Section 28-2-90,



Notice of Filing (continued)

Code of Laws of South Carolina, 1976, as amended, may now proceed to take possession of the property or interest described in the Condemnation Notice.

BY: s/S. Murry Kinard  
Attorney for Condemnor (SCDOT)  
Murry Kinard, Attorney At Law-Bar No.66590  
Kinard & Jones, LLC  
303 South Lake Drive, Lexington, SC 29072  
Telephone: 803-359-1003

Lexington, South Carolina

October 7, 20 20

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