

Condemnation Notice and Tender of Payment (continued)

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON/RICHLAND

IN THE COURT OF COMMON PLEAS
C/A NO. 2020-CP-40-03293

Road/Route I-20/I-26/I-126 (Carolina Crossroads)
Project ID No. P027662
Tract 269

South Carolina Department of Transportation

Condemnor,

VS.

Darrell J. Jabour,

Landowner(s).

CONDEMNATION NOTICE
AND
TENDER OF PAYMENT

(JURY TRIAL DEMANDED)

Copy To: Richland County Tax Assessor, 2020 Hampton Street, 2nd Floor, PO Box 192, Columbia, South Carolina 29201

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. **Darrell J. Jabour** is named as Landowner(s) in this action by virtue of his claim(s) of title (or other interests) as shown by that certain **corrective deed from Mary Ellen Nunnamaker Garner, Margaret Garner Barfield, John Albert Garner and James Franklin Garner, dated July 9, 1997 and recorded September 1, 1997 in Deed Book D1405, Page 302 in the records of the ROD Office for Richland County; also, by deed from Mary Ellen Nunnamaker Garner, Margaret Garner Barfield, John Albert Garner and James Franklin Garner, dated December 31, 1996 and recorded January 14, 1997 in Deed Book D1359, Page 693 in the records of the ROD Office for Richland County; also, by deed from J.C. & J, a partnership (fka) J.C. & J. Inc., dated December 4, 1986**

Project ID No. P027662 - Tract 269

Condemnation Notice and Tender of Payment (continued)

and recorded December 15, 1986 in Deed Book 821, Page 601 in the records of the ROD Office for Richland County.

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, in fee simple, containing 0.91 of an acre (39,444.54 square foot), more or less, being the entire property, and all improvements including the 4,208 square foot commercial building, owned by Darrell J. Jabour, shown as the "Area of Acquisition" on Exhibit A, attached hereto and made a part hereof, between approximate survey stations 9215+00 and 9218+00, left and right of Garner Lane.

Tax Map Number R07406-01-02

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 **a section of I-20/I-26/I-126 (Carolina Crossroads), in Lexington/Richland Counties.**

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 the **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 269.**

9. 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 TWENTY TWO THOUSAND**

Project ID No. P027662 - Tract 269

AND NO/100 DOLLARS (\$122,000.00) AND HEREBY TENDERS PAYMENT THEREOF TO THE LANDOWNER(S).

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 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.

Summons (continued)

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

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.

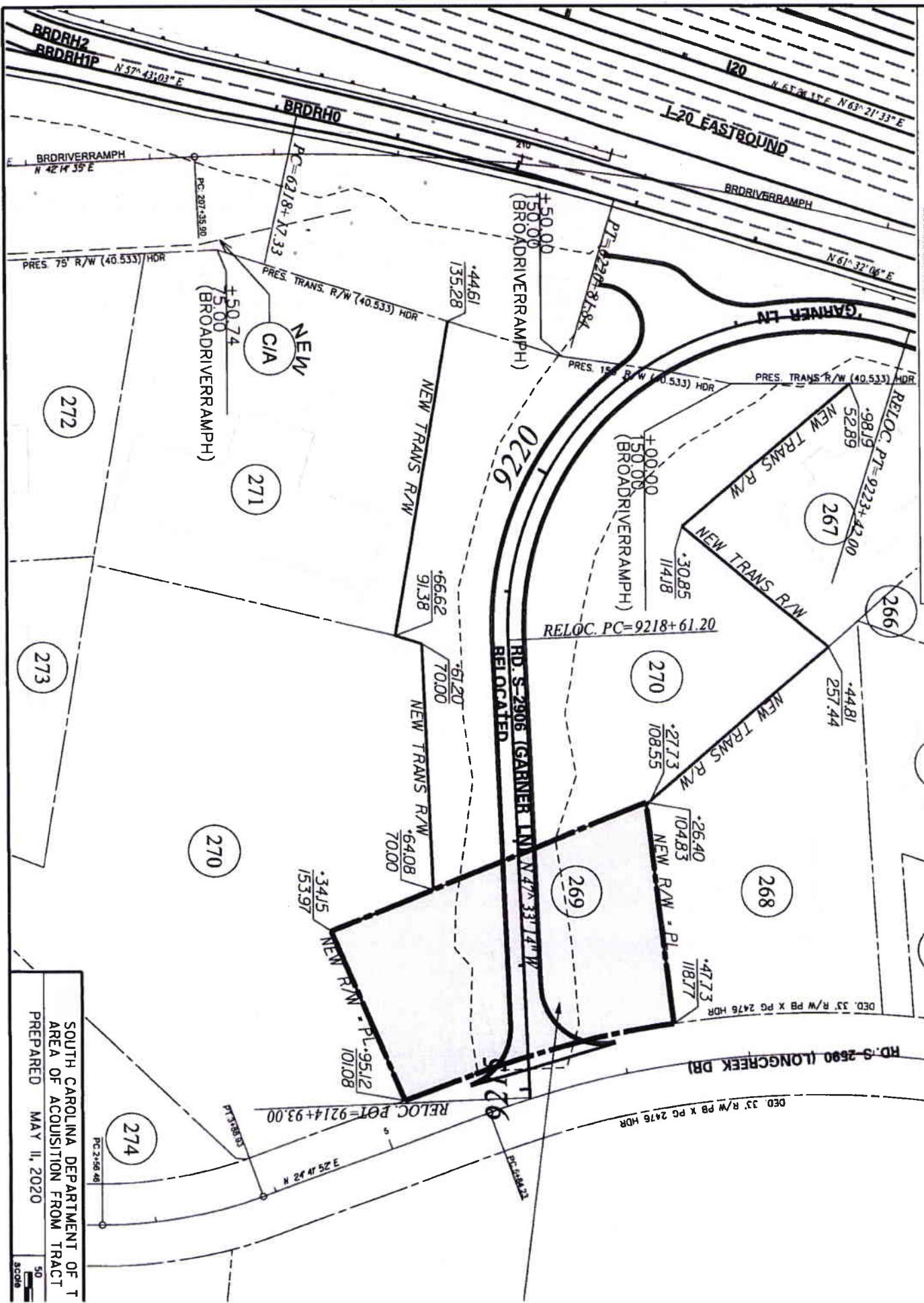
KINARD AND JONES, LLC

BY: s/Murry Kinard
Attorney for Condemnor (SCDOT)
Murry Kinard SC Bar #066590
303 South Lake Drive
Lexington, SC 29072.
Telephone: 803-359-1003

Lexington, South Carolina
July 21, 2020

ELECTRONICALLY FILED - 2020 Jul 21 10:41 AM - RICHLAND - COMMON PLEAS - CASE#2020CP4003293

THIS PLAN IS A PRELIMINARY PLAN FOR THE RELOCATION OF GARNER LN AND THE RELOCATION OF THE RIGHT-OF-WAY OF THE L-20 EASTBOUND RAMP. THE PLAN IS SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCOT STANDARD DRAWING 809-105-00.



SOUTH CAROLINA DEPARTMENT OF T
AREA OF ACQUISITION FROM TRACT
PREPARED MAY 11, 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 **269**

South Carolina Department of Transportation

Condemnor,

VS.

LIS PENDENS

Darrell J. Jabour,

Landowner(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 0.91 of an acre (39,444.54 square foot), more or less, being the entire property, and all improvements including the 4,208 square foot commercial building, owned by Darrell J. Jabour, shown as the "Area of Acquisition" on Exhibit A, attached hereto and made a part hereof, between approximate survey stations 9215+00 and 9218+00, left and right of Garner Lane.

Tax Map Number R07406-01-02

Lis Pendens (continued)

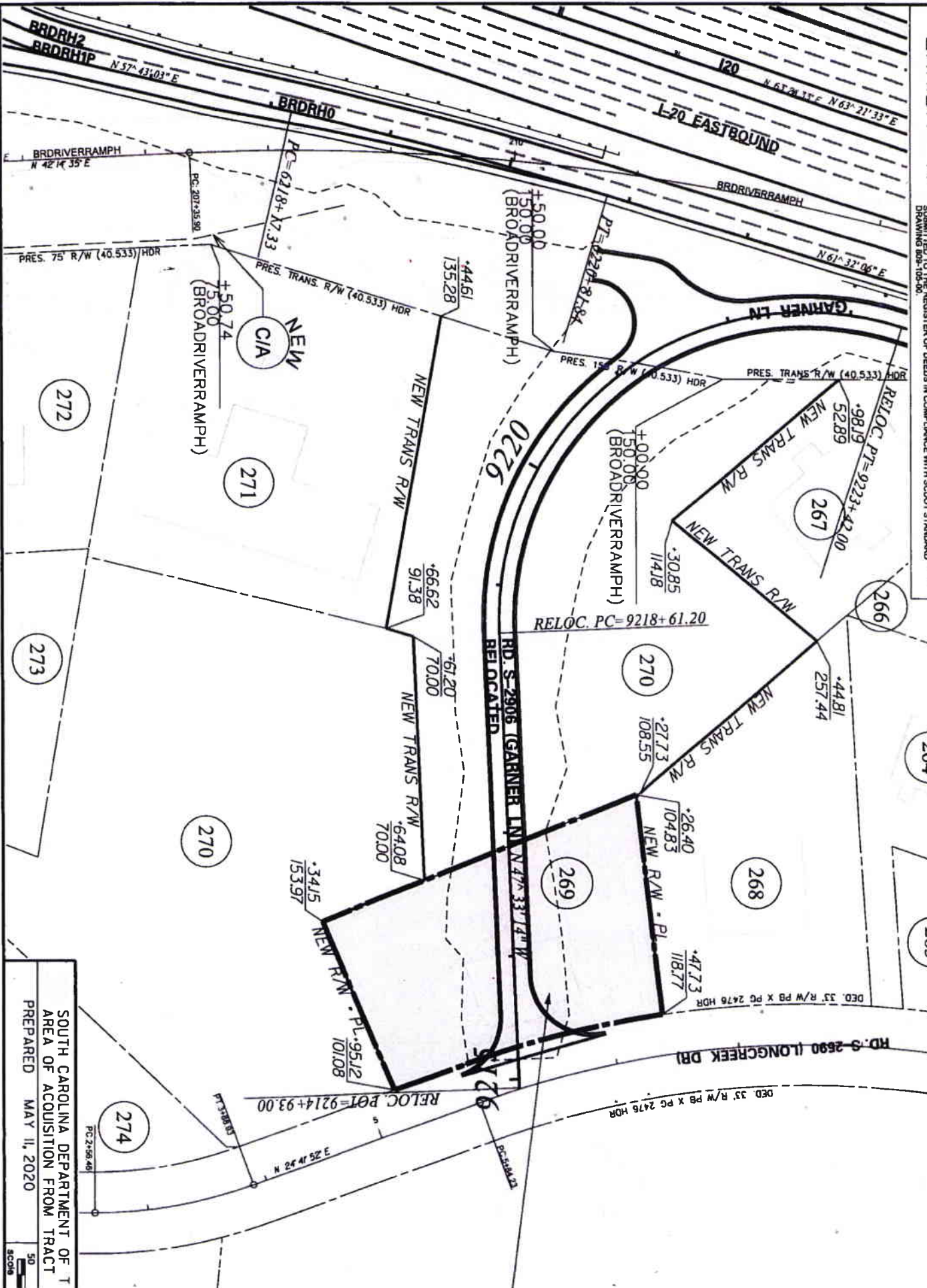
The property sought herein is to be acquired for public purposes, more particularly for the construction of a section of I-20/I-26/I-126 (Carolina Crossroads), Lexington/Richland Counties.

KINARD AND JONES, LLC

BY: s/Murry Kinard
Attorney for Condemnor (SCDOT)
Murry Kinard SC Bar #066590
303 South Lake Drive
Lexington, SC 29072
Telephone: 803-359-1003

Lexington, South Carolina
July 21, 2020

ELECTRONICALLY FILED - 2020 Jul 21 11:27 AM - RICHLAND - COMMON PLEAS - CASE#2020CP4003293



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 **269**

South Carolina Department of Transportation

Condemnor,

VS.

SUMMONS

Darrell J. Jabour,

Landowner(s).

TO: THE LANDOWNER(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.

KINARD AND JONES, LLC

BY: s/Murry Kinard
Attorney for Condemnor (SCDOT)
Murry Kinard SC Bar #066590
303 South Lake Drive
Lexington, SC 29072
Telephone: 803-359-1003

Lexington, South Carolina
July 21, 2020

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STATE OF SOUTH CAROLINA

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COUNTY OF LEXINGTON/RICHLAND

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South Carolina Department of Transportation

Condemnor,

AFFIDAVIT

VS.

Darrell J. Jabour,

Landowner(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;

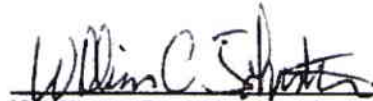
Affidavit (continued)

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

Darrell J. Jabour

136 Hamilton Park Drive

Irmo, South Carolina 29063



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

SWORN to before me this 21ST

day of April, 2020

Oscar K. Ruckel

Print or Type Notary Name Oscar K. Ruckel

NOTARY PUBLIC FOR South Carolina

My Commission Expires: 9/24/2023

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South Carolina Department of Transportation

Condemnor,

VS.

Darrell J. Jabour,

Landowner(s).

NOTICE OF FILING

TO: THE LANDOWNER(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.

KINARD AND JONES, LLC

BY: s/Murry Kinard
Attorney for Condemnor (SCDOT)
Murry Kinard SC Bar #066590
303 South Lake Drive
Lexington, SC 29072
Telephone: 803-359-1003

Lexington, South Carolina
July 21, 2020

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