

COUNTY OF RICHLAND)
STATE OF SOUTH CAROLINA)

AFFIDAVIT OF LAWRENCE M. HERSHON

PERSONALLY APPEARS, before me, Lawrence M. Hershon, who, being duly sworn, deposes and says that:

1. He is over the age of 18 years, suffers from no known disability, and is competent to testify to the facts set forth herein.

2. He makes this Affidavit upon personal knowledge and with access to the pertinent documents.

3. He has been a member in good standing of the South Carolina Bar since 2008.

4. He has the responsibility, along with James Lynn Werner, for representing Respondents Hartford Casualty Insurance Company and Hartford Fire Insurance Company (“Hartford Respondents”) in Trial Court Case No. 2009-CP-22-1045, Appellate Case No. 2013-001644 (the “Appeal”), the negotiation of the Agreement referenced below between Hartford Fire Insurance Company (“Hartford”) and the City of Georgetown, and negotiation of the Construction Contract referenced below between Hartford and R.H. Moore Company, Inc.

5. On or about July 17, 2007, Hartford Casualty Insurance Company, as Surety, issued a certain Subdivision Performance Bond for South Bay Properties, LLC, as Principal, and the City of Georgetown, as Obligee relating to certain improvements and site infrastructure in the subdivision at issue in the Complaint. A true and accurate copy of the Bond and Rider to the Bond is attached to the Hartford Respondents’ Memorandum of Law in the Appeal as Exhibit A.

6. On August 20, 2013, the City of Georgetown, as Obligee on the Bond, entered into an Agreement with Hartford whereby those parties to the Bond have agreed to have the improvements covered by the Bond constructed and installed. A true and accurate copy of the Agreement is attached to the Hartford Respondents’ Memorandum of Law in the Appeal as

Exhibit C.

7. Following entry into the August 20, 2013 Agreement with the City of Georgetown, Hartford obtained bids for construction of the improvements covered by the Bond.

8. On December 11, 2013, Hartford entered into a Construction Contract with R.H. Moore Company, Inc., pursuant to the aforementioned Agreement between Hartford and the City, to install the site infrastructure and utilities pursuant to plans and specifications approved by the City of Georgetown. An accurate copy of the Construction Contract, without exhibits, is attached to the Hartford Respondents' Memorandum of Law in the Appeal as Exhibit D.

9. Hartford issued a Notice to Proceed, under the Construction Contract with R.H. Moore Company, Inc., effective January 13, 2014, and R.H. Moore Company, Inc. commenced work on the Project on or about that date. An accurate copy of the Notice to Proceed is attached to the Hartford Respondents' Memorandum of Law in the Appeal as Exhibit E.

FURTHER AFFIANT SAYETH NAUGHT.


LAWRENCE M. MERSHON

SWORN and subscribed to before
me this 5th day of February, 2014

Qua Kimberly C. Hall (L.S.)
Notary Public for South Carolina
My commission expires: 09-25-2016