

CARPENTER APPEALS & TRIAL SUPPORT, LLC



Charles E. Carpenter Jr. *~
* Member of South Carolina Bar
~ Member of Virginia Bar
Appellate Counsel

Carmen Vaughn Ganjehsani*^
* Member of South Carolina Bar
^ Member of Georgia Bar
Appellate Counsel

charlie@carpenterappeals.com

www.carpenterappeals.com

carmen@carpenterappeals.com

RECEIVED

MAY 08 2012

S.C. SUPREME COURT

1201 Main St. Suite 980
Columbia, SC 29201
Fax 1-803-758-2887
Tel 1-803-758-2886

May 3, 2012

VIA HAND DELIVERY

RECEIVED

MAY 08 2012

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse, Clerk
South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

*Re: Dutch Fork Development Group II, LLC and
Dutch Fork Realty, LLC v. SEL Properties, LLC and
Stephen E. Lipscomb
C/A No.: 2005-CP-40-00749
Our File No.: 10-0078*

May It Please The Court:

This case was heard yesterday. During the arguments, there was discussion about Lipscomb's self-dealing sale of the development from SEL, LLC to Essex Homes SE, Inc. for \$7,663,000.00 million (ROA 2210-2214). A statement was made yesterday that the sale never closed.

While the statement was outside the Record, and perhaps is not being considered, it could create a wrong impression that the sale was never consummated and no commission would have been due. That impression would be inconsistent with the conclusion that was uncontradicted at trial and in the Record.

The current status of the transaction with Essex is capable of judicial notice from the Richland County Register of Deeds Office.

The method of sale, as is typical of developments, is to transfer groups of lots as the development progresses. In this instance, Steve Lipscomb has been transferring lots from SEL directly as well as through his wholly owned company, SHWY 176, LLC to Essex Homes SE, Inc.

The Honorable Daniel E. Shearouse

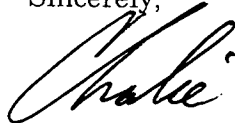
May 3, 2012

Page 2

His sole ownership of SHWY 176, LLC is shown on the deeds. Some examples of the transfer of lots are enclosed to illustrate how the selling has actually been done since the trial. The conclusion about the result in the Record is accurate. SEL has been selling lots and Essex has been buying lots. Should the Court wish, Dutch Fork will promptly obtain certified copies of all of the sales to date and provide them.

This letter is not for any purpose other than to confirm the accuracy of the Record on Appeal as it exists and to remove any possible misunderstanding from the verbal statement made outside the Record yesterday.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlie", written in black ink.

Charles E. Carpenter, Jr.

CEC:ckm

cc: A. Camden Lewis, Esquire
Keith M. Babcock, Esquire

EXHIBIT "A"

All those certain lots, parcels or tracts of land with improvements thereon, if any, being in the County of Richland, State of South Carolina, and being shown and designated as Lots 64, 67, 68, 69, 80, 83, and 85 on a plat prepared for SEL Properties, LLC, of The Preserve at Rolling Creek by Civil Engineering of Columbia dated June 19, 2008 and recorded in the Richland County ROD in Book 1493 at Page 1032 as well as Lots 86 through 121 as shown on a plat prepared for SEL Properties, LLC, of The Preserve at Rolling Creek by Civil Engineering of Columbia dated June 19, 2008 and recorded in the Richland County ROD in Book 1493 at Page 1033. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

TMS: Portion of 02600-04-02
Portion of 02600-04-28

Derivation: This being a portion of the property conveyed to SEL Properties, LLC by deed of Robert R. Cripps, II, dated 9/22/00 and recorded 10/6/00 in book 449 at page 37; **AND** by deed from Stoneridge Builders, LLC to SEL Properties, LLC by deed dated 10/5/04 and recorded 10/5/04 in the Richland County ROD in Book 984 at page 2709; **AND** by deed of Columbia Young Men's Christian Association to SEL Properties, LLC dated 1/10/2002 and recorded 1/15/2002 in the Richland County ROD in Book 614 at page 2465.

Richland County ROD

Richland County Auditor Paul Branley 2007

Men's Christian Association dated January 10, 2002, and recorded January 15, 2002, in Record Book 614 at page 2465 **AND** by deed of Stoneridge Builders, LLC, dated October 5, 2004, and recorded October 5, 2004, in Record Book 984 at page 2709.

TMS#: portion of 02600-04-02
Property Address: Lots 58-62 & 70-79, Courtyards at Rolling Creek, Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

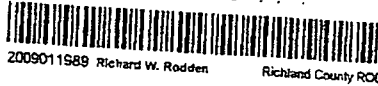
ATTEST:
TRUE COPY
Richard W. Rodden
R.C.O.

Recorded by and to be returned to:

Harvey, Casterline & Vallini, L.L.P.
211 West Main St.
Lexington, SC 29072-2665

File No. 09-40423LEX

Book 1497-3726
2009011989 02/25/2009 13:58:03:777
Fee: \$10.00 County Tax: \$82.50 State Tax: \$195.00



STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that SEL PROPERTIES, LLC, PROPERLY KNOWN AS SEL PROPERTIES, L.L.C., in the State aforesaid, for and in consideration of the sum of SEVENTY FIVE THOUSAND DOLLARS 00/100 (\$75,000.00), unto it in hand paid at and before the sealing of these presents by ESSEX HOMES SOUTHEAST, INC., in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto the said ESSEX HOMES SOUTHEAST, INC., its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All those certain pieces, parcels, or lots of land, together with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lots 81 and 82 on a plat of The Preserve at Rolling Creek prepared by Civil Engineering of Columbia, Inc., dated June 19, 2008, revised September 25, 2008, and recorded in the office of the Register of Deeds for Richland County in Record Book 1488 at pages 1329 and 1330. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

This being a portion of the property conveyed to SEL Properties, LLC, by deed of Robert E. Cripps, II, dated September 22, 2000, and recorded October 6, 2000, in the office of the Register of Deeds for Richland County in Record Book 449 at page 37 AND by deed of Columbia Young Men's Christian Association dated January 10, 2002, and recorded January 15, 2002, in Record Book 614 at page 2465 AND by deed of Stoneridge Builders, LLC, dated October 5, 2004, and recorded October 5, 2004, in Record Book 984 at page 2709.

Richland County ROD

Richland County Auditor Paul Brawley 2007

TMS#: portion of 02600-04-02
Property Address: Lots 81 & 82, South Nichols Creek Point, Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

Richland County, ROD

Richland County Auditor Paul Brawley 2007

TMS#: 02611-07-03
Property Address: 333 Nichols Branch Lane, The Preserve at Rolling Creek,
Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

Richland County, ROO

Richland County Auditor Paul Brawley 2007

Builders, LLC, dated October 5, 2004, and recorded October 5, 2004, in Record Book 984 at page 2709.

TMS#: 02607-05-25, 02607-05-26, 02611-08-02
Property Address: 341 & 345 Nichols Branch Ln, & 214 Nichols Creek Court,
Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

Richland County ROD

Richland County Auditor Paul Brewster 2007

984 at page 2709; subsequently, SEL Properties, LLC, conveyed its interest in the subject lots to SHWY 176, LLC, by Quit Claim Deed dated September 10, 2009, and recorded September 11, 2009, in Record Book 1554 at page 3900.

TMS#: 02611-08-01, 02612-01-21, 02612-01-28 & 02612-01-29
Property Address: Lots 83,101,108 & 109 The Preserve at Rolling
Creek, Richland County, Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

lots to SHWY 176, LLC, by Quit Claim Deed dated September 10, 2009, and recorded September 11, 2009, in Record Book 1554 at page 3900.

TMS#: 02612-03-01, 02611-08-03, 02612-03-09, 02612-01-25, 02612-01-26, & 02612-01-41

Property Address: 201 & 200 S Nichols Creek Pt., 518 Boyd Branch Crossing, 425 & 429 Crims Creek Way AND 545 Boyd Branch Crossing, Irmo, SC 29063

Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

recorded October 5, 2004, in Record Book 984 at page 2709; subsequently, SEL Properties, LLC, conveyed its interest in the subject lots to SHWY 176, LLC, by Quit Claim Deed dated September 10, 2009, and recorded September 11, 2009, in Record Book 1554 at page 3900.

TMS#: 02612-01-24
Property Address: 421 Crims Creek Way, Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

Richland County Register of Deeds

Audited by Paul Branley 2007

RE RECORD TO ADD ADDITIONAL GRANTOR.

Recorded by and to be returned to:

Harvey, Casterline & Vallini, L.L.P.
211 West Main St.
Lexington, SC 29072-2665

File No. 10-43738LEX

Book 1588-1554
2010010312 02/19/2010 13:55:28:327
Fee:\$11.00 County Tax:\$252.45 State Tax:\$596.70

2010010312 Richard W. Rodden
Richard County R.O.D.

Richard W. Rodden
A TRUE COPY

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

TITLE TO REAL ESTATE

SEL PROPERTIES, LLC and

KNOW ALL MEN BY THESE PRESENTS, that SHWY 176, LLC, in the State aforesaid, for and in consideration of the sum of TWO HUNDRED TWENTY NINE THOUSAND FIVE HUNDRED DOLLARS 00/100 (\$229,500.00), unto it in hand paid at and before the sealing of these presents by ESSEX HOMES SOUTHEAST, INC., in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto the said ESSEX HOMES SOUTHEAST, INC., its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All those certain pieces, parcels, or lots of land, together with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lot 96 and a portion of the "Common Area" between the eastern boundary of Lot 96 and the edge of the right of way commonly known as Crims Creek Way on a plat of The Preserve at Rolling Creek prepared by Civil Engineering of Columbia, Inc., dated June 19, 2008, revised January 28, 2009, and recorded in the office of the Register of Deeds for Richland County in Record Book 1493 at pages 1032 and 1033. Being further shown and delineated as the NEW Lot 96 on a plat prepared for Essex Homes Southeast, Inc, by Belter & Associates, Inc., dated December 31, 2009, and recorded in Record Book 1586 at page 1185. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

TMS# & Address:
02612-01-16 AND a portion of 02612-01-11 (which upon recordation of plat will become one lot)
21 Crims Branch Court, Irmo, SC 29063

Book 1612-2914
2010040128 06/16/2010 13:56:34:890
Fee:\$11.00 County Tax:\$0.00 State Tax:\$0.00

2010040128 Richard W. Rodden
Richland County R.O.D.

Richland County Register of Deeds

Audited by Paul Brawley 2007

AND ALSO:

All those certain pieces, parcels, or lots of land, together with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lots 97, 98, 99, 100, and 103 on a plat of The Preserve at Rolling Creek prepared by Civil Engineering of Columbia, Inc., dated June 19, 2008, revised January 28, 2009, and recorded in the office of the Register of Deeds for Richland County in Record Book 1493 at pages 1032 and 1033. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

TMS#'s: 02612-01-17, -18, -19, -20, & -23 (respectively)

AS TO PORTION OF "COMMON AREA" ONLY:

This being a portion of the property conveyed to SEL Properties, LLC, by deed of Robert E. Cripps, II, dated September 22, 2000, and recorded October 6, 2000, in the office of the Register of Deeds for Richland County in Record Book 449 at page 37 **AND** by deed of Columbia Young Men's Christian Association dated January 10, 2002, and recorded January 15, 2002, in Record Book 614 at page 2465 **AND** by deed of Stoneridge Builders, LLC, dated October 5, 2004, and recorded October 5, 2004, in Record Book 984 at page 2709.

AS TO LOTS 96, 97, 98, 99, 100 & 103 ONLY:

This being a portion of the property conveyed to SHWY 176, LLC, by deed of SEL Properties, LLC, dated September 10, 2009, and recorded September 11, 2009, in the office of the Register of Deeds for Richland County in Record Book 1554 at page 3900.

TMS#: See Legal Description

Property Address: 21,25,29,30,&26 Crims Branch, Ct & 417 Crims Creek Way, Irmo, SC 29063

Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

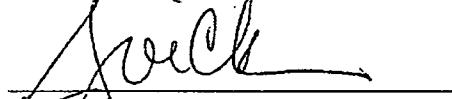
AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

Richland County Registrar of Deeds

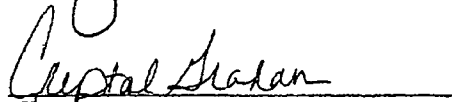
Audited by Paul Brewley 2007

WITNESS the undersigned Hand and Seal this 17th day of February 2010.

Signed, Sealed And Delivered
In The Presence Of:

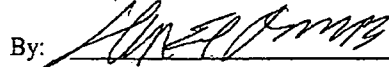


1st Witness



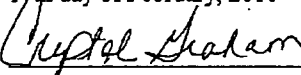
2nd Witness

SHWY 176, LLC

By:  {L.S.}
Stephen E. Lipscomb, Sole Member

STATE OF STATE OF PROBATE)
) PROBATE
COUNTY OF LEXINGTON)

PERSONALLY APPEARED BEFORE ME, the undersigned witness, and made oath that he/she saw the within named SHWY 176, LLC, by its authorized agent, Sign, Seal and as its Act and Deed deliver the within written Deed; and that he/she with the other witness subscribed above witnessed the execution thereof.

Sworn to before me this
17th day of February, 2010
 (L.S.)
Notary Public for State of Probate
My commission expires: 1/27/14



Witness

Richland County Register of Deeds

Audited by Paul Brawley 2007

Richard W. Rodden
ESTATE
TRUE COPY

Recorded by and to be returned to:

Harvey, Casterline & Vallini, L.L.P.
211 West Main St
Lexington, SC 29072-2665

Book 1597-649
2010021773 04/05/2010 14:31:00:893 Deed
Fee: \$10.00 County Tax: \$126.50 State Tax: \$299.00

2010021773 Richard W. Rodden Richland County R.O.D.

File No. 10-44261LEX

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that SHWY 176, LLC, in the State aforesaid, for and in consideration of the sum of ONE HUNDRED FOURTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS 00/100 (\$114,750.00), unto it in hand paid at and before the sealing of these presents by ESSEX HOMES SOUTHEAST, INC., in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto the said ESSEX HOMES SOUTHEAST, INC., its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All those certain pieces, parcels, or lots of land, together with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lots 86, 89, and 102 on a plat of The Preserve at Rolling Creek prepared by Civil Engineering of Columbia, Inc., dated June 19, 2008, revised January 28, 2009, and recorded in the office of the Register of Deeds for Richland County in Record Book 1493 at pages 1032 and 1033. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

This being a portion of the property conveyed to SEL Properties, LLC, by deed of Robert E. Cripps, II, dated September 22, 2000, and recorded October 6, 2000, in the office of the Register of Deeds for Richland County in Record Book 449 at page 37 AND by deed of Columbia Young Men's Christian Association dated January 10, 2002, and recorded January 15, 2002, in Record Book 614 at page 2465 AND by deed of Stoneridge Builders, LLC, dated October 5, 2004, and

Richland County Register of Deeds

Audited by Paul Brawley 2007

recorded October 5, 2004, in Record Book 984 at page 2709; subsequently, SEL Properties, LLC, conveyed its interest in the subject lots to SHWY 176, LLC, by Quit Claim Deed dated September 10, 2009, and recorded September 11, 2009, in Record Book 1554 at page 3900.

TMS#: 02612-03-04, 02612-03-07 & 02612-01-22
Property Address: 546, 534 & 413 Crims Creek Way, Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

Richland County Register of Deeds

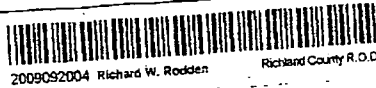
Audited by Paul Bawley 2007

ATTEST
A TRUE COPY
Richard W. Rodden
R. M. C.

Recorded by and to be returned to:

Harvey, Casterline & Vallini, L.L.P.
211 West Main St.
Lexington, SC 29072-2665

Book 1575-3203
2009092004 12/15/2009 11:14:58:110 Deed
Fee: \$10.00 County Tax: \$41.25 State Tax: \$97.50



File No. 09-43053LEX

STATE OF SOUTH CAROLINA)

TITLE TO REAL ESTATE

COUNTY OF RICHLAND)

KNOW ALL MEN BY THESE PRESENTS, that SHWY 176, LLC, in the State aforesaid, for and in consideration of the sum of THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS 00/100 (\$37,500.00), unto it in hand paid at and before the sealing of these presents by ESSEX HOMES SOUTHEAST, INC., in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto the said ESSEX HOMES SOUTHEAST, INC., its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All that certain piece, parcel, or lot of land, together with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lot 68 on a plat of The Preserve at Rolling Creek prepared by Civil Engineering of Columbia, Inc., dated June 19, 2008, revised January 28, 2009, and recorded in the office of the Register of Deeds for Richland County in Record Book 1493 at pages 1032 and 1033. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

This being a portion of the property conveyed to SHWY 176, LLC, by deed of SEL Properties, LLC, dated September 10, 2009, and recorded September 11, 2009, in the office of the Register of Deeds for Richland County in Record Book 1554 at page 3900.

TMS#: 02607-05-28
Property Address: 342 Nichols Branch Lane, Irmo, SC 29063
Grantee(s) Address: 120 Cromer Road, Lexington, SC 29073

Richland County, ROD

Richland County Auditor Paul Brewster 2007

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **Essex Homes Southeast, Inc.**, its successors and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind itself, its successors and assigns, subject, however, to the Permitted Exceptions, to warrant and forever defend, all and singular, the said Property unto the said **Essex Homes Southeast, Inc.**, its successors and assigns, against itself and its successors and assigns, and any parties claiming, by, through or under said Grantor.

Grantor MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE SUITABILITY OR FITNESS OF THE LOT AND IMPROVEMENTS FOR ANY PURPOSE, OR AS TO THE MERCHANTABILITY, VALUE, QUALITY, CONDITION OR SALABILITY OF THE LOT AND IMPROVEMENTS, and Grantee by acceptance of the Limited Warranty Deed acknowledges and affirms the limitations of warranty contained in this provision.

