

**STATE OF SOUTH CAROLINA**  
**COUNTY OF CHARLESTON**

Road/Route **Port Access Road**  
File **10.037345A**  
Item  
Project **GEN8**  
PIN **37345 RD01**  
Tract **2**

South Carolina Department of Transportation,

Condemnor,

VS.

**Richard M. Padgett, Sr. and Marcus James Padgett, Jr.,**

Landowner(s).

) IN THE COURT OF COMMON PLEAS  
) C/A NO.

2013-CP-10-2813

JULIE J. ARMSTRONG  
CLERK OF COURT

2013 MAY 13 PM 4:05

FILED

CONDEMNATION NOTICE  
AND  
TENDER OF PAYMENT  
(JURY TRIAL DEMANDED)

COPY TO: Abigail B. Walsh, Williams & Walsh Attorney at Law, 125-A Wappoo Creek Road, Suite 202, Charleston SC 29412

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. **Richard M. Padgett, Sr. and Marcus James Padgett, Jr.,** are 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 May 9, 2007 from B&R Group, Inc., recorded June 16, 2007 in the ROD Office for Charleston County in Deed Book W625, Page 321.

Paid by Check # 141057032  
Voucher # 3405157866

Settled out of Court for \$  
by Associate Counsel David Pagliarini.  
See legal letter dated 6-9-14

Condemnation Notice and Tender of Payment (continued)

3. 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 to establish a right of way, containing 0.45 acre (19,418 SF) more or less, and all improvements thereon if any, including rights of access as may be needed for controlled access facilities, owned by Richard M. Padgett, Sr. and Marcus James Padgett, Jr., shown as the "Area of Acquisition" on Exhibit A, attached hereto and made a part hereof, between approximate survey stations 5765+00 and 5756+00 right of Line "H".**

**Tax Map Number 466-07-00-005.**

4. 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.

5. The property sought herein is to be acquired for public purposes, more particularly for the construction of **From: I-26 (Exit 216) To: Proposed Port Terminal.**

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

7. 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.

8. Project plans may be inspected at the office of **South Carolina Department of Transportation, Charleston County Maintenance Office, 6355 Fain Street, North Charleston, South Carolina, 29418, under PIN 37345 RD01, Tract 2, Port Access Road (r/w corridor).**

9. THE CONDEMNOR HAS DETERMINED JUST COMPENSATION FOR THE PROPERTY AND RIGHTS TO BE ACQUIRED HEREUNDER, TO BE THE SUM OF **SIXTY-NINE THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$69,900.00)** AND HEREBY TENDERS PAYMENT THEREOF TO THE LANDOWNER(S).

## Condemnation Notice and Tender of Payment (continued)

10. 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 Kenneth C. Feaster, 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.

11. 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.

12. 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.

13. 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.

14. 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)

15. 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

BY: 

David G. Pagliarini

Jessica S. Jubick

234 Seven Farms Drive, Suite 300

Charleston, South Carolina 29492

Telephone: (843) 971-8646

*Attorneys for Condemnor (SCDOT)*

Charleston, South Carolina

May 10, 2013.



**COUNTY OF CHARLESTON**

) IN THE COURT OF COMMON PLEAS  
)  
) C/A NO.: 2013-CP-10-2813

South Carolina Department of Transportation,

Condemnor,

VS.

**Richard M. Padgett, Sr. and Marcus James Padgett, Jr.,**

Landowner(s),

**RELEASE**

WHEREAS, prior to the trial of this case, the parties agreed upon the sum of **Ninety Thousand and No/100 Dollars (\$90,000.00)** as just compensation for the property taken; and

WHEREAS, the funds on deposit with the Court, Sixty Nine Thousand Nine Hundred and No/100 Dollars (\$69,900.00), plus any accrued interest, shall be returned to SCDOT c/o Brian Keys, Director, Rights of Way; and

WHEREAS, SCDOT shall issue payment in the amount of Ninety Thousand and No/100 Dollars (\$90,000.00) payable to Williams & Walsh Trust Account f/b/o Padgett for the benefit of the Landowners; and

WHEREAS the Condemnor and Landowners further agree that this case has been settled, and that this case should be ended and stricken from the calendar, that the above-entitled action should be and is dismissed with prejudice; and

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of **Ninety Thousand and No/100 Dollars (\$90,000.00)** paid to the Landowners by SCDOT as described above, receipt of which is hereby acknowledged, the Landowners, for themselves, their executors, administrators, beneficiaries and assigns, do hereby acknowledge the aforesaid sum as payment in full of just compensation as a result of the aforesaid condemnation and acquisition by SCDOT, and do hereby release, acquit and forever discharge the State of South Carolina, its agencies, departments, institutions, boards and commissions, and officials, agents or employees thereof or successors thereto, and particularly SCDOT from any and all claims, demands, damages, actions, causes of action, and suits at law or in equity, of whatsoever kind or nature, arisen, arising, or to arise from or because of any matter relating to the lawful condemnation of this tract of land for the above-referenced project.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this

21st day of MAY, 2014.

IN THE PRESENCE OF:

Karen D. Wilson (sign name)

Karen D. Wilson (print name)

Barbara Lou Wilkerson (sign name)

BARBARA LOU WILKERSON (print name)

Richard M. Padgett, Sr.  
Richard M. Padgett, Sr.

BARBARA LOU WILKERSON  
Notary Public, Chatham County, GA  
My Commission Expires September 23, 2014

IN THE PRESENCE OF:

Karen D. Wilson (sign name)

Karen D. Wilson (print name)

Barbara Lou Wilkerson (sign name)

BARBARA LOU WILKERSON (print name)

Marcus James Padgett, Jr.  
Marcus James Padgett, Jr.

BARBARA LOU WILKERSON  
Notary Public, Chatham County, GA  
My Commission Expires September 23, 2014