

**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 316

South Carolina Department of Transportation

Condemnor.

VS.

CONDEMNATION NOTICE  
AND  
TENDER OF PAYMENT**Red Oak Lands, Inc., a South Carolina  
Corporation,**

(JURY TRIAL DEMANDED)

Landowner(s),

and

**Richland County Treasurer's Office,  
Delinquent Taxes,**

Other Condemnee(s).

**Copy To: Richland County Tax Assessor's Office, 2020 Hampton Street, 2<sup>nd</sup> Floor, PO  
Box 192, Columbia, South Carolina 29201**

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. **Red Oak Lands, 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 from Kathryn Lemmon Dibble dated July 23, 1986 and recorded**



**August 7, 1986 in Deed Book D804, Page 258 in the records of the ROD office for Richland County in the records of the ROD office for Richland County.**

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

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 0.24 acre (10,454 square feet) more or less, being the entire property and all improvements thereon, if any, owned by Red Oak Lands, Inc., a South Carolina Corporation, shown as the "Area of Acquisition" being described as follows: North by land now or formerly owned by Samuel Goodwin for 216.5 feet; East by Chippewa Drive for 50.0 feet; South by land now or formerly owned by Vernon S. Mellonas for 219.3 feet; and West by land now or formerly owned by Aline N. Zimmerman for 50.0 feet. Said lot being delineated on a plat of record in the office of the RMC for Richland County in Plat Book "N" at page 52.**

**Tax Map Number R06014-08-01**

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.

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,**



## Condemnation Notice and Tender of Payment (continued)

**South Carolina 29203, under Project Id. P027662, I-20/I-26/I-126 (Carolina Crossroads), Tract 316.**

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 **TWO THOUSAND SIX HUNDRED FOURTEEN AND NO/100 DOLLARS (\$2,614.00)** 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.

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).



## Condemnation Notice and Tender of Payment (continued)

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.

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

November 16 , 20 20

**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 316

South Carolina Department of Transportation

Condemnor,

VS.

LIS PENDENS

**Red Oak Lands, Inc., a South Carolina Corporation,**

Landowner(s),

and

**Richland County Treasurer's Office,  
Delinquent Taxes,**

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 0.24 acre (10,454 square feet) more or less, being the entire property and all improvements thereon, if any, owned by Red Oak Lands, Inc., a South Carolina Corporation, shown as the "Area of Acquisition" being described as follows: North by land now or formerly owned by Samuel Goodwin for 216.5 feet; East by Chippewa Drive for 50.0 feet; South by land now or formerly owned by Vernon S. Mellonas for 219.3 feet; and West by land now or formerly owned by Aline N. Zimmerman for 50.0 feet. Said lot being delineated on a plat of record in the office of the RMC for Richland County in Plat Book "N" at page 52.**

**Tax Map Number R06014-08-01**



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

November 16 , 20 20

**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 316

South Carolina Department of Transportation

Condemnor,

VS.

SUMMONS

**Red Oak Lands, Inc., a South Carolina  
Corporation**

Landowner(s),

and

**Richland County Treasurer's Office,  
Delinquent Taxes,**

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



Summons (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

November 16 , 20 20

ELECTRONICALLY FILED - 2020 Nov 16 11:05 AM - RICHLAND - COMMON PLEAS - CASE#2020CP4005407



**STATE OF SOUTH CAROLINA**

**AGREEMENT AND REQUEST**

**COUNTY OF LEXINGTON/RICHLAND**

**FOR PAYMENT**

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

Project ID No. **P027662**

Tract **316**

I (we), the landowner(s), request payment of the amount determined by the South Carolina Department of Transportation as just compensation for the property and rights to be acquired for the project mentioned above. By making this request I (we) agree to execute the instruments necessary to convey to the South Carolina Department of Transportation the property interests and rights described in the Condemnation Notice and Tender of Payment. Upon signing and payment of the agreed upon amount, the landowner waives any and all rights pursuant to the Code of Laws of South Carolina, 1976, as amended by the Eminent Domain Procedure Act.

**Red Oak Lands, Inc., a South Carolina Corporation**

\_\_\_\_\_  
(L.S.)

**By:** \_\_\_\_\_  
(L.S.)

\_\_\_\_\_  
(L.S.)

**Its:** \_\_\_\_\_

\_\_\_\_\_  
(L.S.)

\_\_\_\_\_

Dated the \_\_\_\_\_ day of

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

**Tract 316**

**STATE OF SOUTH CAROLINA**

IN THE COURT OF COMMON PLEAS  
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**COUNTY OF LEXINGTON/RICHLAND**

Road/Route I-20/I-26/I-126  
Project ID No. P027662  
Tract 316

South Carolina Department of Transportation

Condemnor.

AFFIDAVIT

VS.

**Red Oak Lands, Inc., a South Carolina  
Corporation**

Landowner(s),

and

**Richland County Treasurer's Office,  
Delinquent Taxes,**

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



**STATE OF SOUTH CAROLINA**

IN THE COURT OF COMMON PLEAS  
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**COUNTY OF LEXINGTON/RICHLAND**

Road/Route I-20/I-26/I-126  
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Tract 316

South Carolina Department of Transportation

Condemnor.

NOTICE OF FILING

VS.

**Red Oak Lands, Inc., a South Carolina  
Corporation**

Landowner(s),

and

**Richland County Treasurer's Office,  
Delinquent Taxes,**

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

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