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**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**NOV 12 2020**

**SC Court of Appeals**

**APPELLATE CASE NO. 2020-000578**

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**APPEAL FROM THE SOUTH CAROLINA COURT OF COMMON PLEAS**

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**CIVIL ACTION NOS.: 2018-CP-01-00094 AND 2018-CP-00250**

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**Annie L. Myers, Billy R. Nobles, M. Elaine Nobles, James Lewis Willis, James and Lucille Mason, Joann Atkinson, Willie Clyde Smith, Clyde H. Broadwell, Jr., and Stephen Pettigrew of Sawney Creek Farm, LLC, James Tuberville, Dean Burton, Robert W. and Minnie O. New, Walter L. Anders and Mary and Homer Martin.....Respondents,**

**v.**

**Town of Calhoun Falls and Savannah Valley Trails, Inc. .... Appellants.**

---

**RECORD ON APPEAL**

---

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STATE OF SOUTH CAROLINA )  
COUNTY OF ABBEVILLE )

Annie L. Myers, Billy R. Nobles, M. )  
Elaine Nobles, James Lewis Willis, )  
James and Lucille Mason, Joann )  
Atkinson, Willie Clyde Smith, Clyde )  
B. Broadwell, Jr., and Stephen )  
Pettigrew of Sawney Creek Farm, )  
LLC, )

Plaintiffs )

v. )

Town of Calhoun Falls, )

Defendant. )

James Tuberville, Dean Burton, )  
Robert W. and Minnie O. New, )  
Walter L. Anders, and Mary and )  
Homer Martin. )

v. )

Savannah Valley Trails, Inc., )

Defendant. )

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT

Case No.: 2018-CP-01-00094  
2018-CP-01-000250

**ORDER**

PRESIDING JUDGE:  
DATE OF HEARING:  
PLAINTIFFS' ATTORNEY:  
DEFENDANTS' ATTORNEYS:

COURT REPORTER:

R. SCOTT SPROUSE  
NOVEMBER 19, 2019  
C. RAUCH WISE  
ROY R. HEMPHILL  
DOUGLAS L. BELL  
LISA SCOTT

This matter came before the Court for a bench trial in a dispute over real property. The case involves rights-of-way granted over a century ago to a now defunct railroad and the desire of the Defendants to utilize said rights-of-way for the construction of a public hiking trail. The Plaintiffs argue that each right of way was extinguished and automatically reverted to each landowner once the railroad tracks were removed and abandoned. The Defendants argue that each right of way was properly transferred to successors and that, even if the Plaintiffs claims as to each right of way is correct, the Plaintiffs claims are barred by the doctrine of laches. The McCormick County cases were consolidated with the Abbeville County cases by consent.

The Court heard arguments from counsel at the hearing. The parties submitted Joint Stipulated Facts (JSF) along with exhibits. There are no disputed facts nor was there any testimony presented at the hearing. The Court allowed the parties to brief the issues. Extensions were granted for the submissions of the briefs. After considering the JSF and exhibits, the Court makes the following findings of fact:

#### **FINDINGS OF FACT**

The Plaintiffs are the owners of real property situated in Abbeville County, South Carolina and McCormick County, South Carolina.

The Defendant Savannah Valley Trails, Inc. is a non-profit corporation organized and existing under the laws of the State of South Carolina, the sole purpose of which is to hold title to the real property conveyed to it to groom, maintain and improve the former railroad bed for interim use as a recreational trail, subject to the revitalization of the railroad bed for future rail use.

The Defendant Town of Calhoun Falls is a political subdivision of the State of South Carolina and County of Abbeville.

This Court has jurisdiction over the parties and subject matter. Venue is proper in Abbeville County, South Carolina.

The subject property was part of a railroad that ran once between the Town of McCormick and the Town of Calhoun Falls. The Savannah Valley Railroad Company was chartered by the State of South Carolina on March 12, 1878 (Exhibit 1). Many landowners granted a railroad right of way on their respective properties so that the railroad in question could be constructed and operated. The parties did not submit each original right of way as an exhibit, but presented one as a representative example (Exhibit 3). Exhibit 3 states that " ...upon condition and it is expressly understood that said Railroad contemplated as aforesaid be not erected and established on and along said strip, tract, or parcel of land described in the above and foregoing indenture, then the indenture is to be wholly null and void and of no effect." There is no evidence presented that any right of way granted to said railroad by the landowners contained alternative language in the rights granted. The Court finds that the rights conveyed to the Savannah Valley Railroad Company by each landowner were identical as it applied to each particular piece of property. Each right of way was issued for the express purpose of "running and erecting and establishing thereon a Railroad." Each Plaintiff, in subsequent deeds, was deeded parcels of real property subject to the right of way given by their predecessor in title (JSF 5).

The Savannah Valley Railroad Company was succeeded by the Seaboard Coastline Railroad Company, which operated the railroad for many years. In the late 1970s, the railroad decided to close and abandon this stretch of railroad. The exact date that operations on the line ceased is unknown. The company applied to the Interstate Commerce Commission (ICC) for approval of abandonment of the railroad between McCormick and the Town of Calhoun Falls. A committee of the ICC issued a decision on November 21, 1978 allowing the abandonment with

conditions (Exhibit 4). The ruling set a one hundred twenty (120) day period to "permit and state or local government agency or other responsible person to negotiate the acquisition of all or any part of the property for public use." No government agency or other responsible person attempted to purchase or use the abandoned railroad bed within said time period. The ICC conducted a review of the committee decision and issued a final decision on March 2, 1979, allowing abandonment of the railroad line in question. The abandonment process included a public hearing. It appears as though McCormick County was opposed to the abandonment of the railroad line in question due to concerns about its effect on the economy of the county. Nevertheless, it appears as though the requirements for abandonment as set by the ICC were fulfilled and that the process was completed. No evidence was presented regarding journal entries by the railroad regarding the retirement of the line. Seaboard Coastline Railroad Company notified the ICC by letter on February 25, 1980 that the "track" had been abandoned as of February 15, 1980 (Exhibit 6). The company removed the track sometime prior to the issuance of the letter. The parties were unable to give the specific dates on which the track was removed, but stipulate that it was completely gone in the disputed area by the time of the February 25, 1980 letter. There is no railroad track in the disputed area today. No evidence was presented of any further communication with concerned parties by the ICC. While the Court is limited to what was submitted in evidence, it appears that the ICC had no further involvement with the subject railroad bed after the receipt of the March 25, 1980 letter.

There was no further activity regarding the railroad line in question until June 16, 1983, when the Seaboard System Railroad, Inc., the successor to the Seaboard Coastline Railroad Company (JSF 9), conveyed by quitclaim deed its interests in the subject property to the Clarks Hill-Russell Authority of South Carolina (Exhibit 8). In order to effectuate the transfer, a release had to be obtained from the Chemical Bank, which held a mortgage on lines owned by the

Seaboard Coastline Railroad Company and its successor Seaboard System Railroad, Inc. (Exhibit 7). Chemical Bank received the sum of \$58,290.00 from Clarks Hill-Russell Authority in exchange for the release. The Court has no information regarding how many lines were covered in the larger mortgage or what percentage of which the subject properly constituted.

The South Carolina Department of Commerce, Division of Savannah Valley Development (SDC) is the successor in interest to the Clarks Hill-Russell Authority of South Carolina and it claimed title to the railroad bed from June 16, 1983 to April 12, 2012 (JSF 13). The SDC then conveyed its interest in the railway bed located in McCormick County to the Ninety-Six District Resource Conservation and Development Council, Inc. on April 12, 2012 (Exhibit 9), which in turn transferred its interest to Savannah Valley Trails, Inc. by deed dated June 28, 2012 (Exhibit 10). The SDC conveyed its interest in the portions of the railway bed located in Abbeville County to the Town of Calhoun Falls by deed dated April 12, 2012 (Exhibit 11).

The Plaintiffs made no permanent structural improvements to the railway bed from February 25, 1980 until the present, with the possible exception of a structure located on the subject property in Abbeville County titled in the name of Plaintiff Willie Clyde Smith (Exhibit 12, JSF 17). There is no evidence that the Defendants took any action to prevent each Plaintiff from using the subject property attached to his or her tract. The Defendants have made no permanent structural improvements to the railway bed, but have performed maintenance and grooming of the rail corridor, and extensive refurbishments of a railway trestle with the corridor. Tax maps in both Abbeville and McCormick Counties have identified and assessed the railroad bed separately from the Plaintiffs' properties since 1976 (Exhibit 13A, Exhibit 13B, JSF 18).

The McCormick County Plaintiffs filed suit when the Defendant Savannah Valley Trails, Inc. constructed a hiking trail from the Town of McCormick toward the Abbeville County line that

reached the Plaintiffs' property lines. The Abbeville County Plaintiffs filed suit when the Town of Calhoun Falls began the construction process of a hiking trail toward the McCormick County line and reached those Plaintiffs' property. An agreement was reached between the parties to allow some clearing of the railroad bed but for no permanent improvements to be erected pending resolution of this lawsuit.

### Applicable Law

The first issue is whether or not the actions of Seaboard Coastline Railroad Company constitute an abandonment of the railroad right of way, thereby removing the case from the jurisdiction of the ICC. The case of Eldridge v. City of Greenwood, 331 S.C. 398, 388 S.E.2d 247 (1998) has similar facts to our present case. In Eldridge, railroad tracks were relocated by the railroad company, then the strip of land where the old tracks had been was conveyed to the City and County of Greenwood by quitclaim deed, which in turn conveyed their interests to the S.C. Highway Department. Eldridge sets forth the standard that the Court must consider on several issues in our present case. The Defendants allege that this Court lacks subject matter jurisdiction to determine the rights of the parties in this case because of federal law, particularly the lack of documentary evidence showing each requirement set by the ICC in its November 21, 1978 letter was fulfilled by Seaboard Coastal Railroad prior to abandoning the line. Eldridge held that:

"Federal law provides that an interstate rail carrier cannot "abandon any part of its railroad lines" unless the carrier applies to and obtains approval from the STB, which must determine whether the abandonment is consistent with "present or future public convenience and necessity." These statutes expressly state that the STB has exclusive jurisdiction over the abandonment of railroad tracks."

Like our present case, the facts in Eldridge also involve a "public use restriction" in the ICC ruling. The Court expressly held that:

"Despite the mandatory sound of "public use condition," the term does not mean that the former rail line property must be sold and used for some stated public purpose. A public use condition normally refers to a "waiting period" in the form of a 180-day prohibition on the railroad's "disposal" of the property, which allows for a potential sale to an entity that will use the property for public purposes".

The Court traced the development of the case law on this issue in great detail. A "public use restriction" does not prohibit abandonment, but merely stays disposal during the time period set by the ICC. The railroad is not required to donate the property to some public entity if no purchaser seeking to use the property for a public use is found. The Court directly addresses the facts in our present case when it said "a public use condition does not affect real property issues if the railroad owned only an easement interest in the property, as such an interest would automatically terminate upon abandonment." No deed can operate so as to convey an interest which the grantor does not have in the land described in the deed. Griggs v. Griggs, 199 S.C. 295, 19 S.E.2d 477 (1942).

A central issue of this case is whether or not the railroad bed in question was actually abandoned. A termination of an easement by abandonment is a factual question in an action at law. There must be shown either a use separate and distinct from railroad purposes or nonuse for railroad purposes under such circumstances as to indicate an intention to abandon the right of way. Lorick & Lowrance, Inc. v. Southern Ry. Co., 87 S.C. 71, 88 S.E 337 (1916).

The defense also asserts the defense of laches. Laches is an equitable doctrine that is defined as neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done. Byars v. Cherokee County, 237

S.C. 548, 118 S.E. (2d) 324 (1961). Whether a claim is barred by laches is to be determined in light of [the] facts of each case, taking into consideration whether the delay has worked injury, prejudice, or disadvantage to the other party; delay alone in assertion of a right does not constitute laches. To establish the defense of laches, a party must show: (1) a delay, (2) that was unreasonable under the circumstances, and (3) prejudice. Hallums v. Hallums, 296 S.C. 195, 371 S.E.2d 525 (1988). The Defendants cite the case of Robinson et. al v. Estate of Harris et. al, 388 S.C. 616, 698 S.E.2d 214 (2010) in which the Court held that a real property claim was barred by laches due to a "flagrant and egregious" delay of thirty-nine years in asserting the claim. The Court found significant prejudice to the other party by the delay in the assertion of the claim.

### Conclusions of Law

The Court has jurisdiction over the parties and subject matter of this litigation. Venue is proper.

The facts of this case clearly show an abandonment of the railroad by the Seaboard Coastline Railroad Company. The Court considered several established facts in coming to this conclusion. The railroad company initiated a formal abandonment process. The governmental bodies of Abbeville County and McCormick County had the opportunity to contest the abandonment of the railroad in the ICC process----which McCormick County in fact did. The initial ICC committee report approved the abandonment but gave a time window in which governmental bodies and other organizations had the opportunity to purchase the subject property for other public purposes. None did. The time period expired and the railroad proceeded with abandonment, physically removing the tracks. The ICC was notified by letter that the "tracks" had been abandoned as of February 15, 1980. The Court concludes that the use of the word "tracks" in the abandonment letter evidenced a clear intention of the railroad to

abandon the line. The letter is just one piece of evidence, but must be viewed in conjunction with the other evidence in the case. The Court considered the railroad ceasing operations on the line sometime in the 1970s, the initiation of a formal abandonment procedure through the ICC, the physical removal of the tracks and the subsequent conveyance of the subject property. All of these pieces of evidence, when taken together, show both clear intent on the part of the railroad to abandon the line and the actual accomplishment of the abandonment.

The original right of way to each landowner, as shown by Exhibit 3, conditioned the right-of-way on the existence of a railroad. It contains the explicit language that the conveyance is "wholly null and void" should a railroad not exist. The Defendants assert that the subject property rights could be reserved for future railroad use. Apparently, although its foundational documents are not in evidence, the Savannah Valley Trails Inc. has future railroad revitalization as one purpose of the non-profit corporation. In this case, there is no evidence of the disputed property ever being intended or contemplated by any party to be used for future railroad purposes. None of the deeds placed into evidence (Exhibit 8, Exhibit 9, Exhibit 10 and Exhibit 11) have any mention of future railroad use or construction of a new railroad. The construction of a hiking trail is an altogether different purpose.

The Defendants attempt to distinguish the Eldridge facts, correctly pointing out that there are some different circumstances in that case. However, the Court must compare the pertinent right-of-way portions of that case with our present case. Parts of that case involved properties conveyed in fee simple which are distinguishable from the facts of our present case. However, the railroad right-of-way in that case creates identical legal issues as our present case. The law regarding the property rights owned by the railroad in our present case is clear---once each right of way was abandoned, it automatically terminated. The presence of the mortgage held by

Chemical Bank did not extend Seaboard Coastline Railroad's rights once the railroad had been abandoned. Accordingly, the Court concludes that the railroad right-of-way held by the Seaboard Coastline Railroad Company in regards to each Plaintiff in this case was abandoned as of February 25, 1980.

The question of laches is a more difficult question. It is undeniable that the Plaintiffs did nothing to assert their claims to the subject property for over thirty years, making the delay prong of the laches test clearly met by the Defendants. The next two prongs are closer questions. The Defendants argue that the delay was unreasonable. There had been a public hearing through the ICC procedures, wherein the Plaintiffs or their predecessors had the opportunity to attend and be heard. The removal of the tracks was open and visible. Each Plaintiff or their predecessor would have been able to see that the tracks had been removed by walking along their property line. The deed issued to the Clarks Hill-Russell Authority was in the public record. The tax maps reflected that the right of way through each Plaintiff's property was still separated. None of the Plaintiffs or their predecessors paid property taxes on the disputed property during this time period. There was no evidence of any use of the subject property by any Plaintiff except for the possible small building constructed on the property titled in Plaintiff Willie Clyde Smith's name. No survey was submitted which showed whether or not said structure was within the right-of-way. The photographic evidence submitted shows a strip of land that was open between trees. Some maintenance was performed on at least some of the subject property in that the railroad bed is still visible in the submitted photographs after over three decades of nonuse. The Court notes that neither the Defendants nor their predecessors did much during the time period to evidence any desire on their part to make use of the subject property. Although there was no testimony or evidence presented regarding use, it appears as though the railroad bed was just empty, unused

land for over three decades. However, the Plaintiffs or their predecessors had sufficient notice to know that they could assert their rights in 1980. Accordingly, the Court concludes that the Defendants' delay in filing suit was unreasonable.

The last prong of the laches test is prejudice. The Defendants assert that they have suffered prejudice as a result of the Plaintiffs' delay. The Defendants have constructed a portion of the trail project, erecting signs and restoring a bridge on a portion of the trail. The Defendants assert that they have secured grants and incurred indebtedness for the project, although those amounts are not in evidence. Nothing is in evidence to show specific amounts spent or set aside for work on the subject property. The Defendants also assert in their brief that they face potential liability if the trail is not completed. The specifics of said potential liability are not in evidence. The only amount of money in evidence is the amount paid to release the subject property from a larger mortgage held by Chemical Bank in 1983. No evidence was presented regarding the total number of lines affected by the larger mortgage. What was presented showed what the Defendants' predecessor in title paid to release the subject property. These particular Defendants were not parties to that transaction. The Court notes that a portion of the trail has been completed. There is no evidence of the funds required to complete the trail on the subject property or whether this money has been obtained or spent on the portions affected by this Order.

The Plaintiffs assert that the Defendants are not prejudiced because portions of the trail are completed and can be used, although they are not the completed trail as envisioned at the outset of the project.

The Court concludes that, despite a significant and unreasonable delay in the assertion of their rights, the Plaintiffs' inaction has not been proven to prejudice the Defendants in other than

vague and general terms. Accordingly, the Court declines to prevent the Plaintiffs from asserting their legal rights to the property under the doctrine of laches.

ACCORDINGLY, IT IS ORDERED, that each Plaintiff in these combined cases shall be declared to be the owner in fee simple of the property in the abandoned railroad bed to which their predecessors in title granted a right-of-way.

AND IT IS SO ORDERED.

---

R. Scott Sprouse, Judge  
Tenth Judicial Circuit

Walhalla, South Carolina

February\_\_\_\_, 2020



**Abbeville Common Pleas**

**Case Caption:** Annie L Myers , plaintiff, et al VS Town of Calhoun Falls  
**Case Number:** 2018CP0100094  
**Type:** Order/Other

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

Electronically signed on 2020-02-21 16:37:24 page 13 of 13

STATE OF SOUTH CAROLINA )  
COUNTY OF ABBEVILLE )

Annie L. Myers, Billy R. Nobles, M. )  
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PRESIDING JUDGE:  
DATE OF HEARING:  
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COURT REPORTER:

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### Applicable Law

The first issue is whether or not the actions of Seaboard Coastline Railroad Company constitute an abandonment of the railroad right of way, thereby removing the case from the jurisdiction of the ICC. The case of Eldridge v. City of Greenwood, 331 S.C. 398, 388 S.E.2d 247 (1998) has similar facts to our present case. In Eldridge, railroad tracks were relocated by the railroad company, then the strip of land where the old tracks had been was conveyed to the City and County of Greenwood by quitclaim deed, which in turn conveyed their interests to the S.C. Highway Department. Eldridge sets forth the standard that the Court must consider on several issues in our present case. The Defendants allege that this Court lacks subject matter jurisdiction to determine the rights of the parties in this case because of federal law, particularly the lack of documentary evidence showing each requirement set by the ICC in its November 21, 1978 letter was fulfilled by Seaboard Coastal Railroad prior to abandoning the line. Eldridge held that:

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Like our present case, the facts in Eldridge also involve a "public use restriction" in the ICC ruling. The Court expressly held that:

"Despite the mandatory sound of "public use condition," the term does not mean that the former rail line property must be sold and used for some stated public purpose. A public use condition normally refers to a "waiting period" in the form of a 180-day prohibition on the railroad's "disposal" of the property, which allows for a potential sale to an entity that will use the property for public purposes".

The Court traced the development of the case law on this issue in great detail. A "public use restriction" does not prohibit abandonment, but merely stays disposal during the time period set by the ICC. The railroad is not required to donate the property to some public entity if no purchaser seeking to use the property for a public use is found. The Court directly addresses the facts in our present case when it said "a public use condition does not affect real property issues if the railroad owned only an easement interest in the property, as such an interest would automatically terminate upon abandonment." No deed can operate so as to convey an interest which the grantor does not have in the land described in the deed. Griggs v. Griggs, 199 S.C. 295, 19 S.E.2d 477 (1942).

A central issue of this case is whether or not the railroad bed in question was actually abandoned. A termination of an easement by abandonment is a factual question in an action at law. There must be shown either a use separate and distinct from railroad purposes or nonuse for railroad purposes under such circumstances as to indicate an intention to abandon the right of way. Lorick & Lowrance, Inc. v. Southern Ry. Co., 87 S.C. 71, 88 S.E 337 (1916).

The defense also asserts the defense of laches. Laches is an equitable doctrine that is defined as neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done. Byars v. Cherokee County, 237

S.C. 548, 118 S.E. (2d) 324 (1961). Whether a claim is barred by laches is to be determined in light of [the] facts of each case, taking into consideration whether the delay has worked injury, prejudice, or disadvantage to the other party; delay alone in assertion of a right does not constitute laches. To establish the defense of laches, a party must show: (1) a delay, (2) that was unreasonable under the circumstances, and (3) prejudice. Hallums v. Hallums, 296 S.C. 195, 371 S.E.2d 525 (1988). The Defendants cite the case of Robinson et. al v. Estate of Harris et. al, 388 S.C. 616, 698 S.E.2d 214 (2010) in which the Court held that a real property claim was barred by laches due to a "flagrant and egregious" delay of thirty-nine years in asserting the claim. The Court found significant prejudice to the other party by the delay in the assertion of the claim.

### **Conclusions of Law**

The Court has jurisdiction over the parties and subject matter of this litigation. Venue is proper.

The facts of this case clearly show an abandonment of the railroad by the Seaboard Coastline Railroad Company. The Court considered several established facts in coming to this conclusion. The railroad company initiated a formal abandonment process. The governmental bodies of Abbeville County and McCormick County had the opportunity to contest the abandonment of the railroad in the ICC process----which McCormick County in fact did. The initial ICC committee report approved the abandonment but gave a time window in which governmental bodies and other organizations had the opportunity to purchase the subject property for other public purposes. None did. The time period expired and the railroad proceeded with abandonment, physically removing the tracks. The ICC was notified by letter that the "tracks" had been abandoned as of February 15, 1980. The Court concludes that the use of the word "tracks" in the abandonment letter evidenced a clear intention of the railroad to

abandon the line. The letter is just one piece of evidence, but must be viewed in conjunction with the other evidence in the case. The Court considered the railroad ceasing operations on the line sometime in the 1970s, the initiation of a formal abandonment procedure through the ICC, the physical removal of the tracks and the subsequent conveyance of the subject property. All of these pieces of evidence, when taken together, show both clear intent on the part of the railroad to abandon the line and the actual accomplishment of the abandonment.

The original right of way to each landowner, as shown by Exhibit 3, conditioned the right- of -way on the existence of a railroad. It contains the explicit language that the conveyance is "wholly null and void" should a railroad not exist. The Defendants assert that the subject property rights could be reserved for future railroad use. Apparently, although its foundational documents are not in evidence, the Savannah Valley Trails Inc. has future railroad revitalization as one purpose of the non-profit corporation. In this case, there is no evidence of the disputed property ever being intended or contemplated by any party to be used for future railroad purposes. None of the deeds placed into evidence (Exhibit 8, Exhibit 9, Exhibit 10 and Exhibit 11) have any mention of future railroad use or construction of a new railroad. The construction of a hiking trail is an altogether different purpose.

The Defendants attempt to distinguish the Eldridge facts, correctly pointing out that there are some different circumstances in that case. However, the Court must compare the pertinent right-of-way portions of that case with our present case. Parts of that case involved properties conveyed in fee simple which are distinguishable from the facts of our present case. However, the railroad right-of-way in that case creates identical legal issues as our present case. The law regarding the property rights owned by the railroad in our present case is clear---once each right of way was abandoned, it automatically terminated. The presence of the mortgage held by

Chemical Bank did not extend Seaboard Coastline Railroad's rights once the railroad had been abandoned. Accordingly, the Court concludes that the railroad right-of-way held by the Seaboard Coastline Railroad Company in regards to each Plaintiff in this case was abandoned as of February 25, 1980.

The question of laches is a more difficult question. It is undeniable that the Plaintiffs did nothing to assert their claims to the subject property for over thirty years, making the delay prong of the laches test clearly met by the Defendants. The next two prongs are closer questions. The Defendants argue that the delay was unreasonable. There had been a public hearing through the ICC procedures, wherein the Plaintiffs or their predecessors had the opportunity to attend and be heard. The removal of the tracks was open and visible. Each Plaintiff or their predecessor would have been able to see that the tracks had been removed by walking along their property line. The deed issued to the Clarks Hill-Russell Authority was in the public record. The tax maps reflected that the right of way through each Plaintiff's property was still separated. None of the Plaintiffs or their predecessors paid property taxes on the disputed property during this time period. There was no evidence of any use of the subject property by any Plaintiff except for the possible small building constructed on the property titled in Plaintiff Willie Clyde Smith's name. No survey was submitted which showed whether or not said structure was within the right-of-way. The photographic evidence submitted shows a strip of land that was open between trees. Some maintenance was performed on at least some of the subject property in that the railroad bed is still visible in the submitted photographs after over three decades of nonuse. The Court notes that neither the Defendants nor their predecessors did much during the time period to evidence any desire on their part to make use of the subject property. Although there was no testimony or evidence presented regarding use, it appears as though the railroad bed was just empty, unused

land for over three decades. However, the Plaintiffs or their predecessors had sufficient notice to know that they could assert their rights in 1980. Accordingly, the Court concludes that the Defendants' delay in filing suit was unreasonable.

The last prong of the laches test is prejudice. The Defendants assert that they have suffered prejudice as a result of the Plaintiffs' delay. The Defendants have constructed a portion of the trail project, erecting signs and restoring a bridge on a portion of the trail. The Defendants assert that they have secured grants and incurred indebtedness for the project, although those amounts are not in evidence. Nothing is in evidence to show specific amounts spent or set aside for work on the subject property. The Defendants also assert in their brief that they face potential liability if the trail is not completed. The specifics of said potential liability are not in evidence. The only amount of money in evidence is the amount paid to release the subject property from a larger mortgage held by Chemical Bank in 1983. No evidence was presented regarding the total number of lines affected by the larger mortgage. What was presented showed what the Defendants' predecessor in title paid to release the subject property. These particular Defendants were not parties to that transaction. The Court notes that a portion of the trail has been completed. There is no evidence of the funds required to complete the trail on the subject property or whether this money has been obtained or spent on the portions affected by this Order.

The Plaintiffs assert that the Defendants are not prejudiced because portions of the trail are completed and can be used, although they are not the completed trail as envisioned at the outset of the project.

The Court concludes that, despite a significant and unreasonable delay in the assertion of their rights, the Plaintiffs' inaction has not been proven to prejudice the Defendants in other than

vague and general terms. Accordingly, the Court declines to prevent the Plaintiffs from asserting their legal rights to the property under the doctrine of laches.

ACCORDINGLY, IT IS ORDERED, that each Plaintiff in these combined cases shall be declared to be the owner in fee simple of the property in the abandoned railroad bed to which their predecessors in title granted a right-of-way.

AND IT IS SO ORDERED.

---

R. Scott Sprouse, Judge  
Tenth Judicial Circuit

Walhalla, South Carolina

February\_\_\_\_, 2020



**Abbeville Common Pleas**

**Case Caption:** James Tuberville , plaintiff, et al VS Savannah Valley Trails, Inc.  
**Case Number:** 2018CP0100250  
**Type:** Order/Other

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

Electronically signed on 2020-02-21 16:37:11 page 13 of 13

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State of South Carolina  
County of Abbeville

Court of Common Pleas

|                               |   |                      |
|-------------------------------|---|----------------------|
| Annie L. Myers, et al         | ) |                      |
| James Tuberville              | ) |                      |
|                               | ) |                      |
| Plaintiff,                    | ) | Transcript of Record |
| v.                            | ) | 2018-CP-01-00094     |
|                               | ) | 2018-CP-01-00250     |
| Town of Calhoun Falls         | ) |                      |
| Savannah Valley Trails, Inc.) | ) |                      |
|                               | ) |                      |
| <u>Defendant.</u>             | ) |                      |

November 14, 2019  
Abbeville, South Carolina

B E F O R E:

The Honorable R. Scott Sprouse, Judge.

A P P E A R A N C E S:

Rauch Wise, Esquire  
Attorney for the Plaintiff

Roy R. Hemphill, Esquire  
Attorney for the Defendant

Lisa Scott  
Circuit Court Reporter

I N D E XWITNESSPAGE

No Witnesses.

- - -

E X H I B I T S

| <u>NO.</u> | <u>DESCRIPTION</u>          | <u>ID.</u> | <u>EVD.</u> |
|------------|-----------------------------|------------|-------------|
| 1          | Joint - Acts & Joint Res    |            | X           |
| 2          | Joint - Revised Statutes    |            | X           |
| 3          | Joint - Letter              |            | X           |
| 4          | Joint - 12/11/78 Decision   |            | X           |
| 5          | Joint - 3/19/79 ICC cert.   |            | X           |
| 6          | Joint - 2/25/80 Seaboard CL |            | X           |
| 7          | Joint - 4/30/71 Cons. Mort. |            | X           |
| 8          | Joint - 6/16/83 Deed        |            | X           |
| 9          | Joint - 4/12/12 Quit claim  |            | X           |
| 10         | Joint - 6/28/12 Quit claim  |            | X           |
| 11         | Joint - 4/12/12 Quit claim  |            | X           |
| 12         | Joint - Pic                 |            | X           |
| 13(a)      | Joint - Public net          |            | X           |
| 13(b)      | Joint - 098-00-00-028       |            | X           |
| 14         | Joint - Savannah Valley RRD |            | X           |

- - -

P R O C E E D I N G S

\* \* \* \* \*

THE COURT: All right. Madam Clerk, call the next case.

THE CLERK: 2018-CP-01-4, [sic] *Annie L. Myers, plaintiff, and others v. Town of Calhoun Falls.*

It's a consolidated case to be heard at the same time 2018-CP-01-250, *James Tuberville v. Savannah Valley Trails, Inc.*

THE COURT: All right. I will note for the record that counsel from both sides have had a conference with the Court prior to the beginning of the trial, indicated that the number of facts have been able to be stipulated to.

Mr. Wise, why don't you -- or Mr. Hemphill, whichever one would like to -- tell me what's been stipulated to and if you have exhibits, let's go ahead and note those for the record.

MR. WISE: I think Mr. Hemphill has handed up to the Court stipulated facts that are 18 in number, together with stipulated exhibits. And the exhibits should be referred to as just "exhibits." They're a combination of something both of us had and we just thought it easier to refer to them as exhibits. Those would be the facts of this case if we spent a

1 day testifying as to the different issues.

2 It involves a claim of a -- of abandoned  
3 railroad right-of-way. Basically, a little history  
4 of it, this goes back to 1881 when the predecessor  
5 to the Seaboard Coastline, the Savannah Valley  
6 Railroad Company, got a right-of-way for a piece of  
7 the property. And it's a line that runs basically  
8 between Calhoun Falls and McCormick.

9 It was abandoned over the years. The  
10 Interstate Commerce Commission issued an order  
11 authorizing it to be abandoned. The -- all this is  
12 in the stipulated facts. The Seaboard Coastline  
13 issued a letter saying they were formally abandoning  
14 it.

15 The rub arose -- and this was in February 25th  
16 of 1980. The issue involved in this case arose when  
17 several years later, Congress passed a  
18 Rails-to-Trails Bill. And, you know, to be frank,  
19 we think to some extent it's a good idea, but it  
20 just doesn't work well on the ground. And what  
21 they -- what they did in the Rails-to-Trail Bill was  
22 said that when a railroad was abandoned, you can  
23 turn it into a trail.

24 And so some time in the -- some three or four  
25 years after Seaboard sent their letter, Seaboard

1       then deeded their right-of-way -- their right-of-way  
2       or interest in the right-of-way or whatever property  
3       interest they had to a predecessor entitled to the  
4       Calhoun -- to Calhoun Falls and to the Trails people  
5       in the McCormick County case.

6               And then they started going and doing  
7       improvements to it. My people objected to it. And  
8       as a result, we had this litigation. And we've been  
9       able to come up with these facts because it's a --  
10      to be frank, it's over -- it is somewhat of a  
11      factual question in that the courts have said when a  
12      railroad abandons a railroad is a factual issue, but  
13      we think that factual issue is also -- we think it's  
14      determined in our side. They think it's determined  
15      on their side based upon the stipulated facts, but  
16      that's what the issue basically is.

17             And that pretty well ---

18             THE COURT: Before we get into arguments,  
19      Mr. Hemphill, anything?

20             MR. HEMPHILL: Mr. Bell will speak on it.

21             MR. BELL: Your Honor, I guess it's hard not to  
22      make an introduction without getting into legal  
23      argument. Just make an introduction for myself. My  
24      name is Doug Bell. I'm with McDonald Patrick Law  
25      Firm, here with co-counsel, Roy Hemphill, my

1 partner. We jointly represent the Town of Calhoun  
2 Falls and Savannah Valley Trails.

3 We have representatives here today with  
4 Savannah Valley Trails, Mr. Mark Miller. He's a  
5 board member. And Butch Taconer (phonetic), who's a  
6 board member. And then we also have the Clerk to  
7 the Town of Calhoun Falls.

8 Stephanie, can you give me your last name?

9 MS. COPELAND: Copeland.

10 MR. BELL: Stephanie Copeland. And they have a  
11 vested interest in this matter today.

12 I'm going to take exception to the fact that  
13 this is a straight abandonment case. Obviously,  
14 we're going to characterize it in different terms  
15 and we're going to kind of walk through some of the  
16 history of it, some of the policy of it.

17 We're also going to discuss really what -- what  
18 this case -- the crux of it is about, is a piece of  
19 real estate. And so we're going to discuss how we  
20 come to court today and how we frame this issue for  
21 you and how that's very important to the ultimate  
22 decision of who has title to the real estate. And I  
23 will let Rauch make his ---

24 THE COURT: Does either party anticipate any --  
25 any further testimony or any further evidence being

1 submitted, other than the stipulated facts?

2 MR. WISE: We -- we don't.

3 MR. BELL: Your Honor, the only -- and I'll --  
4 if you don't mind, I'm just going to share this with  
5 you and Mr. Wise real quick, just to give you some  
6 frame of reference for the area.

7 THE COURT: Okay.

8 MR. BELL: I didn't know if it might be useful  
9 for you to have some -- some pictures of the -- the  
10 area.

11 MR. WISE: I think that's -- well, not that,  
12 but, yeah. No. That's no problem.

13 MR. BELL: You can keep that.

14 MR. WISE: Okay.

15 THE COURT: So that'll be ---

16 MR. WISE: I don't mind those pictures as an  
17 addendum. They just ---

18 THE COURT: What are you, going to make that  
19 Exhibit 14?

20 MR. WISE: I think it would be 15.

21 THE COURT: I see Exhibit 13(B) is the last one.

22 MR. WISE: Right. It would be 14 then.

23 THE COURT: Okay. Let's mark -- mark that.

24 (Court's Exhibit No. 14 was received into  
25 evidence.)

1           THE COURT: All right. Well, let's -- with  
2 these stipulations and exhibits being admitted then,  
3 we will proceed.

4           We'll begin. Mr. Wise, you can present the  
5 plaintiff's case, and then we'll turn it over to the  
6 defendant.

7           MR. WISE: Your Honor, I think this is a simple  
8 abandonment case because at the time that Seaboard  
9 Coastline Railroad formally and unequivocally  
10 abandoned the railroad by writing to the Interstate  
11 Commerce Commission, which is now known as the  
12 Surface Transportation Board, and abandoned the  
13 railroad. At that moment in time, which is  
14 February 25, 1980, title to that property reverted  
15 to people who had picked -- who had -- reverted to  
16 the previous owner, which in my case is my -- my --  
17 the plaintiffs.

18           What happened after that moment in time is  
19 really irrelevant, I think, to this Court's  
20 decision. Because at that moment under South  
21 Carolina law, the intent of the Seaboard Coastline  
22 to abandon the railroad is clear and unequivocal.  
23 There's just simply no doubt about it. They wrote a  
24 letter saying they're doing it. Tracks were gone.  
25 Everything's gone. And at that point, my clients

1 then, because they own the -- own the property and  
2 their predecessors entitled it, granted the  
3 right-of-way, became the owners of the property.

4 And to me that's pretty well established in a  
5 case out of Greenwood, South Carolina, *Eldridge v.*  
6 *City of Greenwood*, which talks about many of the  
7 issues involved in this case and rather lengthy  
8 opinion and was involved in some 15 or 20 years  
9 worth of litigation for what's it's worth too.

10 But they pointed out that under South Carolina  
11 law, once it's determined the railroad's abandoned,  
12 it reverts. The only question is, did the railroad  
13 get a right-of-way or did the railroad get a fee  
14 simple? If they got a fee simple, then of course  
15 they still own it. But in this case and the case  
16 before Your Honor, it's stipulated that all of them  
17 gave a right-of-way and, therefore, in that moment  
18 it abandoned it.

19 Now, the fact that Congress some three years  
20 later passes a bill that says these properties or  
21 these abandoned railroads can be used for  
22 Rails-to-Trails is a nice idea. It's a nice  
23 concept. It simply has no application to a railroad  
24 that was abandoned before that law was passed. So  
25 if -- if the law had been passed literally on the

1 26th of February 1980, we would still be in the same  
2 situation because on the 25th, it was formally  
3 abandoned and became -- reverted back to the  
4 previous owners.

5 There's also a case out of the U.S. Supreme  
6 Court, *Preseault v. Interstate Commerce Commission*,  
7 that also talks briefly about this issue also  
8 between -- but between those two cases, I think it's  
9 pretty clear that the railroad was abandoned. My  
10 clients holding the title from their predecessors  
11 are now the lawful owners of the abandoned railroad.

12 Congress cannot retroactively undue state law.  
13 They can only pass a law that affects things  
14 forward. They can't go back in time and divest my  
15 clients of their property that became their property  
16 on February 25th of 1980, and we think that  
17 literally is that simple.

18 I have no criticism with the great idea behind  
19 this. There's some practical problems with it  
20 obviously, such as trails going through people's  
21 yards almost. Some practical problems with trails  
22 going through places where people hunt obviously.  
23 And, simply, people having a right to just -- if  
24 they own the property, they have a right to control  
25 it.

1 I think my clients own the property  
2 unequivocally and, therefore, they have the  
3 absolutely right to block anybody from crossing that  
4 property on that. And it's -- to me, it's  
5 relatively clear why it took -- well, I don't know  
6 why -- on the reason we're here today is that  
7 somebody's trying to make the law that was passed in  
8 1983 retroactive to apply to something that happened  
9 in 1980, and I don't think the law stands for that.

10 THE COURT: Was -- was any -- was any tract of  
11 land given to the railroad by -- by deed with fee  
12 simple interest on all these right-of-ways?

13 MR. WISE: In this case with the named  
14 plaintiffs here, all of them was right-of-ways.  
15 Some was deeded to the -- to the railroad. The --  
16 the statute that's -- that's sets up, the Savannah  
17 River Railroad, which is one of the exhibits,  
18 authorized them to get a fee simple title for depots  
19 and I think a few other things, but in this case,  
20 all of them are right-of-ways only.

21 THE COURT: And I haven't -- obviously, haven't  
22 had a chance to read what y'all have submitted yet,  
23 but were any improvements made on the railroad bed  
24 or the surrounding land by the railroad prior to?

25 MR. WISE: The only thing the railroad did that

1 affects this property is have a railroad built.  
2 There were no buildings put up by the railroad on  
3 any of the property that's involved in this  
4 litigation. Obviously, they put up some depots and  
5 some other buildings probably periodically at  
6 different places, but none of that's involved here.

7 What's been done since 1980 is basically when  
8 it was abandoned and reverted back, it just kind of  
9 was taken over by the different people who -- who  
10 adjoined the property or who had the right-of-way or  
11 had the residual right after the right-of-way was  
12 abandoned, and they did various and substantive  
13 things to it.

14 The closest thing to an improvement by any  
15 plaintiff is a picture that's in exhibit, in -- in  
16 which one plaintiff put a house or mobile home  
17 relatively -- well, into the right-of-way and  
18 relatively close to the original railroad bed, which  
19 is -- which is shown in there.

20 Outside of that, a side of a fence or two here  
21 or there. Somebody, you know, putting a chicken  
22 coop on it. There were no real permanent  
23 improvements made after 1980, simply because the  
24 railroad had been there for so long, it had just --  
25 they just kind of merged in with their land and its

1 ordinary use.

2 THE COURT: Thank you. Mr. Bell.

3 MR. BELL: May it please the Court, Your Honor?

4 I think a good place to start is giving the  
5 Court some idea of who we are and why we're here. I  
6 mentioned -- introduced the parties on our side, and  
7 Savannah Valley Trails is a nonprofit corporation  
8 organized under the laws of the State of South  
9 Carolina. It's a 501(c)(3) organization.

10 The sole purpose of that organization is that  
11 it exists to maintain this rail corridor, the very  
12 rail corridor that's in question today. And to  
13 preserve it, to make sure that it's -- it's open in  
14 case there is ever need for rail use again. And in  
15 the interim, to provide recreational trails for the  
16 benefit of the public.

17 Likewise, the Town of Calhoun Falls is a public  
18 body, a local subdivision of the County of  
19 Abbeville, the State of South Carolina. It serves  
20 many public purposes, but also a public purpose that  
21 it serves is to hold title to this piece of property  
22 and to maintain it for the same purposes.

23 They have obtained grants, both of the  
24 defendants, in order to maintain and improve the  
25 rail corridor. They've expended monies under those

1 grants. And so that's who we are.

2 Why we're here, because this is a very  
3 important case to the defendants for a number of  
4 reasons. And, primarily, because it frustrates the  
5 very purpose that the organization exists for, if  
6 there were adverse rulings in this case. It  
7 frustrates the purpose of the grants that were  
8 obtained and possibly causes liability for funds  
9 that have already been received and expended.

10 And I guess we really need to look at this case  
11 as to how we got here, because as Mr. Wise pointed  
12 out, that rail line has been there for a long time.  
13 We're talking about 1881. And we've just ignored  
14 and glossed over the last 39 years and 10 months.

15 And what happened in the last 39 years and 10  
16 months is -- is very important. This action was  
17 styled as a declaratory judgment action, which is by  
18 its nature, we look to the causes of action that are  
19 under it. Determine how to move forward. But,  
20 essentially, this is an attack on time.

21 Our clients -- and you'll see from the Exhibit  
22 No. 8. Exhibit No. 8 is a deed from Seaboard System  
23 Railroad to the Clarks Hill-Russell Authority of  
24 South Carolina. Clarks Hill-Russell Authority of  
25 South Carolina is essentially what became the South

1 Carolina Department of Commerce.

2 That deed was issued in June 16, 1983. And it  
3 covers the entirety of the rail from the town of  
4 McCormick to the town of Calhoun Falls,  
5 approximately 24 -- 24 miles of rail corridor. That  
6 deed was recorded both in Abbeville County and  
7 McCormick County and purported to transfer title.

8 We shift forward to Exhibit 9. You can see  
9 that the deed was issued for the South Carolina  
10 Department of Commerce, Division of Savannah Valley  
11 Development, to the 96 District Resource  
12 Conservation and Development Council. So that's the  
13 Department of Commerce after the name change  
14 conveying out this property to the 96 District  
15 Resource Conservation Development Counsel. That  
16 deed was issued on April 12, 2012. And that was for  
17 the portion of line that's lying in McCormick  
18 County.

19 Exhibit No. 10 is a deed from the 96 District  
20 Resource Conservation and Development Counsel to our  
21 clients, Savannah Valley Trails. It's dated June  
22 28, 2012, and recorded in the office of the Clerk of  
23 Court for McCormick County in Book 244, page 57,  
24 purporting to convey title to that portion of the  
25 25 -- 24-mile line in McCormick County.

1           And, finally, Exhibit 11. We have a deed from  
2           the South Carolina Department of Commerce, Division  
3           of Savannah Valley and Development, which is the  
4           successor to the Clarks Hill-Russell Authority of  
5           South Carolina, and that deed was to the Town of  
6           Calhoun Falls. Again, dated April 12, 2012,  
7           purporting to convey that portion of the rail  
8           corridor which lied in Abbeville County and recorded  
9           in the office of the Clerk of Court for Abbeville  
10          County in Book 293, page 852.

11           THE COURT: This is the subject property of  
12          this lawsuit?

13           MR. BELL: This is the subject property of the  
14          lawsuit.

15           THE COURT: Okay.

16           MR. BELL: So I think it's interesting that  
17          we're here today. The plaintiffs are arguing over a  
18          specific date, that date being February 25, 1980,  
19          and -- and arguing this as an abandonment case. If  
20          it were 1985, I think we'd be here for an  
21          abandonment case. I think it would be perfectly  
22          resolved as an abandonment case, if you're arguing  
23          facts from February 25, 1980.

24           But when you fast forward 39 years, 10 months,  
25          how can you establish those facts? How can you

1       argue those facts 39 years later? How can you sit  
2       on your rights that long?

3               We have a title of record, which has been  
4       established and conveyed. There's been no  
5       collateral attack on that title, except from this  
6       lawsuit. With the stipulated facts that we have  
7       before us, there is no objective evidence that the  
8       plaintiffs have established title to divest us of  
9       this record title, and that's because -- it's not  
10      because the stipulation's not there. It's because  
11      the facts are not there to support that cause of  
12      action. Again, if it were 1985, this would be a  
13      perfect resolution.

14             THE COURT: So are you arguing that plaintiff  
15      is barred by the statute of limitation?

16             MR. BELL: I'm arguing that they are barred by  
17      the statute of limitations, Your Honor, because  
18      they're -- we've been under color of title since  
19      June of 1983 with our two predecessors in title  
20      being the State of South Carolina and the 96  
21      District and then our two respective entities. So  
22      that color of title since 1983 has not been  
23      challenged.

24             I believe it is Code Section 15-3-340, which is  
25      the statute of limitations for an action for

1 recovery of real property which states that if  
2 parties have not been in possession of the property  
3 within the prior ten years, that the action will not  
4 commence.

5 Well, essentially, what that means is that if  
6 you want to establish a claim of title for adverse  
7 possession, you've got to have that statutory  
8 ten-year period. But what it also means is that  
9 when you're holding legal title of record and have  
10 established possession, it is presumed that you have  
11 possession of the property. It's a legal  
12 presumption and it has to be attacked unequivocally.  
13 It has to be proven, not the weakness in our chain  
14 of title, but it has to be proven the strength of  
15 their chain of title under the terms of this statute  
16 of limitations.

17 Now, there really is no governing statute of  
18 limitations on an argument over abandonment, but you  
19 think about it. Nobody came to the -- to your court  
20 today and stated that we think that this rail line  
21 was abandoned in 2017. It didn't happen. The  
22 argument that's being made before you is the facts  
23 will show that it's abandoned on February 25, 1980.

24 So, again, we've got an intervening 39 year,  
25 10-month period. We have record title of three

1 owners intervening. We have no collateral attacks  
2 on that chain of title within that period of time,  
3 so...

4 THE COURT: Who -- who possessed the property  
5 in the interim in this 39 years? What's happened?  
6 I heard from Mr. Wise earlier. What -- what's your  
7 client's position on what happened to this property?

8 MR. BELL: What we've been able to stipulate to  
9 is that there have been no permanent improvements by  
10 the plaintiffs. There is one photo that you'll see  
11 in the stipulated fact that shows a constructed  
12 improvement that might encroach onto the  
13 right-of-way that does not encroach onto the rail  
14 bed, but it might encroach onto the right-of-way..

15 But other than that, the defendants through the  
16 State of South Carolina, the 96 District, these two  
17 entities, have been in possession. They have also  
18 not made improvements in a structural sense, with  
19 the exception of the railroad trestle which you'll  
20 see in the photos, but that's not the purpose of  
21 holding title.

22 The purpose of holding title is to continue to  
23 maintain the around these lines in order that it can  
24 be preserved as a recreational trail for interim use  
25 until such time as the railroad may become active

1       again.

2               THE COURT:  Who -- who maintained the line?  
3       Did anyone cut brush or clean it out?

4               MR. BELL:  I would think that an argument could  
5       be made that both the plaintiffs and the defendants  
6       did so periodically in the stipulated facts, so  
7       there's been an acknowledgement there.

8               What's interesting there under -- under South  
9       Carolina law is that if you have occupancy from both  
10      a plaintiff and a defendant which is holding legal  
11      title, legal titles we've established under the  
12      stipulation have been recorded, have been in place  
13      since 1983, then if you have co-possession,  
14      possession is actually exclusive to the legal  
15      titleholder.  So based on the deeds and the chain of  
16      title, the presumption there is that possession lies  
17      in our favor.

18              THE COURT:  How do you address Mr. Wise's  
19      argument that a right-of-way is a different -- put  
20      your client in a different position than if it had  
21      been a fee simple transfer.

22              MR. BELL:  That's a great question and that --  
23      that question is really handled -- I'm going to have  
24      to give you two answers there.  Okay.

25              THE COURT:  Okay.

1           MR. BELL: The first answer is that regardless  
2 of what happened with the right-of-way, once the  
3 chain of title was established under color of title  
4 from 1983 forward, we go on a different path. We  
5 are -- we have established a chain. Because of the  
6 length of time involved, there's really no proof  
7 necessary on possession. There's a presumption of  
8 possession after a 20-year period. There is a  
9 presumption of the possession when you have legal  
10 title versus those that may occupy don't have a  
11 legal title. So that's -- we're on a different path  
12 there.

13           But as to the issue of abandonment itself, we  
14 feel very comfortable arguing that because if you'll  
15 review the original act, 409, that chartered  
16 Savannah Valley Railroad, you'll find that that act  
17 did, in fact, give Savannah Valley Railroad the  
18 authority to acquire properties, to acquire  
19 rights-of-way for -- for its purposes under the  
20 charter. You'll also find that we have provided the  
21 Court with a representative example of the  
22 right-of-way that was obtained for various pieces of  
23 the line.

24           Obviously, when you're talking about 24 miles  
25 of rail corridor, it's a very significant amount of

1 property. Property owners on either side. So  
2 working it down to the rights-of-way that were in  
3 that period is very difficult, but we feel  
4 comfortable on both sides that we have identified  
5 the documents which would allow the Court to -- to  
6 have review of the terms of the right-of-way. And  
7 those terms are very specific that the right-of-way  
8 is put in place for the benefit of Savanna Valley  
9 Railroad, its successors and assigns. That language  
10 is very instructive. Assigns, not just successors,  
11 but assigns.

12 Nothing inconsistent with the -- with the  
13 chart. Nothing inconsistent with the general  
14 statutes which we've provided to the Court. The  
15 general statutes authorize the entity under Section  
16 10, I believe, of the general statutes. I beg your  
17 indulgence. Under Section 10 of the general  
18 statutes, this is the general law that governs  
19 corporations under charter.

20 "Such corporations shall have the power of  
21 purchase and hold such real estate may be required  
22 for the purposes that they may deem complied or may  
23 deem for their interest to take a settlement of any  
24 debts deemed and they may dispose of the same."

25 That's very instructive language in the

1 statute. They may -- they may dispose of it. If  
2 they can't dispose of it, it automatically reverts  
3 if they can't dispose of it, right? So by virtue of  
4 the language in the actual right-of-way itself that  
5 was obtained from individual property owners through  
6 the corporation, it's affected by the grant made.

7 And there's also a warranty in that  
8 right-of-way, that not only the grantor warrants it,  
9 but warrants it for the benefit or for the burden of  
10 his successors and assigns for the benefit of the  
11 successors and assigns of Savanna Valley Railroad.

12 So we have to look beyond the charter if the  
13 charter doesn't have any limit numbers there. You  
14 have the power to go out and acquire what you need  
15 for the purpose of establishing a railroad. You  
16 have the language in the actual rights-of-way  
17 themselves. You have the general statutes, none of  
18 which are inconsistent with the actual grant made.  
19 So there's no question that's what Savannah Valley  
20 Railroad held at the time.

21 You move forward during the first part of the  
22 20th Century, railroads were booming. You had  
23 272,000 miles of track in the United States. By the  
24 mid-1990s, it was less than half that amount. So  
25 Congress had determined that this trail or rail

1 shrinkage, this track shrinkage just could not stand  
2 any further. So Congress started adopting policies  
3 and adopting laws of public -- public regulations to  
4 try to counterbalance that.

5 And the first attempt with that is in 1976.  
6 It's called the 4R Act or the Railroad  
7 Revitalization and Regulatory Reform Act. And  
8 within that, it established several policies. It  
9 adopted a rail bank for the purpose of holding  
10 dedicated railways and funding the holding of  
11 dedicated railways.

12 It tasked the Secretary of Commerce with  
13 certain decisions as to working with state and local  
14 governments to try to determine how these properties  
15 could be held in the future, whether they be held  
16 for other purposes or whether they be held for rail  
17 bank purposes. So that's a policy that's going on  
18 in the 1970s. Okay.

19 So then Savannah Valley Railroad now becomes  
20 Seaboard Coastline. There's some successors and  
21 mergers. And Seaboard Coastline does file with  
22 Interstate Commerce Commission a notice of intent to  
23 abandon. Interstate Commerce Commission is the  
24 governing body which at the time had exclusive and  
25 plenary jurisdiction to determine abandonment.

1       Okay. And that's established under our state case  
2       law, as well. There's no doubt that the exclusive  
3       jurisdiction was with the ICC.

4       THE COURT: What was the date? And I haven't  
5       gone through these exhibits yet, but what was the  
6       date when they abandoned?

7       MR. BELL: Well, Your Honor, they didn't  
8       abandon.

9       THE COURT: Okay.

10      MR. BELL: Okay. And so -- but we'll get into  
11      that in a minute.

12      But file -- Seaboard Coastline did file a  
13      notice of intent to abandon with the ICC in about  
14      1977. Okay. They filed a summary proceeding. They  
15      wanted to move forward. They didn't think they'd  
16      have any opposition, but interestingly enough,  
17      McCormick County intervened.

18      McCormick County being a -- I think the second  
19      least populated county in the state of South  
20      Carolina, knowing that it was not near an interstate  
21      and knowing that it needed to keep that rail  
22      corridor opened, intervened with the ICC.

23      There was a ruling from the board of the ICC in  
24      1978. And I believe that we have presented that to  
25      the Court as Exhibit 4. So you have a decision of

1 the committee of the Interstate Commerce Commission  
2 dated November 21, 1978. And if we look at that  
3 decision, it identifies the corridor that we're  
4 talking about, 24.65 miles. It notes the  
5 intervention of McCormick County.

6 It specifically states -- and this is very  
7 interesting -- that the segment from milepost 503.63  
8 near McCormick to milepost 506 is now used to store  
9 SCL, Seaboard Coastline, surplus equipment.  
10 Seaboard Coastline states that if the abandonment is  
11 authorized, it will leave this track in place  
12 subject to its continuing need for storage.

13 So that -- that's going to give you a little  
14 idea of what the term "abandonment" means in these  
15 proceedings. Okay. Because to state that we're  
16 going to have to abandon it, but we're also going  
17 keep three miles of track and we're going to  
18 actually use it and post about it, those things  
19 are -- couldn't be any further apart, right?

20 THE COURT: And this is in McCormick County?

21 MR. BELL: This is in McCormick County, this --  
22 this portion of line. The 24 miles ---

23 THE COURT: Did they just ---

24 MR. BELL: -- the 24 miles is the entirety,  
25 Your Honor.

1 THE COURT: Okay.

2 MR. BELL: Okay. So the -- the notice of -- of  
3 the intent to abandon is for the entire 24 miles of  
4 line. Again, running from the town of McCormick to  
5 the town of Calhoun Falls in Abbeville County.

6 And what the Court or what the committee points  
7 out is that McCormick County suggested that the best  
8 solution to the problem is that Seaboard Coastline  
9 leave the right-of-way intact for five years to  
10 enable McCormick County to try to lure industrial  
11 prospects, either keeping the track in place for  
12 five years or allowing the track to be pulled up,  
13 but the underlying right-of-way retained for the  
14 five-year period so that the track could be  
15 constructed again if needed and it could be used for  
16 railroad purposes if needed.

17 So there's a clear identification by the  
18 Interstate Commerce Commission that there is still a  
19 continuing need in McCormick County, it just may not  
20 necessarily be fulfilled by Seaboard Coastline at  
21 this time. So the decision made is to allow  
22 Seaboard Coastline to -- to move forward with  
23 abandonment, but not abandonment without conditions  
24 and not abandonment of the right-of-way.

25 It goes on state, McCormick County indicates

1       that negotiations have been conducted between its  
2       representatives and Seaboard Coastline to retain the  
3       right-of-way. We point out to McCormick County that  
4       based on our finding that the right-of-way is  
5       suitable for public use, we are conditioning our  
6       approval of the applicant, not disposing of the  
7       right-of-way without first permission governmental  
8       agencies or other responsible persons with right to  
9       negotiate for the acquisition of the property for  
10      public use. And, actually -- and, actually, puts  
11      that in the order.

12               We move forward to Exhibit No. 5, which is a  
13      review of the decision of the committee. And it is  
14      dated March 2, 1979. They uphold the abandonment of  
15      the track, but, again, they specifically listed  
16      their decision and certificate, that the condition  
17      that the applicant shall not sell, lease, exchange,  
18      or otherwise dispose the right-of-way underlying the  
19      track, including all bridges and all culverts along  
20      the line for a period of 120 days from the service  
21      date of this certificate to permit any state or  
22      local government agency or other responsible  
23      persons to negotiate the acquisition of all or any  
24      portion of the property for public use.

25               120 days is significant there. It's not a cap.

1       It's not the intent. Under the 4R Act of 1976,  
2       regulations were promulgated that basically  
3       established that the ICC have the responsibility to  
4       state if there is a potential public use, then you  
5       have to put this restriction on there. Okay. So  
6       that's the minimum, but that's not a cap and that  
7       doesn't mean that abandonment occurs at the 121st  
8       day. It's all up to the railroad, and that's  
9       established under state law.

10           Go on and look at the 1978 or 1979 order in the  
11       actual second ordering paragraph. It says that the  
12       authority granted by the certificate and decision is  
13       exercised, the applicant shall submit two copies of  
14       the journal entry shown to retire the line for  
15       service and shall advise the commission in writing  
16       immediately after abandonment of the line of the  
17       date on which the abandonment actually took place.

18           Third ordering paragraph it states that if the  
19       authority granted in this certificate and decision  
20       is not exercised within one year from the effective  
21       date, it shall be of no further course and effect.  
22       Okay.

23           So -- so what we know is 39 years, 10 months  
24       later, we're looking at the ICC file. First, these  
25       are the only pieces of the file that we were able to

1 obtain. The original petition filed by the  
2 applicant was not able to be obtained. I would note  
3 to the Court that importantly under the ICC  
4 regulations, that if there is a possibility of  
5 revert, the applicant is required in the application  
6 to inform the ICC of that.

7 And the whole purpose of that is because you've  
8 got this swelled policy at the time in 1970 where  
9 the Federal Government has decided we are not going  
10 to allow the railroad corridors to go back to  
11 private property owners. We respect private  
12 property rights, but this is an identifiable need  
13 for our country that we have to protect.

14 So that was the policy that was in place at the  
15 time. That was the undercurrent when these  
16 decisions were being rendered. That was the  
17 recognition of McCormick County's intervention, that  
18 was the recognition of the conditions on the  
19 approval for abandonment. Okay.

20 So let's move forward to February 25, 1980.  
21 This is the letter from Seaboard Coastline that  
22 Mr. Wise has pointed out to the Court. And it  
23 states that this refers to the commission  
24 certificate and decision in Docket No. AB-55 which  
25 covers Seaboard Coastline Railroad company's

1 application to abandon. 24.65 miles of track  
2 between McCormick and Calhoun Falls, South Carolina.

3 In compliance with the second line in the  
4 paragraph of the certificate and decision, please be  
5 advised that this track was abandoned as of  
6 February 15, 1980.

7 Okay. So that's -- that's the magic letter  
8 right. That's the magic letter, but did you notice  
9 that they used the term "track"? They didn't --  
10 they didn't use the term "right-of-way." They used  
11 the term "track," but they did abandon the track.  
12 They pulled up the track. That was the whole  
13 purpose of the application was that right now,  
14 unless we identify more industry that can come here  
15 and utilize this service, we're not able to do it  
16 efficiently and profitably right now.

17 THE COURT: When was the track physically  
18 removed?

19 MR. BELL: The best that we're able to  
20 determine is that we have to use the date of  
21 February 15, 1980. We don't -- and, again, 39  
22 years, 10 months removed, it's hard to establish,  
23 but we're not able to establish very good records  
24 from the ICC. We're not able to establish very good  
25 records as to from -- from local parties either. So

1       that's -- that's the best -- that's the assumption  
2       that we have to make, is that the track was removed  
3       by February 15, 1980.

4               So you have the three miles of track, which  
5       Seaboard has already stated that they're going to  
6       continue to use, but it's subject to the abandonment  
7       order. And what happens at that point?

8               Well, I agree with Mr. Wise. I do think that  
9       state law comes into play and the determination has  
10      to be made, did the railroad abandon the  
11      right-of-way? We know from this order and we know  
12      from the letter that it intended to abandon the  
13      track. What we don't know is whether Seaboard  
14      Coastline ever complied with the second ordering  
15      paragraph of the 1979 decision, because there is  
16      nothing in the ICC's file regarding journal entries  
17      showing the type of the line for the service.

18              In fact, there's nothing further in the ICC  
19      file, other than the letter from Seaboard Coastline  
20      stating that it had pulled up the track.

21              So if we then have to look at based on the  
22      orders the fact that the condition had been made,  
23      pull up the track, don't get rid of the right-of-way  
24      until you start talking to McCormick County, until  
25      you start talking to the State of South Carolina,

1 and we are without authority to make you do that for  
2 longer than 120 days, so we're going to -- we're  
3 going to make it 120 days. That's the minimum.

4 So then we have to look to whether or not  
5 Seaboard Coastline consummated the abandonment.  
6 Okay. Two factors there, intent and action. And so  
7 with the stipulated facts before the Court, what  
8 shows the intent and what act is consistent with the  
9 abandonment of the right-of-way itself? And I'm  
10 going to contend to the Court that there is none.  
11 There -- there are only stipulated facts which are  
12 consistent with the fact that the railroad intended  
13 to keep the right-of-way and then convey the  
14 right-of-way to the State of South Carolina, which  
15 it did in June of 1983.

16 So for that period, it's -- it's -- it's  
17 obvious based on stipulated facts that the counties  
18 were separately assessing the right-of-way, as can  
19 be seen from the -- the records on file, the tax  
20 assessor information. The corridor was held by  
21 Seaboard Coastline for that three-year period from  
22 February 25, 1980, to June of 1983.

23 There were no letters to property owners  
24 stating, hey, we give it up. You know, there was no  
25 reconveyance or quit claim to property owners. The

1 first evidence that we see is in June of 1983 when  
2 for consideration of \$58,290, it conveys to the  
3 Clarks Hill-Russell Authority being the South  
4 Carolina Department of Commerce, the entirety of the  
5 rail corridor.

6 Notably for the Court, there was a mortgage in  
7 place at the time on the rail corridor, not  
8 February 25, 1980, continuing from that point in  
9 June of 1983. Chemical Bank, as the trustee and  
10 mortgagor, signed onto the deed itself releasing the  
11 rail corridor from the mortgage that was in place at  
12 the time.

13 So is the fact that they had a continuing  
14 mortgage on the property during this period, is that  
15 consistent with abandonment, or is that consistent  
16 with maintaining ownership? If you obtain the  
17 consideration and make a conveyance, is that  
18 consistent with abandonment?

19 I'm going to take your money. I'm going to  
20 take the money. The money that you got from the  
21 rail bank, South Carolina Department of Commerce  
22 obtained 60 percent of the financing for this  
23 project in 1983 from the Federal railway. The rail  
24 bank that is established for the sole purpose of  
25 banking rail line so that it can be used for

1 railroad in the future.

2 So we would contend to the Court that there was  
3 no abandonment of the right-of-way in February 15,  
4 1980. We do think that Seaboard Coastline was very  
5 consistent with its intent to pull up that line and  
6 to use that track in other places, to salvage what  
7 it could, to reestablish the line where things were  
8 profitable at that period of time, but that's  
9 consistent with the Interstate Commerce Commission's  
10 order that it was willing to hold the right-of-way,  
11 continue to negotiate with McCormick County,  
12 continue to negotiate with the State of South  
13 Carolina, and ultimately convey that property over  
14 in 1983.

15 So we are in disagreement on the issue of  
16 abandonment. Respectfully, I'm not sure that the  
17 Court should ever really get to the issue of  
18 abandonment.

19 Again, if it was 1985 and we were arguing over  
20 something that happened five years ago, I think we  
21 get there. I'd be 11 years old. I'd be the same  
22 size I am right now, but I'd have a really thick  
23 mustache because my mother would not let me shave.  
24 Rauch would still be a great trial attorney, but  
25 that's a long time ago and a lot has happened in the

1 interim, and you can't ignore the facts that have  
2 happened in the chain of title since that time.

3 So there's a doctrine called latches. It's  
4 kind of when all else fails, that's -- that's the  
5 saving grace, your latches, right? And it's a --  
6 and it's typically an equitable argument. This is a  
7 blended case. It's got law. It's got equity, you  
8 know, up here. It depends on which side you -- you  
9 look at.

10 If there is no applicable statute of  
11 limitations, and I would argue that there is, but if  
12 there is no applicable statute of limitations,  
13 latches applies under the state common law. Is it  
14 right that these parties sat silent from 1983 until  
15 2016 and did nothing, filed nothing, trying to  
16 attack the chain of title that's in place here?

17 We would contend to the Court that's obviously  
18 unfair and that there's no ruling that could be had  
19 that would allow us to go back in time to that point  
20 and try to make this judicial determination. We  
21 have to deal with where we are now and the facts  
22 that we have now and all of the intervening actions  
23 that have happened from 1983 forward.

24 You know, when you -- when you own property for  
25 a period of time on adverse possession, and I would

1 never really venture to argue a case on adverse  
2 possession with stipulated facts, but the longer  
3 that you own property, the fewer things and the  
4 fewer elements you have to establish for adverse  
5 possession.

6 So even if you were to find that the railroad  
7 right-of-way was abandoned, not the track, the  
8 right-of-way was abandoned, and even if we were to  
9 find that somehow based upon the stipulated facts  
10 that the plaintiffs have established their title, we  
11 still have color of title for more than 20 years.

12 Based on color of title for more than 20, and  
13 color of title does not have to be based on valid  
14 legal title. Color of title can be based on a  
15 defective title. Color of title can be based upon a  
16 quit claim deed, even if the person executing the  
17 deed has knowledge that had no ownership interest,  
18 it's there. For color of title purposes, it's  
19 there.

20 So if you've got color of title for more than  
21 20 years, there's a presumption of possession, you  
22 don't -- you don't have to prove possession. You  
23 don't have to prove that we were out there every day  
24 working on the line because there's -- the  
25 presumption is in our favor at that point.

1           We don't have to prove that occupancy was  
2 exclusive because as to exclusivity under common  
3 law, because we have color of title, anybody else  
4 occupying is subordinate to our occupancy.

5           So I think we get there, Your Honor, first on  
6 the fact that the parties have not established their  
7 rights at the time that this all should have  
8 happened back in 1985. The -- the plaintiff had  
9 pointed to the case of *Eldridge v. City of*  
10 *Greenwood*. The Eldridge case is instructive. It  
11 does state that the South Carolina law applies to  
12 determine abandonment, but the facts were completely  
13 different in that case.

14           The railroad in question of the Eldridge case  
15 had actually already conveyed the property over to  
16 the City of Greenwood, who then in turn conveyed it  
17 over to the Department of Transportation is sort of  
18 quid pro quo deal where they were trying to use what  
19 was formerly railroad right-of-way for highway  
20 purposes.

21           And actually some of it was highway; some of it  
22 was beautification purposes, flower beds. Well,  
23 flower beds are not the same thing as railroad  
24 right-of-way. And you can pretty well establish  
25 that if I had already given it to the City of

1 Greenwood to be used for a public purpose but a  
2 totally different purpose, well, yeah, that's  
3 evidence of abandonment.

4 But in this case where the only evidence or the  
5 only presumption because the party with the burden  
6 is not able to establish what happened during that  
7 period from Seaboard, the only evidence that we have  
8 is that it intended to convey to the state. It  
9 conveyed the rail corridor.

10 There's no evidence that it was for a different  
11 purpose, other than to be banked for rail purposes  
12 in the future. So that's where the Eldridge case is  
13 dissimilar. The only way that the Eldridge case is  
14 similar is that this all happened about the same  
15 time. And if we were going to make a ruling as to  
16 abandonment in this case, it should've happened then  
17 in 1989 and Eldridge won. Should've gone up on  
18 appeal and been heard in 1998. We're 20 years  
19 removed from that appellate decision. This track  
20 was taken up prior to the track in Eldridge.

21 So the plaintiffs are good people. They've got  
22 a great attorney, but we contend to the Court that  
23 they've rested on their rights for too long. Too  
24 much has happened. We've established the chain.  
25 We've established no abandonment. Looking at the

1 same documents. Looking at the same decisions. So  
2 we would ask for a favorable ruling. Thank you.

3 THE COURT: Thank you, Mr. Bell.  
4 Mr. Wise, response?

5 MR. WISE: Yes, sir. I do have a few things.

6 First of all, let's forget the 39 years because  
7 for the first 29 years, the defendants in this case  
8 did nothing. The property was conveyed to the 96 --  
9 oh, excuse me -- the -- it was conveyed to the -- to  
10 the McCormick -- the Clarks Hill-Russell Authority  
11 of South Carolina on June 16, 1983. Nothing was  
12 done for 29 years after that.

13 My clients are sitting there owning the  
14 property. No one was going against them saying you  
15 don't own the property. No one was trying to do  
16 anything with the property, except my clients who  
17 were treating it as their property. So it's --  
18 they're on notice of nothing. I don't -- I know of  
19 no law in this state that requires a property owner  
20 to regularly check the records of the county  
21 courthouse to see if someone has deeded their  
22 property to someone else. You know, it doesn't  
23 happen.

24 This didn't arise or this suit didn't arise  
25 until the defendants in this case, through the Town

1 of Calhoun Falls and through of trails -- Savannah  
2 Trails people tried to go across the property of the  
3 plaintiffs. And when they tried to do that, then  
4 the suit was brought. That was the first time they  
5 really have knowledge of -- that someone else was  
6 really claiming to own the property.

7 Secondly, let's go back to the Interstate  
8 Commerce Commission order. And it also says in  
9 there, and he's correct, McCormick did file a claim  
10 wanting to do something with it. They do say in the  
11 finding -- let me see -- they do say that the notice  
12 of filing was public in the Federal registry on  
13 June 24, 1979. The time for filing of offers of  
14 financial assistance has expired without a bona fide  
15 offer. So McCormick had a chance to file in there  
16 for some assistance. They did not.

17 And then they actually said, you know, that  
18 it's -- it -- 120 days it can be abandoned. More  
19 than 120 days later, Seaboard Coastline said we're  
20 out of that. We're not doing it.

21 They have -- under any definition of South  
22 Carolina and if you go back and look at the deed too  
23 which is done for railroad purposes, once they pull  
24 the tracks out, they've abandoned that road. That's  
25 no question about that, so I think that goes to show

1 an abandonment.

2 I listened to -- to Mr. Bell's argument and I  
3 looked at the nice pictures he had of some of the  
4 trail that was introduced today. And over that  
5 portion of the trail where Savannah Trails has done  
6 improvements across people's land and have done  
7 those improvements now for some eight or nine years,  
8 a lot of what he says may have merit as far as  
9 latches or whatever you want to call it where people  
10 have sat down and seen hikers come across their land  
11 and seen some gravel be put and trails put and --  
12 and stuff like that. It may have some merit, but  
13 that is not true for the plaintiffs in this case.

14 From the moment both defendants expressed a  
15 desire to put a trail across what they deem to be  
16 their property, they, in fact, have fought it since  
17 then and continue to fight it today. So all those  
18 nice concepts of latches, which may apply to a  
19 portion of this trail, certainly do not apply to  
20 these plaintiffs who have never rested on their  
21 rights, who have always -- as soon as they were  
22 notified that either defendant intends on using this  
23 property, they were in court pretty quick to try to  
24 stop it. So I think in that respect, it -- the  
25 latches doesn't apply.

1           Our position bases that we do hold title. I  
2           don't know how a railroad could be anymore abandoned  
3           than to say we picked the tracks up. We've taken up  
4           the tracks.

5           THE COURT: Let me ask you, how do you respond  
6           to Mr. Bell's argument that they said they were  
7           abandoning the tracks, and that's different than  
8           abandoning the right-of-way?

9           MR. WISE: When you abandon -- when you abandon  
10          the track, you're abandoning the use of it for  
11          railroad purposes. And when you abandon the use of  
12          it for railroad purposes, it reverts back to the  
13          original owner. I don't care what you call it, but  
14          once you stop using it for railroad purposes in  
15          South Carolina as I read the cases, that is when  
16          the -- once you have an intent to stop using it for  
17          railroad purposes, it abandons back to the previous  
18          owner, regardless of what your otherwise intent may  
19          be.

20          I would also point out that the mortgage and  
21          whether you can mortgage a right-of-way I think is a  
22          matter of subject to dispute and what all the  
23          mortgage included is probably moot here also, but  
24          the mortgage was done when they still had an active  
25          railroad on it back in 1971. It wasn't like they

1       abandoned the -- the railroad and then went and did  
2       a mortgage on it. That obviously would be something  
3       that the children did not intend to abandoned it,  
4       but they abandoned it -- they put the mortgage on it  
5       years before they formally abandoned it, some nine  
6       years after the mortgage was put on it. So I think  
7       it clearly showed an abandonment.

8               And like I say, in South Carolina, you don't --  
9       if the deed says "railroad purposes," and you take  
10      up the tracks, it's no longer railroad purposes.  
11      There's an interesting case out of Saluda that  
12      I forget the title. I think it's the *Saluda*  
13      *Motorline v. Couch* if my memory is correct, in which  
14      a person bought the right-of-way from the railroad  
15      in a very similar case. And he contended that, I'm  
16      going to use it for a railroad one day, and that's  
17      a -- I have that intent and, therefore, we're  
18      going -- it's still my property because I'm going to  
19      use it for a railroad. And the Court said, you  
20      know, if you ain't got any practical ability or  
21      can't show something that you're going to use it for  
22      the railroad, its deemed to be abandoned.

23              And I think the same principle applies here.  
24      Once the tracks are gone, it's abandoned for  
25      railroad purposes. And once it's abandoned for

1 railroad purposes, it reverts back to the previous  
2 owner. The law on that is, to me, relatively clear.

3 If Seaboard Coastline had some secret desire to  
4 turn it into trails, that's interesting. That's a  
5 nice desire. It has nothing to do with this case  
6 because they have abandoned their right-of-way by  
7 taking up the tracks. And I can't -- you can't be  
8 any more applicable than that. They cannot be more  
9 affirmative than a letter saying we're going to  
10 abandon the tracks and taking up the tracks. And  
11 once that's done, it's not being used for railroad  
12 purposes. And once it ceases to be used for  
13 railroad purposes, it reverts back to the owner at  
14 that moment.

15 Now, whether we get to that intent from the  
16 February 25th letter or get that intent from the  
17 exact second they picked up the tracks is really  
18 moot because both of them occurred well before 1983.  
19 So, clearly, the road was abandoned and that's all  
20 that's required.

21 THE COURT: How do you address the argument  
22 that this property has been assessed as a separate  
23 property or set forth in the county maps as a  
24 separate property?

25 MR. WISE: Well, the county -- the county tax

1       assessor is not in judicial court. It makes a legal  
2       determination of ownership. It's on there. It's  
3       the way it's been for a long time. All I got to say  
4       is it's on there. It doesn't -- they list it on  
5       there as abandoned railroad track. So the fact they  
6       did it, they did it.

7               I would assume when it was an active railroad,  
8       there was a need for the county to -- to assess it  
9       differently because I don't know how they -- I  
10      assume they asses taxes on the railroad right-of-way  
11      to the railroad. And then so it's been there, I  
12      would assume, well before 1980. And the fact that  
13      they tract it separately just means that they tract  
14      the right-of-way separately. It doesn't have to do  
15      with who actually owns the property upon abandonment  
16      of the railroad. It's just a -- it's just a marking  
17      on a map.

18             THE COURT: Okay. Thank you, Mr. Wise.

19             MR. WISE: Okay.

20             THE COURT: Mr. Bell, I'll give you last word.

21             MR. BELL: Your Honor, I promise it will not be  
22      as my first. I will be brief.

23             Constructive notice for deeds that are reported  
24      in the public records, that's -- that's the issue.  
25      You put the world on notice of what is filed, and

1       that's the whole purpose of having a recording  
2       office and public records. So there's no question  
3       that the plaintiffs have constructive notice on that  
4       point.

5               As to the issue of the ICC, I would note just  
6       specifically on this issue with the traffic and the  
7       right-of-way, that's specifically addressed in the  
8       ICC order. They're addressed separately. The  
9       conditions are separate. So -- and, again, the ICC  
10      had exclusive jurisdiction.

11             So the railroad was operating under the -- the  
12      authority -- under the ruling put in place by the  
13      ICC. The fact that it continued to do that moving  
14      forward, there's no evidence to the contrary. He's  
15      the moving party in this action. He's got the  
16      burden of proof. So, again, we ask for a favorable  
17      ruling.

18             I would -- and I'm sure we'll do this in brief,  
19      but there is a -- well, I'm sure we'll brief it, but  
20      there is a District Court case in the State of South  
21      Carolina that after the enactment of the Rails Act  
22      deals with the various situation and addresses that  
23      120-day period. What -- what it means is that the  
24      railroad responds back affirmatively with that  
25      letter stating they had complied. What happens to

1 the right-of-way at that point?

2           Essentially, the ruling is that that's simply a  
3 green light. The issuance of the certificate of the  
4 ICC is simply the green light. If you got the  
5 intent to abandon, you can go take the act to  
6 abandon now, but you still got to go take the act.  
7 And that's what consummation of abandonment means  
8 under South Carolina case law. You got to meet both  
9 those elements. There's no evidence that they met  
10 that second element.

11           There are cases out there that state that you  
12 can meet that second element or that you can do  
13 things like deeding it over for a totally different  
14 purpose.

15           THE COURT: What about cases -- their argument  
16 is when they took up the tracks, the took the  
17 purpose of the right-of-way. How do you respond to  
18 that?

19           MR. BELL: Again, another 29 years doesn't  
20 matter, but 39 years and 10 months later, it's still  
21 being held for that purpose.

22           THE COURT: Okay.

23           MR. BELL: Thank you.

24           THE COURT: All right. Well, thank you,  
25 gentlemen. You've given me a lot of material to

1 read and consider. I'm going to take this under  
2 advisement.

3 What I would like each side to do is submit a  
4 brief with all the cases you would like for me to  
5 consider. How long do you need for your brief? Can  
6 you get it to me in ten days?

7 MR. WISE: Oh, no. We got Thanksgiving coming  
8 up.

9 THE COURT: That's true. We do have  
10 Thanksgiving.

11 MR. WISE: Yeah. Umm -- what's today? The  
12 12th of December?

13 THE COURT: Well, 30 -- 30 days would put  
14 you towards -- let's just say 30 days.

15 MR. BELL: Okay.

16 THE COURT: We'll -- I'll give you 30 days.  
17 .Serve -- serve the other party with -- with your  
18 brief, and I will -- anything you want me to  
19 consider as far as case law and any arguments, set  
20 forth fully in your brief.

21 All right. And I -- I thank y'all for your  
22 hard work and getting the facts stipulated. As each  
23 side noted to me in chambers, this case could've  
24 taken several days if everyone had to testify as to  
25 the facts. So this is -- this was very helpful for

1 me to understand the issues and I -- I look forward  
2 to getting into this. It's an interesting legal  
3 question that you have presented, so thank you.

4 MR. WISE: Okay.

5 MR. BELL: Thank you, Your Honor.

6 MR. HEMPHILL: Thank you, Your Honor.

7 (The proceedings concluded at 11:04 a.m.)

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## C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Abbeville County, South Carolina, on the 14th day of November, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 15, 2020

/s/Lisa Scott

*Lisa Scott*  
*Circuit Court Reporter*

**STATE OF SOUTH CAROLINA**

**COUNTY OF ABBEVILLE**

) **IN THE COURT OF COMMON PLEAS**  
) **EIGHTH JUDICIAL CIRCUIT**  
) **CIVIL ACTION NO. 2018-CP-01-00094**  
) **CIVIL ACTION NO.: 2018-CP-01-00250**

)  
) **Annie L. Myers, Billy R. Nobles, M.**  
) **Elaine Nobles, James Lewis Willis, James**  
) **and Lucille Mason, Joann Atkinson,**  
) **Willie Clyde Smith, Clyde H. Broadwell,**  
) **Jr., and Stephen Pettigrew of Sawney**  
) **Creek Farm, LLC,**

) **Plaintiffs,**  
)

) **vs.**  
)

) **Town of Calhoun Falls,**  
)

) **Defendant.**  
)

**JOINT STIPULATED FACTS**

)  
) **James Tuberville, Dean Burton, Robert**  
) **W. and Minnie O. New, Walter L.**  
) **Anders, and Mary and Homer Martin,**

) **Plaintiffs,**  
)

) **vs.**  
)

) **Savannah Valley Trails, Inc.,**  
)

) **Defendant.**  
)

The Defendants above named hereby propose the following stipulation of facts:

1. The Savannah Valley Railroad Company was chartered by the State of South Carolina on March 12, 1878 by Act No. 409. The charter permitted the railroad company to obtain rights of way across the lands of various property owners. A copy of Act No. 409 is attached as Exhibit 1.
2. Act No. 409 refers to Chapter LXIII of the South Carolina General Statutes. A copy of Chapter LXIII is attached as Exhibit 2.

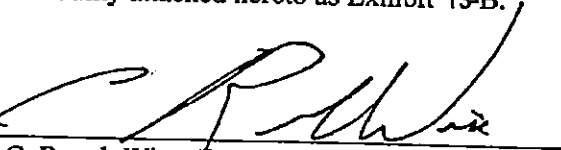
3. Seaboard Coast Line Railroad Company is the subsequent successor to the Savannah Valley Railroad Company.
4. Savannah Valley Railroad obtained rights of way for the railroad corridor, and fee simple title to other tracts. A representative example of these rights of way obtained is attached hereto as Exhibit 3.
5. Each plaintiff in subsequent deeds, was deeded parcels of real property subject to the right of way previously given by their predecessor in title.
6. A committee of the Interstate Commerce Commission issued a decision dated November 21, 1978 concerning the railroad line owned by Seaboard Coast Line Railroad Company between McCormick and the Town of Calhoun Falls. A copy of the Decision is attached as Exhibit 4.
7. The Interstate Commerce Commission reviewed the November 23, 1978 decision and issued its decision on March 2, 1979. A copy of the review is attached as Exhibit 5.
8. Seaboard Coast Line Railroad Company wrote a letter dated February 25, 1980 to the Interstate Commerce Commission. A copy of the letter is attached as Exhibit 6.
9. Seaboard System Railroad, Inc. is the subsequent successor to Seaboard Coast Line Railroad Company.
10. Seaboard Coast Line Railroad Company and its successor, Seaboard System Railroad, Inc., subjected the railway bed between the Town of Calhoun Falls and McCormick as collateral for its mortgage dated March 15, 1971, as supplemented (the "Mortgage"), held by Chemical Bank. A copy of said Mortgage is attached as Exhibit 7.
11. Seaboard System Railroad, Inc. conveyed its interest in the railway bed between the Town of Calhoun Falls and McCormick by quitclaim deed to Clarks Hill – Russell Authority of South Carolina on June 16, 1983 ("State Deed"). Clarks Hill – Russell Authority of South Carolina paid \$58,290.00 for the railway bed. A copy of the deed is attached as Exhibit 8.
12. When Seaboard System Railroad, Inc. conveyed its interest in the railway bed between Calhoun Falls and McCormick on June 16, 1983, it obtained a release of this property from the Mortgage as evidenced by release and joinder in the above-referenced Exhibit 8.
13. The South Carolina Department of Commerce, Division of Savannah Valley Development is the successor in interest to the Clarks Hill – Russell Authority of South Carolina and it claimed title to the railroad bed from June 16, 1983 to April 12, 2012 under the State Deed.
14. The South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill – Russell Authority of South Carolina conveyed its interest in the railway bed located in McCormick County to Ninety-Six District Resource Conservation and Development Council, Incorporated on April 12, 2012. A copy of the deed is attached as Exhibit 9.

15. Subsequently, Ninety-Six District Resource Conservation and Development Council, Incorporated transferred its interest in the railway bed located in McCormick County to Savannah Valley Trails, Inc by deed dated June 28, 2012. A copy of the deed is attached as Exhibit 10.

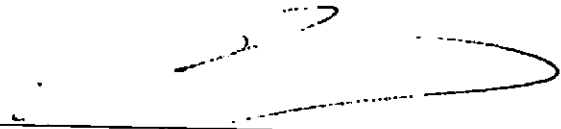
16. The South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill – Russell Authority of South Carolina conveyed its interest in the railway bed located in Abbeville County to the Town of Calhoun Falls on April 12, 2012. A copy of the deed is attached as Exhibit 11.

17. From February 25, 1980 until present, Plaintiffs have made no permanent structural improvements to the railway bed, with the possible exception of a structure on property titled in Plaintiff Willie Clyde Smith in Abbeville County as depicted in Exhibit 12. Defendants have made no permanent structural improvements to the railway bed, but have performed maintenance and grooming of the rail corridor, and extensive refurbishments of a railway trestle with the corridor.

18. From 1976 until the present, the railroad bed has been identified and assessed separately from the Plaintiffs' parcels. Said tax maps affect parcels in Abbeville County attached hereto as Exhibit 13-A and tax maps affecting parcels in McCormick County attached hereto as Exhibit 13-B.

By: 

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By: 

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Attorneys for Defendants

November 13, 2019  
Abbeville, South Carolina

ACTS  
AND  
JOINT RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF SOUTH CAROLINA,  
PASSED AT THE  
REGULAR SESSION OF 1877-78.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY, AND DESIGNED TO  
FORM A PART OF THE SIXTEENTH VOLUME OF THE STATUTES  
AT LARGE, COMMENCING WITH THE ACTS OF 1875-76.

COLUMBIA, S. C.  
CALVO & PATTON, STATE PRINTERS.  
1878.

## AN ACT TO CHARTER THE SAVANNAH VALLEY RAILROAD COMPANY.

A. D. 1878.

No. 409.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That W. W. Humphreys, Stephen McCulley, A. T. Broyles, J. S. Murray, B. F. Whitner, S. Bleckley, E. M. Bucher, J. C. C. Featherston, Edwards B. Murray, Dr. R. F. Divver, J. W. Norris, J. A. Sherard, J. H. Reid, J. T. Barnes, D. L. Hall, W. J. Millford, David Sadler, B. A. Davis, Elias J. Earle, Levi Burciss, Kanon Breazeale, J. Y. Fretwell, Joshua Burris and William O'Briant, of Anderson County, and James M. Latimer, Sr., J. B. Moseley, J. P. Young, T. Baker, George S. Burdett, J. B. Leroy, S. S. Baker, Dr. J. T. Baskins, Dr. M. C. Taggart, A. J. Clinkscales, W. B. Clinkscales, S. J. Hester, Edward Calhoun, H. H. Harper, W. D. Mars, M. O. Tolman, W. K. Bradley, Dr. T. A. Wideman, G. Cade and Thomas Thompson, Esq., of Abbeville County, and such other persons and corporations as may be associated with them, and their successors and assigns, be, and they are hereby, created a body politic and corporate, by the name and style of "The Savannah Valley Railroad Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law and equity in this State or in the United States; may make by-laws and appoint all necessary officers and prescribe their duties, and may accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned; may make contracts, have and use a common seal, and do all other lawful acts properly incident to and connected with said corporation and necessary for the control and transaction of its business: *Provided*, That their by-laws be not repugnant to the Constitution and laws of this State or of the United States.

Incorporators  
and successors  
made a body  
politic and cor-  
porate.

May sue and  
be sued, make  
by-laws, hold  
property, &c.

SEC. 2. That the said company be, and is hereby, authorized and empowered to construct, maintain and operate a railroad extending from the town of Anderson, South Carolina, with the privilege of connecting with the Blue Ridge Railroad at that point, by the way of Lawndesville, to the city of Augusta, in the State of Georgia, or to connect with the contemplated Greenwood and Augusta Railroad at such point on the said railroad as may be found most suitable.

Object of  
company.

SEC. 3. That the capital stock of said company shall be one million of dollars, in shares of twenty dollars each, with the privi-

Capital stock.

A. D. 1878. lege of increasing the capital stock to such an amount as may be found necessary to carry out the intention and purposes of this Act, and the shares shall be transferable in such manner as the by-laws may direct: *Provided*, That when the sum of two hundred thousand dollars shall have been subscribed to the capital stock of said company as hereinafter directed, the said corporators or a majority of them shall, within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which thirty days' notice shall be given in such newspapers of this State as they may deem necessary; at which time and place said stockholders may

Organisation. proceed to the organization of said company by the election of a President and nine Directors, who shall hold their offices for one year and until their successors are elected, which shall be the first Board of Directors, and which Board may, in their by-laws, prescribe the time and manner of holding their subsequent annual elections for President and Directors, subject to the approval of the stockholders at their ensuing annual meeting.

Officers and their terms of office. SEC. 4. That in all conventions of the stockholders of said company, such city or town, County or township as may subscribe to the capital stock thereof may be represented by not less than three nor more than five delegates, who shall be chosen by a convention of the taxpayers of such city or town, County or township; private stockholders representing their own stock in person or by proxy duly executed.

Composition of Convention of stockholders. SEC. 5. That for the purpose of raising the capital stock of said company, it shall be lawful to open books for private subscriptions at such times and places and under the direction of such persons as the said corporators may appoint, and that said subscriptions to the capital stock may be made in money, bonds, lands, material and work at such rates as may be agreed upon with said company; and the said railroad company shall have power to mortgage its property and franchises and issue bonds on such terms and conditions and for such purposes and uses of said corporation as the said company may deem necessary.

Subscription how made. SEC. 6. That in addition to the provisions contained in the preceding Section for private subscriptions, it shall and may be lawful for any city or town, County or township interested in the construction of said road to subscribe to its capital stock such sum as a majority of their voters may authorize the County Commissioners or proper authorities of such city or town to subscribe, which subscription shall be made in seven per cent. coupon bonds, payable in such installments as the County Commissioners or proper

Any town or city may subscribe seven per cent. bonds

authorities of such city or towns shall determine, and to be received by the said company at par, said bonds to be made payable twenty years after the date thereof and to be of the denomination of one hundred dollars, five hundred dollars and one thousand dollars; and for the purposes of said subscription, issuing said bonds and otherwise carrying out the provisions of this Act by any township as aforesaid, the following named townships, to wit: in the County of Anderson, the townships of Varennes, Hall, Connor, Savannah and Centreville, and in the County of Abbeville the townships of Lowndesville, Magnolia and Calhoun, are hereby created bodies politic and corporate under the said names respectively, and are vested with all necessary powers to carry out the provisions of this Act, and may sue and be sued in respect of any rights or causes growing out of the provisions of this Act; and the County Commissioners of the Counties of Anderson and Abbeville are hereby declared to be the corporate agents of all townships so incorporated situated within the limits of their respective Counties.

A. D. 1872.

Townships in  
Anderson and  
Abbeville that  
may subscribe,  
and are made  
corporate.

County Com-  
missioners  
agents for said  
townships.

SEC. 7. That for the purpose of determining the amount of said subscriptions, it shall be the duty of the County Commissioners for each of the Counties of Anderson, Abbeville and Edgefield, upon the written application of five hundred of the qualified voters in any County or of fifty voters in any township, specifying the amount to be subscribed therein, to submit to the qualified electors of each County or township in their respective Counties, as the case may be, the question of subscription or no subscription to the capital stock of said company, and they shall have power to order an election, specifying the time, place and purpose of the election, and to appoint three Managers at each election precinct, who shall, without compensation, hold and conduct said election, at which election the ballots shall have written or printed thereon either the word "subscription" or "no subscription," the said County Commissioners having first, by a resolution of their Board, fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of which resolution shall be given by the Chairman of the Board in one or more of the newspapers published in the County for which he shall act for forty days next previous to the election. And the proper corporate authorities of any city or town in any of the three Counties of Anderson, Abbeville and Edgefield, upon the written petition of fifty voters in any such city or town, shall, in like manner and after like notice, submit the question to the qualified electors in said city or town, and declare

How and  
when the ques-  
tion of sub-  
scription may  
be submitted.

Managers.

Form of bal-  
lots.

Duty of  
County Com-  
missioners.

As to corpor-  
ate towns or  
cities.

A. D. 1872. the result as is herein directed in cases of County or township elections.

Duty of Managers and County Commissioners.

SEC. 8. It shall be the duty of the Managers to make returns and meet at their respective court houses or Council chambers, as the case may be, and count the votes and declare the result as in other elections, which result shall be certified in writing by the Chairman of each Board of Managers to the Chairman of the Board of County Commissioners or to the City or Town Council, as the case may be.

County Commissioners to make the subscription in seven per cent. bonds.

SEC. 9. In case the majority of the ballots cast shall have written or printed thereon "subscription," then the Chairman of the Board of County Commissioners, in all cases of County or township elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said County the sum which may have been fixed and named in the resolution of said Board, published as aforesaid, which subscription shall be made in seven per cent. bonds, as aforesaid, with interest payable semi-annually; but in all subscriptions made under the direction of a township election, as authorized by this Act, it shall be so expressed in the bonds and coupons issued in payment of such subscription, under the provisions of Section 6 of this Act; and all tax levies for the purpose of raising funds to pay the said bonds or coupons shall be made only upon the taxable property in such township; and if a majority of the ballots cast in any city or town election shall be for subscription, the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner and to like extent as the County Commissioners are herein required in all cases of County subscriptions.

Authorities of corporate towns and cities to subscribe.

Interest on bonds collected by Treasurer.

SEC. 10. That for the payment of the interest on said bonds the County Auditor or other officer discharging such duties or the City or Town Treasurer, as the case may be, shall be authorized and required to assess annually upon the property of such city or town, County or township such per centum as may be necessary to pay said interest, which shall be known and styled in the tax books as said railroad tax, which shall be collected by the Treasurer under the same regulations as are provided by law for the collection of taxes in any of the Counties, cities or towns so subscribing, and which shall be paid over by the said Treasurer to the holders of said bonds as the said interest shall become due: *Provided*, That within ten years of the time said bonds shall fall due the money to pay the same shall be raised by taxation in the same manner and paid out by the County Treasurer as provided above for the payment of the annual interest.

Manner of paying bonds.

SEC. 11. That in collecting said taxes the County, City or Town Treasurer shall deliver to the taxpayer a special receipt therefor, which shall express that the amount stated therein is the tax for said railroad. And when any person, a holder of such receipts issued in his own name or in that of another person and duly transferred to such holder by the endorsement thereon of the name of the person to whom the same was issued, shall present an amount thereof to the President of said company equal to one share of the stock of the said company, the said President shall cause to be issued to the holder of said receipt one share of stock, and such person shall be a stockholder in said company from the date of the scrip for such stock so issued as aforesaid, and the like proceedings and rights and liabilities shall be had and attach to any person who may present such tax receipts amounting to more than one share: *Provided*, That said scrip shall not be issued for any fractional part of a share.

A. D. 1878.

Collector to give receipt for tax, which may be funded in stock of company.

SEC. 12. That said railroad company shall have every right, privilege and power necessary for the purpose of acquiring such lands or rights of way as they may require for the location or construction of the said railroad or for the erection or location of depots, warehouses, stations and other necessary establishments, or for extending or altering the same, and the said company shall have the benefit of every process or proceeding and shall be subject to all the restrictions provided or imposed in Sections 75 to 86, both inclusive, of Chapter LXIII of the General Statutes.

Duties, powers and privileges of company to hold property, &c.

SEC. 13. That nothing in this Act contained shall be construed to exempt the property of said railroad company from taxation for State and County purposes.

Not exempt from taxation.

SEC. 14. That this Act shall be a public Act, to take effect on and after its passage: *Provided*, That this charter shall cease and determine unless the construction of said railroad is commenced on or before January 1, 1883, and completed on or before January 1, 1888.

A public Act.

Approved March 12, 1878.

AN ACT TO INCORPORATE THE CHARLESTON INSURANCE AND TRUST COMPANY. No. 410.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the per-

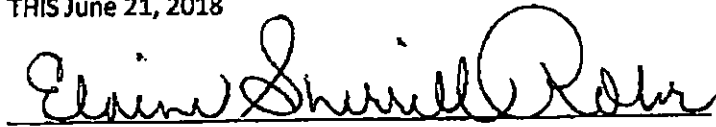
STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

THIS IS TO CERTIFY THAT this and/or the attached is a true and accurate copy of Act No. 409, "An Act to Charter the Savannah Valley Railroad Company; dated 12 March 1878

Recorded in records of the SC General Assembly, Acts and Joint Resolutions, Regular Session of 1877-78; title page and pages 435-439

Now on deposit with the South Carolina Department of Archives and History

GIVEN UNDER MY HAND AND SEAL OF THE DEPARTMENT  
THIS June 21, 2018

A handwritten signature in black ink, reading "Elaine Sherrill Rohr". The signature is written in a cursive style with a large, looped "R" at the end. It is positioned above a horizontal line.

Elaine Sherrill Rohr, Archivist  
Reference Services

THE REVISED STATUTES

*McKee*  
OF THE

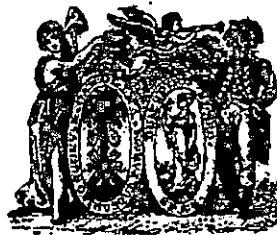
*Amended*  
STATE OF SOUTH CAROLINA,

Prepared by Commissioners under an Act of the General Assembly, Approved March 9, 1868,  
to which is prefixed the

CONSTITUTION OF THE UNITED STATES

AND THE

CONSTITUTION OF SOUTH CAROLINA.



PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

COLUMBIA, S. C.:

REPUBLICAN PRINTING COMPANY, STATE PRINTERS.  
1873.

ding, as near as can be ascer-

rule governing companies  
both as to locality and amount.  
assets, specifying the amount  
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to withdraw any license that

1 and 3 of this Chapter shall  
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alty, the person or persons  
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Court having cognizance

deliver any policy of insur-  
ice, or transact any business  
apany in the United States,  
he laws of this State, with-  
required, or after his license  
y way violate the foregoing  
nts of insurance companies  
not less than one hundred  
ars, at the discretion of the

Judge: *Provided*, That nothing contained in this Section shall re-  
lease any such company or companies upon any policy issued or de-  
livered by it or them.

## CHAPTER LXIII.

### OF CORPORATIONS ORGANIZED UNDER CHARTERS.

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| <p>SEC.</p> <ol style="list-style-type: none"> <li>1. Charters subject to amendment, alteration or repeal.</li> <li>2. Corporations not to make discrim-ination on account of race, color or previous condition.</li> <li><i>Manufacturing Companies.</i></li> <li>3. Subject to provisions of Sections 4 to 19, unless specially exempted.</li> <li>4. Prerequisites to attachment of Acts of Incorporation.</li> <li>5. Meeting of subscribers to stock.</li> <li>6. Proceedings.</li> <li>7. When such corporations may go into operation.</li> <li>8. Liability of members before stock is actually paid in.</li> <li>9. Debts not to exceed paid in stock; Directors liable for excess; how liability may be avoided.</li> <li>10. Powers of such corporations.</li> <li>11. Management; choice of Directors and President.</li> <li>12. Directors to submit statements to stockholders; penalty.</li> <li>13. Shares to be personal estate.</li> <li>14. Capital not to be loaned to stockholders; not to be divided till debts are paid; Directors liable.</li> <li>15. Liability of executors, &amp;c., and estates of deceased stockholders.</li> <li>16. Votes of stockholders.</li> <li>17. Limitation of charters.</li> <li>18. Foregoing provisions not to re-move other liabilities.</li> <li>19. Funds not to be used in banking.</li> <li><i>Plank Road Companies.</i></li> <li>20. Reports of plank road companies.</li> <li>21. Powers, privileges and liabilities of plank road companies.</li> <li>22. Notice of application for charter.</li> <li>23. Subscriptions to stock; first pay-ment; report of Commissioners.</li> <li>24. Meeting of subscribers; election of President and Directors.</li> <li>25. Statement to be made by President and Directors.</li> <li>26. When Act of incorporation at-taches.</li> <li>27. Powers of such corporations.</li> <li>28. Management; vacancies.</li> <li>29. Elections.</li> <li>30. Board.</li> <li>31. Votes.</li> <li>32. Advances on subscribed stock; stock may be sold if not paid.</li> <li>33. Surplus of sale; stockholder liable for deficiency.</li> </ol> | <p>SEC.</p> <ol style="list-style-type: none"> <li>34. Purchaser subject to liabilities of original stockholder.</li> <li>35. Each stockholder liable for debts until stock paid in.</li> <li>36. Debts not to exceed stock paid in; Directors liable; liability, how avoided.</li> <li>37. Loans; dividends.</li> <li>38. Shares deemed personal estate.</li> <li>39. Liability of executors, &amp;c., and estates of deceased stockholders.</li> <li>40. Road-beds.</li> <li>41. Time to complete roads; toll and toll gates.</li> <li>42. Reports; books.</li> <li>43. Not subject to Sections 47 to 72, inclusive.</li> <li>44. Fees of Secretary of State.</li> <li>45. Charter to last fourteen years.</li> <li>46. Companies may run roads in high-ways.</li> <li><i>Turnpike, Bridge, Causeway and Ferry Companies.</i></li> <li>47. Subject to following provisions, unless specially excepted.</li> <li>48. Shares; installments.</li> <li>49. Number of shares; increase of members.</li> <li>50. Commissioners to receive sub-scriptions.</li> <li>51. Closing of subscription books; proviso.</li> <li>52. List of subscriptions and certifi-cate of deposit of first install-ment to be recorded with Secre-tary of State.</li> <li>53. Patent of incorporation to be is-sued by Secretary.</li> <li>54. Corporate powers; proviso.</li> <li>55. Not to be engaged in banking, in-suring or trading.</li> <li>56. Power to hold real estate; amount limited.</li> <li>57. Funds may be invested, how.</li> <li>58. Provisions as to officers, &amp;c.</li> <li>59. Scale by which votes are to be taken; no one entitled to more than twenty votes.</li> <li>60. Excesses.</li> <li>61. Elections to be held annually.</li> <li>62. Report of Directors.</li> <li>63. Regulations as to contracts made by Direction.</li> <li>64. Increase of capital stock.</li> <li>65. Provisions as to reconstruction of road, &amp;c.</li> <li>66. Contracts with stockholders.</li> <li>67. Work of corporation to be finished in four years, &amp;c.</li> </ol> |
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- Sec.
- 63. Subscription by State; number of votes allowed it.
  - 64. State dividends to be paid into Treasury; accumulation may be applied to purchase of stock from stockholders after twenty-four years from first receipt of tolls.
  - 70. State may purchase charters held in fee after thirty-four years from first receipt of toll.
  - 71. Forfeiture of shares; purchaser to be a member of company.
  - 72. Liability of purchaser.
  - 73. Charters of bridges, &c., shall be in fee, and held as real estate.
  - 74. Regulations as to grants to bridges, &c.

*Manner of Acquiring Rights of Way.*

- 75. Notice to be given to owner of lands, &c.; consent to enter presumed in case refusal is not signified.
- 76. If consent not given, how corpora-

- Sec.
- tion must proceed; petition to be heard by Circuit Judge; jury to be empaneled; Clerk to organize.
  - 77. Jury to inspect premises; fix compensation, and return verdict.
  - 78. Right of appeal to Circuit Court; amount of verdict to be deposited.
  - 79. Lands for depots, &c.
  - 80. Notice to be given to trustee, &c., in certain cases; published notice sufficient for non-residents.
  - 81. Rights to vest for how long; fee to remain in owner of soil.
  - 82. Liability to condemnation; proviso.
  - 83. Right of entry for survey, &c.; proviso.
  - 84. Proceedings to be filed with County Clerk; where to be instituted.
  - 85. Fees of Clerk, Sheriff and jurors; by whom to be paid.
  - 86. Penalty for failure of jurors to attend.

Charters subject to amendment or repeal.  
1841, XI, 168, § 41.

SECTION 1. That it shall become part of the charter of every corporation which shall, at any session of the General Assembly, receive a grant of a charter, or any renewal, amendment or modification thereof, (unless the Act granting such charter, renewal, amendment or modification, shall in express terms except it,) that every charter of incorporation granted, renewed, or modified, as aforesaid, shall, at all times, remain subject to amendment, alteration or repeal, by the legislative authority.

Common carriers not to discriminate on account of color, &c.  
1869, XIV, 172, § 1, 3.

SEC. 2. That it shall not be lawful for any party or parties engaged in any business, calling or pursuit, for the carrying on of which a license or charter is required by law, municipal, State, Federal, or otherwise, to discriminate between persons on account of race, color or previous condition, who shall make lawful application for the benefit of such business, calling or pursuit; and no Act of incorporation shall be conferred upon any organization, the rules and regulations of which contain features not compatible with the provisions of this Section.

*Manufacturing Companies.*

Subject to provisions of §§ 4 to 19, unless specially exempted.  
1847, XI, 459, § 1.

SEC. 3. That all manufacturing companies which shall be incorporated in this State shall have all the powers and privileges, and be subject to all the duties, liabilities and other provisions contained in Sections 4 to 19, inclusive, of this Chapter, unless the said corporations be specially exempted therefrom by their respective charters.

Prerequisites to attachment of Acts of incorporation.  
10., 12.

SEC. 4. Books for subscriptions to the stocks of such companies shall be opened by such Commissioners, and in such manner, as their respective charters may appoint. The Commissioners shall proceed in such manner, and discharge such duties as shall be speci-

the purpose of the subscription, and the company. As so provided for, the corporation shall proceed to complete the same. To this end, and place for the same, a fortnight's notice shall be given in some gazette.

6. At this meeting the President, Directors, and the committee conducting the affairs of the company, shall make a report to the shareholders, which may not be made until the 7th of the said month. The said report shall be paid in lawfully made, and a majority of the shareholders, and a majority of the respectable news of the circumstances of the path or affairs of the company, shall be paid in.

8. The members of the company, generally, for all the whole amount of the capital stock, and no note, shall be secured by the company in any other manner, and the capital stock.

9. The total amount of the capital stock, by time owe shall be paid in, and the company shall be liable for the same in their name, as to the part as to the same, when the same have voted against the same, shall be recorded:

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proceed; petition to  
by Circuit Judge; jury  
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of appeal to Circuit Court;  
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The Commissioners shall  
sch duties as shall be speci-

fied, for the purpose of receiving subscriptions, disposing of the first  
payments made therein, reducing shares subscribed for in case of  
over-subscription, and taking other measures for the formation of  
the company. As soon as the requisite number of shares shall be  
subscribed for, the company shall be considered as formed, the Act  
of incorporation shall attach and become effectual, and the company  
shall proceed to complete its organization.

SEC. 5. To this end the Commissioners shall appoint a convenient  
time and place for the meeting of the subscribers, and give to them  
at least a fortnight's notice, either by writing or by public adver-  
tisement in some gazette in the County where such corporation is to  
be located.

SEC. 6. At this meeting the stockholders may proceed to elect  
such President, Directors and officers as they may deem necessary  
for conducting the affairs of the company; and such Directors, or  
their successors, shall have power to dispose of any remainder of  
stock which may not have been subscribed for.

SEC. 7. The said corporations shall not go into operation until  
one-half of the capital stock required by their respective charters  
shall be paid in lawful money of the United States, and an oath or  
affirmation to that effect shall have been made by the President,  
Treasurer, and a majority of the Board of Directors, which shall be  
recorded in the Secretary of State's office, and published in at least  
two respectable newspapers in the State, one as near the establish-  
ment as circumstances will admit, the other in the city of Charles-  
ton; the oath or affirmation required as above shall be repeated after  
the payment of each installment, until the whole capital shall have  
been paid in.

SEC. 8. The members of such corporation shall be liable, jointly  
and severally, for all debts and contracts made by such corporation,  
until the whole amount of capital stock shall have been actually  
paid in, and no note, bond or obligation given by any stockholder,  
whether secured by a pledge of the stock in such corporation, or in  
any other manner, shall be considered as payment of any part of  
the capital stock.

SEC. 9. The total amount of debts which such corporations shall  
at any time owe shall not exceed the amount of its capital stock  
actually paid in, and, in case of excess, the Directors in whose ad-  
ministration it shall happen, shall be, jointly and severally, liable for  
the same in their natural capacities, as well to the contractors of the  
other part as to the corporation; such of the Directors as may have  
been absent when the said excess was contracted or created, or who  
may have voted against such contract or agreement, and caused his  
vote to be recorded in the minutes of the Board, may respectively

Meeting of sub-  
scribers to stock.  
Ib.

Proceedings.  
Ib.

When may go  
into operation.  
Ib., 460, § 2.

Liability of  
members before  
stock paid in.  
Ib., § 2.

Debts not to  
exceed paid-in  
stock; liability  
of Directors.  
Ib., § 6.



Notice of appli-  
cation for char-  
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in the State, public notice thereof shall be given by advertisement at the Court House of such County, in which any part of the road is intended to be located, and in some gazette in each of the said Counties, if any be published therein, and also in at least one daily gazette in Charleston and Columbia, for the space of one month. The notice shall specify, with reasonable certainty, the intended route of the road, and the amount of capital which it is proposed to raise for its construction. At the time of making the publication, a copy shall be sent to the Executive Office of this State.

SEC. 23. At the expiration of the time of advertisement, books for subscription to the stock shall be opened at such times and places, and by such Commissioners as shall be designated by the Governor, and by such Commissioners as shall be designated by the Governor, and places, to open the books for subscriptions to the capital stock of the company, (which shall be subdivided into shares of the value of twenty dollars each,) and shall receive the first payment of one dollar in each share. In case of under subscription, they shall report the fact to the Governor, who may authorize the re-opening of the books at such further times and places as he may appoint. In case of over subscription, they shall reduce the subscription rateably, except that no subscription of five shares or under shall in the first instance, be reduced. In all cases, a report of their proceedings shall be transmitted by the Commissioners to the Governor.

SEC. 24. As soon as the requisite number of shares shall be subscribed, such of the Commissioners as may be designated shall appoint a convenient time and place for the meeting of the subscribers, and cause it to be advertised for a reasonable time. At the time and place, the subscribers may appear in person, or by proxy, and, the meeting having assembled, a proper registry shall be made of the shares represented, and the subscribers shall vote for a President, and such number of Directors as they may choose, to serve for one year, and until a new election be made.

SEC. 25. The President and Directors shall immediately prepare under their hands and seals, a statement of their election, of the number of shares subscribed for, the amount paid over to them by the Commissioners, and the corporate name which they desire to assume for the company, and shall transmit the statement to the office of the Secretary of State, in Columbia, for registry.

SEC. 26. Upon receipt of such statement, the Secretary of State shall issue his certificate, under the seal of the State, testifying that the law has therein been complied with, and, upon the signature of the certificate by the Governor, the company shall be considered as formed, and an Act of Incorporation shall immediately attach.

Subscriptions;  
first payment;  
report of Com-  
missioners.  
1b; 1351, XII,  
110, § 1.

Meeting of sub-  
scribers; election  
of President and  
Directors.  
1850, XII, 17,  
§ 11.

Statement.  
1b.

When Act of  
Incorporation at-  
taches.  
1b.

SEC. 27. Plank Road companies shall have the capacity to sue and be sued, answer and be answered, and to prosecute to final judgment, defend and be defended, in all cases in which they shall determine to sue or be sued, whose election is not otherwise provided for by the laws and regulations, consistent with the public interest, for their own government and management of their affairs, and the company may make, purchase, or otherwise acquire, any right for the site on which to locate the road, and also all private rights of easement which may lie on or over any land, and over any public road, and that may be on the route, to construct the passage of the public road.

SEC. 28. The immediate direction and management shall be vested in a President and Directors, according to by-laws to be made, and in case of vacancies, they may be filled by the company.

SEC. 29. If the day of annual election shall be affected, the company shall be lawful, on some other day, as the by-laws of the company may determine.

SEC. 30. The President and Directors shall have the power of election.

SEC. 31. At meetings of the company, each subscriber shall be entitled to one vote for each share held by him in person or by proxy, but no proxy shall be given by more than one person.

SEC. 32. The President and Directors shall have the power to demand from the subscribers and stockholders on their respective shares, the amount of the subscription to be paid; and if any subscriber or stockholder of any company shall neglect to pay the same within thirty days after the time specified in the notice, or in two or more public gazettes, after giving thirty days' notice, the company may, at the discretion of the Directors, after giving thirty days' notice, declare the shares of such subscriber or stockholder to be forfeited, and may sell the same, and the proceeds thereof to be applied to the payment of the subscription to be paid.

of shall be given by advertisement in which any part of the capital shall be advertised in some gazette in each county therein, and also in at least one of the newspapers published in Columbia, for the space of one month, with reasonable certainty of the amount of capital which it is intended to raise. At the time of making the advertisement, the Executive Office of this State shall be opened at such times and places as shall be designated by the Governor, and all proceeds, at the appointment of the subscribers to the capital, shall be subdivided into shares of the capital, and all shall receive the first payment of the capital under subscription, they shall be authorized, who may authorize the receiver, to sell the shares and places as he may deem proper, and they shall reduce the subscription of five shares or under. In all cases, a report of the Governor to the Commissioners to the Governor, the number of shares shall be designated by the subscribers as may be designated by the Governor, and the place for the meeting of the subscribers shall be fixed for a reasonable time. Any subscriber may appear in person, or by attorney, and a proper registry shall be made, and the subscribers shall vote for the election of Directors as they may choose, and a new election be made. The Directors shall immediately prepare a statement of their election, and for the amount paid over to the company, and the corporate name which they determine, and shall transmit the statement to the Secretary of State in Columbia, for registry. The Secretary of State, with the seal of the State, testifying to the fact, shall be supplied with, and, upon the signature of the Governor, the company shall be incorporated, and the Secretary of State shall immediately

Sec. 27. Plank Road companies so incorporated shall have perpetual succession of members, and be capable, in their corporate name, to sue and be sued, answer and be answered, appear, defend and prosecute to final judgment, decree and execution in all Courts. They shall have the capacity to have a common seal, to elect, in such manner as they shall determine to be proper, all necessary officers, whose election is not otherwise herein provided for, and fix their compensation and define their duties and obligations; to make by-laws and regulations, consistent with the Constitution and laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property. They may make, purchase, or otherwise take and hold any land necessary for the site on which to locate, run and establish their plank road, and also all private rights of way, water courses, or other easement which may lie on or along the route through which such plank road shall pass, and may conduct their plank roads across and over any public road, river, creek, water course, or waters that may be on the route, but in such manner as shall not obstruct the passage of the public road or navigation of the stream.

Sec. 28. The immediate direction of the affairs of such companies shall be vested in a President and Directors, to be chosen annually, according to by-laws to be made for such purpose. In case of vacancies, they may be filled by appointment, until the next election.

Sec. 29. If the day of annual election pass without an election being effected, the company shall not be dissolved thereby, but it shall be lawful, on some other day, to make such election, in such manner as the by-laws of the company shall determine.

Sec. 30. The President and Directors shall be styled the Board of Directors.

Sec. 31. At meetings of the company, each member shall be entitled to one vote for each share held by him, which he may cast either in person or by proxy, but no one but a stockholder shall be entitled to vote by proxy.

Sec. 32. The President and Directors shall have power to require from the subscribers and stockholders such advances and installments on their respective shares, as in their opinion the wants of the company shall require, until the whole of the subscription shall be paid; and if any subscriber or holder of stock in plank road companies shall neglect to pay the installment required of him within thirty days after the time specified therefor, by advertisement in two or more public gazettes, the President and Board of Directors, after giving thirty days' notice of their intention, may

Powers.  
Ib.

Management;  
vacancies.  
Ib., 18.

Election.  
Ib.

Board.  
Ib.

Votes.  
Ib.

Advances on  
subscribed stock;  
sale of stock.  
Ib., 19.



Shares personal  
estate.  
Ib.

**Liability of ex-  
ecutors, &c., and  
estates of de-  
ceased stock-  
holders.**

Board-beds.  
Ib.

Time to complete road; toll and toll gates.  
lb.

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Reports; books.  
1832, XII, 120.

SEC. 42. The Board of Direction shall, when specially required by the Legislature, make report to the Legislature, under oath, of their acts and doings, receipts and expenditures, and condition of business of the road. Their books shall, at all times, be open to the inspection of any Committee of the Legislature, appointed for that purpose. Any such corporation refusing or neglecting to make such return shall forfeit, for every neglect or refusal, a sum not exceeding two thousand dollars.

Not subject to  
§ 47 to 72.  
1850, XII, 21, § 11.

SEC. 43. Said plank road companies shall not be subject to any of the provisions or enactments contained in Sections 47 to 72 inclusive.

Fees of Secretary.  
Ib.

SEC. 44. For all services required under Sections 21 to 43, the Secretary of State shall be entitled to receive from every such company the sum of five dollars, and no more.

Charter to last  
fourteen years.  
Ib.

SEC. 45. All such charters shall be taken and held for the term of fourteen years.

May run roads  
on highways.  
Ib.

SEC. 46. It shall be lawful for such companies to conduct their roads along or upon any highway or public road, on such terms and conditions as may be agreed upon between such companies and any Board of County Commissioners.

*Turnpike, Bridge, Causeway and Ferry Companies.*

Subject to following provisions unless specially excepted.  
1827, VI, 302, § 1.

SEC. 47. That whenever the Legislature shall authorize the formation of a company for the construction of a turnpike road, bridge, causeway, or the keeping of any ferry, the company, in its formation, organization, and subsequent proceedings, shall be subject to all the provisions of Sections 48 to 72, inclusive, of this Chapter, except such as the Act of authorization shall expressly or by necessary implication exclude.

Shares; installments.  
Ib., § 1.

SEC. 48. The value of each share in the company shall be one hundred dollars. To this amount alone shall installments on one share be called for, and in sums not exceeding ten dollars on one share, in any one period of sixty days. At the time of subscribing, ten dollars shall be paid on each share subscribed for.

Number of shares; increase.  
Ib., § 2.

SEC. 49. Where the Act of authorization does not fix the number of shares in the company, they shall not be less than one hundred, nor more than three hundred. A subscription for the lowest number shall be sufficient for organizing the company, and then the shares may be increased by the company to any number not exceeding three hundred.

Commissioners to receive subscriptions.  
Ib., § 3.

SEC. 50. The Governor for the time being shall name three or more Commissioners to receive subscriptions for the stock, and appoint the time and place or places of subscribing; the time named

on the first day of opening of the road, or six successive secular days, at the clock in the afternoon of each day. The Commissioners shall receive all subscriptions, and on which there shall be paid the sum of ten dollars for each share, to the Commissioners, or a receiver, if that be the case. The Commissioners, authorized, the Commissioner shall receive the number, by taking from the subscribers the sum of ten dollars, as near as possible to equality, as near as possible to the last red subscription, if not obtained, the last red subscription shall be returned to the subscribers, if not reduced, and which shall be immediately paid into some bank, to the credit of the company.

SEC. 51. If, at closing the books, the Commissioners shall return the books, and shall be paid within one month; and the subscribers shall pay the rest into the said bank, if it shall be organized, and the subscribers who have paid the whole shall deliver the books to the Cashier of the said bank in which the private subscriptions for each, until the whole stock is subscribed, when the books shall be returned. That the books shall in no case be returned on the day of the next meeting of the company. The Act of authorization shall be subscribed, and the deposits of the Cashier shall regard all public subscriptions, and shall be paid into bank as private subscriptions.

SEC. 52. Where all the shares are public or private subscriptions, the number of shares each has subscribed, the Commissioners who receive the subscriptions, by the Cashier of the company, shall be endorsed a certificate that the deposit of ten dollars has been made in the bank; which said list and certificate shall be by the said President to

shall, when specially required by the Legislature, under oath, of proper persons, and condition and all, at all times, be open to the Legislature, appointed for that purpose, or neglecting to make such opening or refusal, a sum not exceeding

shall not be subject to any penalty contained in Sections 47 to 72,

under Sections 21 to 43, the company shall receive from every such company more.

taken and held for the term

companies to conduct their public road, on such terms and conditions between such companies and any

and Ferry Companies.

Legislature shall authorize the formation of a turnpike road, bridge, or ferry, the company, in its formal proceedings, shall be subject to Section 72, inclusive, of this Chapter; and shall all expressly or by neces-

in the company shall be one share. No installment on one share exceeding ten dollars on one share. At the time of subscribing, the company shall be subscribed for.

Subscription does not fix the number of shares. The number shall not be less than one hundred, or more than one thousand, or subscription for the lowest number of shares the company, and then the number of shares to any number not exceeding

the company shall name three or more persons for the stock, and appoint one of them to receive subscriptions; the time named

shall be the first day of opening the books, and they shall remain open for six successive secular days, from ten in the morning until four o'clock in the afternoon of each day. During this period, the Commissioners shall receive all subscriptions for shares which may be offered, and on which there shall be paid to the said Commissioners the sum of ten dollars for each share. At the closing of the books, the Commissioners, or a majority of them, shall declare the stock filled, if that be the case. If more shares are subscribed than are authorized, the Commissioners shall reduce them to the authorized number, by taking from the highest subscribers until all are reduced to equality, as near as possible. But if perfect equality cannot be obtained, the last reduction, producing inequality, shall be from the lower subscribers. The deposits on reduced shares shall be immediately returned to the subscribers; and the deposits on all shares not reduced, and which form the stock of the company, shall be immediately paid into some bank of the State of South Carolina, to the credit of the company.

SEC. 51. If, at closing the books, all the shares are not subscribed, the Commissioners shall return all the deposits which shall be demanded within one month; and, at the expiration of that month, shall pay the rest into the said bank, to the credit of the company, in case it shall be organized, and if not, to be passed to the credit of the subscribers who have paid the same. And thereupon the Commissioners shall deliver the book or books of subscription to the Cashier of the said bank in which the deposit is made, who shall receive private subscriptions for shares, with payment of ten dollars on each, until the whole stock required to organize the company is taken, when the books shall be by him closed: *Provided, nevertheless,* That the books shall in no case be kept open by him after the first day of the next meeting of the Legislature; on which said day the Act of authorization shall expire, unless all the shares are then subscribed, and the deposits on them are paid into bank. The Cashier shall regard all public subscriptions on which the deposits are paid into bank as private subscriptions.

Closing of subscription books.  
1b, § 4.

Proviso.

SEC. 52. Where all the shares of the company are taken, either by public or private subscriptions, a list of the subscribers, with the number of shares each has subscribed, shall be made out by the Commissioners who received them; or, in the case of private subscriptions, by the Cashier of the bank; and on the back of such list shall be endorsed a certificate, by the President of the bank, that the deposit of ten dollars on each share has been paid into the said bank; which said list and certificate thereon shall be delivered by the said President to the Secretary of State.

List of subscriptions and certificate of deposit of first installment to be recorded with Secretary of State.  
1b, § 5.

SEC. 53. Upon the receipt of such list and certificate, it shall be the duty of the said Secretary to make out letters patent, declaring the subscribers on the said list a body corporate, by the name and for the purposes mentioned in the Act of authorization; which said letters patent shall be signed by the Governor, countersigned by the said Secretary, and under the seal of the State; and thereupon the subscribers shall thenceforth form a body politic and corporate, in deed and in law, by the said name, and for the said purposes.

SEC. 54. Such corporation, so formed and patented, shall have perpetual succession of members, may have a common seal, may sue and be sued, plead and be impleaded, in any Court of law or equity in this State; and may make all such regulations, rules and by-laws as are necessary for the government of the corporation, or for effecting the object of it, as expressed in the Act of authorization: *Provided*, Such regulations, rules and by-laws shall not be repugnant to the laws or Constitution of this State.

SEC. 55. Such corporation is expressly prohibited from carrying on any banking operations, from effecting any insurance on lives or property, and from trading either as brokers, factors or merchants.

SEC. 56. Such corporation shall have power to purchase, have and hold in fee, or for years, any real estate which may be necessary for the accomplishment of the objects expressed in the Act of authorization; but for no other object or purpose: *Provided*, The value thereof shall not exceed one-tenth part of its capital stock; and shall have power to sell, convey or exchange the same.

SEC. 57. Such corporation is authorized to vest in the stock of this State, or of any incorporated bank thereof, or in stock of the United States, annually, one-fourth part of its profits: *Provided*, The whole amount so invested shall not exceed, at any one time, one half of the costs of all the bridges erected by such company; which sum so invested shall constitute the primary fund for the reconstruction of such bridges. The dividends and interest accruing on such investments shall not be regarded as a part of the profits of the corporation in the estimate to be taken; but the amount annually invested shall be taken from the limited profits of the year in which the investment is made.

Sec. 58. When all the shares of such corporation are held by less than six individuals, they shall appoint a President, and all the other members shall be regarded as Directors. But if the shares are held by six or more individuals, then, at a general meeting of the stockholders, they shall elect a President, and not less than two nor more than twelve Directors, who shall have power to appoint a

Secretary of the contractors, which, by the said President of the corporation, as well thereof, and dividends of profit which by the by-laws and perform, in the acts of the President and Secretary.

SEC. 59. In all  
ration, and on all  
stockholders, the  
scale, viz: The c  
vote; the owner o  
shall be entitled t  
more than six sha  
not less than seve  
owner of not less  
votes; the owner  
to six votes; the c  
shares, to seven v  
more than twenty  
than twenty-seve  
the owner of not  
ten votes; and th  
entitled therefor  
entitled to more t

Sec. 60. Vote:  
must be a stock  
Any stockholder  
fectly, in the st  
trustees of stock  
pressed or declar  
either in his own  
*estui que trust*  
legally or equita

SEC. 61. The  
annually, and at  
tion, according to  
annual electio  
and Directors, or  
involved, but it

ch list and certificate, it shall be made out letters patent, declaring corporate, by the name and Act of authorization; which said the Governor, countersigned by a seal of the State; and there-orth form a body politic and cor-said name, and for the said pur-

ormed and patented, shall have may have a common seal, may pleaded, in any Court of law or e all such regulations, rules and overnment of the corporation, or pressed in the Act of authoriza-rules and by-laws shall not be on of this State.

pressly prohibited from carrying effecting any insurance on lives her as brokers, factors or mer-

have power to purchase, have real estate which may be neces-objects expressed in the Act of bject or purpose: *Provided*, The e-tenth part of its capital stock; y or exchange the same.

horized to vest in the stock of hereof, or in stock of the part of its profits: *Provided*, il not exceed, at any one time, ges erected by such company; ate the primary fund for the re-dividends and interest accruing garded as a part of the profits of taken; but the amount annually ited profits of the year in which

such corporation are held by less point a President, and all the as Directors. But if the shares, then, at a general meeting of President, and not less than two o shall have power to appoint a

Secretary of the company, and all other agents, officers and contractors, which, by the by-laws of the company, may be authorized. The said President and Directors shall be styled the Direction of the corporation, and shall make all contracts and agreements in behalf thereof, and have power to call for all installments, declare all dividends of profits, and to do and perform all other acts and deeds which by the by-laws of the corporation they may be empowered to do and perform, not inconsistent with the Act of authorization; and the acts of the Direction, authenticated by the signatures of the President and Secretary, shall be binding on the corporation without seal.

SEC. 59. In all elections for President and Directors of the corporation, and on all questions coming before a general meeting of the stockholders, the votes shall be taken according to the following scale, viz: The owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor to one vote: *Provided*, That no individual shall be entitled to more than twenty votes.

SEC. 60. Votes may be given by proxy, but the person so voting must be a stockholder, and, before he votes, may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock in which he so offers to vote by proxy. A trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que trust* holds other shares, either in his own name or in the name of another trustee; but the *cestui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

SEC. 61. The election of President and Directors shall be made annually, and at least one Director shall be changed at each election, according to a by-law made for that purpose. But if the day of annual election should pass without an election for President and Directors, or any of them, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make

Scale by which  
votes are to be  
taken.  
1b, § 12.

No one entitled  
to more than  
twenty votes.

Proxies.  
1b, § 13.

Elections to be  
annual.  
1b, § 14.

such election, in such manner as may be prescribed by the by-laws of the corporation.

Report by Direction.  
Ib., ¶ 16.

SEC. 62. The Direction shall once in every year make a full report on the state of the corporation and of its affairs, to a general meeting of the stockholders.

Regulations as to contracts made by direction.  
Ib., ¶ 16.

SEC. 63. The Direction shall not exceed in their contracts the amount of the capital of the corporation; and in case they shall do so, the President and Directors who are present at the meeting at which such contract or contracts so exceeding the said capital shall be made, shall be jointly and severally liable therefor, both to the contractor or contractors, and to the corporation: *Provided*, That any one of them may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the Direction, and giving notice thereof to the next general meeting of the stockholders.

Increase of capital stock.  
Ib., ¶ 17.

SEC. 64. By an Act of the Legislature, passed on application signed by such majority of the stockholders as are owners of at least two-thirds of the stock, the capital stock of the corporation may be increased, either by increasing the amount of the shares, or by increasing the number thereof by new subscriptions; and by such Act the powers of the corporation may be extended to the construction of new works, connected with the old.

Provisions as to reconstruction of road, &c.  
Ib., ¶ 18.

SEC. 65. After a road or bridge has been once completed, and the same shall be destroyed in part or in whole, if the funds of the company are not sufficient to reconstruct it, a general meeting of stockholders may order an installment on each share, beyond the sum of one hundred dollars before limited, which shall be adequate to such reconstruction: *Provided*, Such installment shall not exceed twenty dollars on each share.

Contracts with stockholders.  
Ib., ¶ 19.

SEC. 66. Where any stockholder of such corporation shall become the contractor for any part of the work at public auction, or with the approbation of the stockholders at a general meeting, and shall give security for the performance thereof, approved by the Direction, he shall receive credit on his installments as called for, for such proportion of the amount of his contract as corresponds with the rate of such installments.

Work of corporation to be finished in four years, &c.  
Ib., 305, ¶ 20.

SEC. 67. When such corporation is duly chartered as aforesaid, it shall begin the work designated in the Act of authorization, within one year after the date of the charter, and shall complete the same within four years after the said date; and, on failure either to begin or to complete the same within the time limited, the charter shall be *ipso facto* forfeited, and the corporation shall *ipso facto* dissolve.

SEC. 68. In case the Act of authorization of stock in behalf of the State by the Comptroller General, as so described, and ten dollars on each share of stock, which may be given by a share there are votes, which person or persons shall be appointed by the mode of appointment shall be pre persons acting in the Direction on sent the State in all the meetings held to vote on all questions, except and Directors, and, in voting, shall which the stock held by the State

SEC. 69. All dividends on shares into the Treasury of the State. A years from the first receipt of tolls thus accumulated, on the part of the Legislature to be paid over to the State to the number of their share which the same shall be deposited individually; and such deposit shall guaranteeing the solvency of the State from the day of transferring such stock *ipso facto* a transfer to the State of value equal to the amount of the dividends on all the stock held by the State; and, after the expiration of the said amount may be paid by order of the stockholders: *Provided*, The same shall be whole remaining stock held by the State; and, upon such full appropriation; and, upon such full payment of the par value of their shares to the State, and the corporation shall be dissolved for closing its affairs.

SEC. 70. Where the State shall where a charter is granted to a corporation, it shall be lawful for the Legislature to extend the term of thirty-four years from the date of the charter or individual of the corporation or individual of the corporation, the solvency of which, in that case, within five months, the par value of the said individual or individuals shall be paid to the corporation, in proportion

may be prescribed by the by-laws

in every year make a full relation and of its affairs, to a general

not exceed in their contracts the corporation; and in case they shall persons who are present at the meeting not exceeding the said capital shall be jointly and severally liable therefor, both to the corporation: *Provided*, That any person shall be released from such liability by voting in person, and causing such vote to be recorded, and giving notice thereof to the stockholders.

Legislature, passed on application of the stockholders as are owners of all the capital stock of the corporation, increasing the amount of the shares, and by new subscriptions; and by the corporation may be extended to the stockholders.

When the mortgage has been once completed, and the part or in whole, if the funds of the corporation are insufficient to reconstruct it, a general meeting of the stockholders shall be called, and the amount of the installment on each share, beyond the time limited, which shall be adequate to pay each installment shall not exceed

The manager of such corporation shall be elected by the stockholders at public auction, or at a general meeting, and the amount thereof, approved by the Directors, shall be paid in his installments as called for, for the performance of his contract as corresponds with

When the corporation is duly chartered as aforesaid, and is authorized in the Act of authorization, and shall complete the charter, and shall complete the charter on or before the said date; and, on failure either to complete the charter within the time limited, the charter shall be void, and the corporation shall *ipso facto* dis-

SEC. 68. In case the Act of authorization shall direct a subscription of stock in behalf of the State, such subscription shall be made by the Comptroller General, as soon as all the other shares are subscribed, and ten dollars on each share are paid into bank. The State shall have a number of votes in the Direction equal to its stock, which may be given by a single person, or by as many persons as there are votes, which person or persons so exercising the power of Directors shall be appointed by the Governor, unless a different mode of appointment shall be prescribed by law. The person or persons acting in the Direction on the part of the State shall represent the State in all the meetings of the stockholders, and be entitled to vote on all questions, except the appointment of President and Directors, and, in voting, shall have the proportionate influence which the stock held by the State entitles it to.

SEC. 69. All dividends on shares held by the State shall be paid into the Treasury of the State. After the expiration of twenty-four years from the first receipt of tolls by the corporation, the amount thus accumulated, on the part of the State, may be ordered by the Legislature to be paid over to the individual stockholders, in proportion to the number of their shares; and, thereupon, the bank in which the same shall be deposited shall pass the same to their credit individually; and such deposit shall be a valid payment, the State guaranteeing the solvency of the bank in this respect for one year from the day of transferring such credit; and such payment shall be *ipso facto* a transfer to the State of an amount of stock at a par value equal to the amount of the said payment; and, thereupon, the dividends on all the stock held by the State shall accumulate as aforesaid; and, after the expiration of ten years, the accumulated amount may be paid by order of the Legislature to the individual stockholders: *Provided*, The same shall amount to the par value of the whole remaining stock held by them, or shall be made so by an appropriation; and, upon such full payment to the individual stockholders of the par value of their whole stock, the same shall vest in the State, and the corporation shall dissolve for every purpose, except for closing its affairs.

SEC. 70. Where the State shall not take stock in a corporation, or where a charter is granted to an individual or individuals in fee, it shall be lawful for the Legislature, at any time after the expiration of thirty-four years from the time of the first receipt of tolls by the corporation or individual or individuals, to pay into a bank, the solvency of which, in that respect, the State guarantees for twelve months, the par value of the whole stock to the credit of the said individual or individuals, or of such individuals as compose the corporation, in proportion to their respective shares, and

Subscriptions by State.  
1b., § 21.

Number of votes allowed.

State dividends to be paid into Treasury; accumulation may be applied to purchase of stock from stockholders.  
1b., § 22.

State may purchase charters held in fee after thirty-four years from first receipt of toll.  
1b., § 23.

such payment shall *ipso facto* be a transfer of the whole stock to the State, and the corporation thereupon shall dissolve, and the charter shall expire for every purpose, except for closing its affairs.

Forfeiture of shares; purchaser to be a member of company.  
Ib., 307, § 24.

SEC. 71. A share in such corporation may be forfeited for non-payment of the installment or installments due on it, according to a by-law of the company to be made for that purpose, and the forfeited shares shall be sold for cash, at public auction, after at least one month's public notice; and, in case the sum for which it sells shall not amount to the installment or installments for which it is sold, the person who owned the share at the time of forfeiture shall pay the deficiency to the company. If the share shall not sell for any sum, the person who owned it at the time of forfeiture shall continue liable for future installments. The purchaser of the share at public auction shall be a member of the company, and shall be liable for future installments in the same manner as an original subscriber.

Liability of purchaser.  
Ib., § 25.

SEC. 72. In case a share shall be sold or transferred before all the installments are paid on it, the person selling or transferring shall be still liable to the company for all installments due, or to become due, on the share, and the person to whom it shall be sold or transferred shall become a member of the company, and shall be liable for all installments thereafter becoming due.

Charters of bridges, &c., held as real estate.  
Ib., § 27.

SEC. 73. Every charter of a bridge, ferry or turnpike road shall be in fee simple, and shall be held by the grantee or grantees, his, her or their heirs, or assigns, or successors, forever, as real estate, subject to be extinguished in manner heretofore expressed.

Regulations as to grants to bridges, &c.  
Ib., § 28.

SEC. 74. No grant of a bridge, ferry or turnpike road shall prevent the Legislature from making further grants of ferries, bridges or turnpike roads, within any distance of the same, whenever the convenience of the community may require such further grants. But every grant of a ferry, bridge or turnpike road shall exclude all other persons from erecting and keeping up any bridge, ferry or road, which may reduce the profits of such chartered bridge, ferry or turnpike road, except for the individual use of the person erecting and keeping up such unchartered bridge, ferry or road, without the authority of the Legislature expressed by Act.

#### Manner of Acquiring Rights of Way.

Notice to be given owner of lands, &c.  
1888, XIV, 39, § 1.

SEC. 75. That whenever any person or corporation shall be authorized by charter to construct a railway, canal, turnpike, or other public highway in this State, such person or corporation, before entering upon any lands for the purpose of construction, shall give to the owner thereof (if he be *sui juris*) notice in writing that the right of way over said lands is required for such purpose, which notice shall

be given at least thirty days before if such notice shall be given, and period of thirty days after service of his refusal or consent, it shall be provided, and such person or corporation may enter upon the lands: *Provided, however,* That the person so entitled to move for an assessment hereinafter directed.

SEC. 76. If the owner of said lands shall not consent to entry upon his lands, within the period of thirty days after service of his refusal or consent, it shall be provided, and such person or corporation requiring such entry may petition, to the Circuit Judge of the county in which the lands are situated, for the empannelling of a jury, which shall be paid as just compensation, in which petition shall be set forth the names of the owners, the purpose for which the lands are required, and such other facts as may be necessary to the hearing of such petition, the Circuit Judge shall file in the office of the Clerk of the County, and shall further order the Clerk to empanel a jury of twelve to ascertain the lands required; and it shall be the duty of the jury, immediately on receiving such order, to give notice thereof in writing, and of the day assigned, the said Clerk shall attend, and if they shall attend, shall select the names of twelve to act as jurors, and the names of twelve to act as assessors, to be forthwith summoned to meet at the place and time assigned, as he may assign, for the purpose of ascertaining the compensation to be paid for the use of the lands, or by his deputy, to attend at the place and time assigned for the purpose of organizing the jury; and from the vicinage other disinterested persons, who shall be objected to by either party, or who shall be objected to by either party on account of interest.

SEC. 77. The jury so empannelled shall be fully and impartially to determine the compensation to be paid, and shall submit to them, shall proceed to take testimony in reference to the cost of the work, and the quantity of land which shall be required for the purpose, and the respective of any benefit which the

a transfer of the whole stock to the  
shall dissolve, and the charter  
for closing its affairs.  
poration may be forfeited for non-  
installments due on it, according to  
made for that purpose, and the for-  
sh, at public auction, after at least  
in case the sum for which it sells  
ent or installments for which it is  
share at the time of forfeiture shall  
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se person to whom it shall be sold  
member of the company, and shall  
reafter becoming due.  
ridge, ferry or turnpike road shall  
eld by the graatee or graantees, his,  
r successors, forever, as real estate,  
anner heretofore expressed.  
a, ferry or turnpike road shall pre-  
y further grants of ferries, bridges  
ide of the same, whenever the  
may require such further grants.  
ge or turnpike road shall exclude  
up keeping up any bridge, ferry or  
fits of such chartered bridge, ferry  
individual use of the person erect-  
artered bridge, ferry or road, with-  
ture expressed by Act.

*iring Rights of Way.*

person or corporation shall be an-  
a railway, canal, turnpike, or other  
ch person or corporation, before en-  
urpose of construction, shall give to  
urts) notice in writing that the right  
d for such purpose, which notice shall

be given at least thirty days before entering upon said lands; and  
if such notice shall be given, and the owner shall not, within the  
period of thirty days after service of said notice, signify in writing  
his refusal or consent, it shall be presumed that such consent is given;  
and such person or corporation may, thereupon, enter upon said  
lands: *Provided, however,* That the owner of said lands may be en-  
titled to move for an assessment of compensation in the manner  
hereinafter directed.

SEC. 76. If the owner of said lands shall signify his refusal of  
consent to entry upon his lands, without previous compensation, the  
person or corporation requiring such right of way shall apply, by  
petition, to the Circuit Judge of the County wherein such lands are  
situated, for the empannelling of a jury to ascertain the amount  
which shall be paid as just compensation for the right of way re-  
quired, in which petition shall be set forth a description of the lands,  
the names of the owners, the purposes for which the lands are re-  
quired, and such other facts as may be deemed material. On the  
hearing of such petition, the Circuit Judge shall order the same to  
be filed in the office of the Clerk of the Court of Common Pleas for  
said County, and shall further order the Clerk of the Court to em-  
pannel a jury of twelve to ascertain the compensation for the use of  
the lands required; and it shall be the duty of said Clerk, imme-  
diately on receiving such order, to give to the owner of the lands  
notice thereof in writing, and of the day which shall be assigned.  
On the day assigned, the said Clerk, in the presence of the parties,  
if they shall attend, shall select the names of twenty-four disinter-  
ested freeholders of the County, and from that number shall draw  
the names of twelve to act as jurors, and shall cause those so drawn  
to be forthwith summoned to meet at such place and at such time  
as he may assign, for the purpose of examining the said lands, and  
ascertaining the compensation to be made for the right of way over  
the same; it shall further be the duty of the said Clerk, in person  
or by his deputy, to attend at the same time and place for the pur-  
pose of organizing the jury; and he shall have power to summon  
from the vicinage other disinterested freeholders to act as jurors in  
the stead of any of those first summoned who shall fail to attend, or  
who shall be objected to by either party on the ground of disqualifi-  
cation on account of interest.

SEC. 77. The jury so empannelled, after being first sworn faith-  
fully and impartially to determine the question of compensation  
submitted to them, shall proceed to inspect the premises, and to take  
testimony in reference to the construction of the proposed highway,  
and the quantity of land which shall be required therefor; and, irre-  
spective of any benefit which the owner may derive from the pro-

Consent to enter  
presumed, in  
case refusal is  
not signified.

If consent not  
given, how cor-  
poration must  
proceed.  
Ib., §§ 75, 76.

Petition to be  
heard by Circuit  
Judge and filed  
with Clerk.

Clerk to or-  
ganize.

Jury to inspect  
premises, fix  
compensation  
and return ver-  
dict.  
Ib., § 78.

posed highway, and with respect alone to the quantity and value of the land which may be required, and to the special damage which the owner may sustain by reason of the construction of the highway through his lands, they shall ascertain the amount of compensation which shall be made to the owner thereof, and shall render their verdict in writing for the same.

SEC. 78. From the verdict so rendered it shall be the right of either party to appeal to the first term of the Circuit Court next ensuing in the County, giving to the opposite party fifteen days' notice of such intended appeal, with the grounds thereof; and, upon the hearing of such appeal, if the Court shall be satisfied of the reasonable sufficiency of the grounds, an issue shall be ordered, in which the appellant shall be the actor, and the question of compensation shall be thereupon submitted to a jury in open Court, whose verdict shall be final and conclusive, unless a new trial shall be ordered by the Supreme Court. But in no case of appeal shall the progress of the work of construction be stayed; *Provided*, The person or corporation requiring the right of way shall deposit with the Clerk of the Court the amount of the verdict from which the appeal is taken.

SEC. 79. Whenever any lands shall be required for the location of depots, stations, turn-outs, section-houses, or other necessary uses of a highway, and from want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner, the same may be taken at an assessed valuation, to be made by a jury in like manner as hereinbefore directed for ascertaining the compensation for right of way.

SEC. 80. While the owner, or any one of the several owners, of the lands is a *feme covert*, an infant, or *non compos mentis*, the required notices shall be served upon the trustee, guardian or committee of such persons; and if there be no trustee, guardian or committee, the Clerk of the Court of Common Pleas shall have power, and he is hereby authorized, to appoint for such person a guardian *ad litem*, upon whom the service shall be made, and who shall represent the interest of such *feme covert*, infant, or person *non compos mentis*. And if the owner, or any of the owners of the lands, shall reside beyond the State, or his or her place of residence be unknown, it shall suffice if notice of the application for a jury, and of the time and place at which they are summoned to attend, be published by the Clerk of the Court for one month next preceding the day assigned, which publication shall be made in a newspaper published in the County, or if there be none there published, then in some newspaper of the State having general circulation in the County.

SEC. 81. Upon payment of the jury, the right of way over said lands for the purposes for which the same are required, shall be in the person or corporation who shall hold the same so long as the same shall be used for the purposes for which the fee in such lands, subject to the owner thereof, and nothing shall be construed to confer upon such person power over, the lands so condemned within the particular purpose for which they are required.

SEC. 82. No lands or right of way hereafter be, procured for the construction of a highway shall be considered exempt from liability to be condemned for the construction of a highway. That in the construction of a highway no hindrance to the use and enjoyment of lands or right of way were previous to the application for the same. President of the corporation whose lands are required, or upon any Director or

SEC. 83. Nothing herein contained shall prevent any entry upon any lands for purposes of a highway in any case the owner of any lands requiring a right of way for the construction of the highway with said owner shall have the right, after the highway is constructed, to demand compensation for the assessment of the same in the manner provided. Such petition shall be filed with the Clerk of the Court of Common Pleas for the County in which the highway shall have been completed.

SEC. 84. All proceedings in relation to the right of way, or for other purposes of a highway, shall be filed in the office of the Clerk of the Court of Common Pleas for the County in which the right of way shall be required, and shall be there of record. If the right of way be required, shall be partly in another, the proceedings shall be instituted in which the owner, or a majority of the owners shall reside in neither shall be an equal number of the proceedings shall be instituted in the greater part of the lands in which the proceedings are instituted.

Right of appeal to Circuit Court.  
Ib., § 4.

Amount of verdict to be deposited.

Lands for depots, &c.  
Ib., § 5.

Notice to be given to trustee, &c., in certain cases.  
Ib., § 6.

Published notice sufficient for non-residents.



Clerk's fees.  
Ib., § 11.

Sheriff's fees.

Jurors' fees.

By whom paid.

Penalty for  
failure of jurors  
to attend.  
Ib., § 12.

SEC. 85. The Clerk of the Court shall be entitled to a fee of ten dollars in every case instituted for the condemnation of lands under this Chapter; the same to cover all charges incident thereto prior to appeal, including all fees for recording, but not including costs of advertising; to which shall be added, in cases of appeal, an additional fee of two dollars, the same to cover all charges incident to the appeal; that the Sheriff shall be entitled to a fee of one dollar and mileage at the rate of five cents per mile for each service of notice or other paper; and, for the summoning of jurors, the same fee by law allowed for the summoning of jurors for the Courts of Common Pleas; and the jurors shall be entitled to the same per diem and mileage by law allowed for attendance as jurors at the Courts of Common Pleas; all of which costs, except the costs of appeal, shall be paid by the person or corporation requiring the lands or right of way, and the costs of appeal shall, in all cases, be paid by the losing party.

SEC. 86. Any juror, duly summoned to attend at the time and place designated, who shall fail to attend, shall be proceeded against in the same manner, and be subject to the same penalties, which are or may be prescribed by law for default in attending as jurors at the Court of Common Pleas.

## CHAPTER LXIV.

### OF CORPORATIONS ORGANIZED UNDER GENERAL STATUTES.

SEC.  
*Mechanical, Mining, Quarrying and  
Manufacturing Companies.*

1. Organization.
2. Object and locality.
3. First meeting.
4. Proceedings if legality of organization be questioned.
5. By-laws.
6. Officers.
7. How and when chosen.
8. Number of Directors; President.
9. Clerk; Treasurer's bond.
10. Proxies; quorum.
11. Capital stock.
12. Shares.
13. Shares to be numbered; certificates of stock.
14. Limitation of amount of capital stock; shares not to issue for less than par value.
15. Such corporation may hold property, and may carry on business without the state.
16. Certificate to be published and filed before commencing business; also, after payment of installments.

SEC.

17. Also when stock is increased or reduced.
18. Transfer of shares.
19. Assessments.
20. Stock may be sold for unpaid assessments.
21. Sales and transfer of stock sold for unpaid assessments.
22. Personal liability of members.
23. On payment of last installment; certificate to be filed with Register.
24. To file certificate on increasing capital stock.
25. Liability of officers in certain cases.
26. To record resolution to reduce stock.
27. Stock not to be refunded before payment of debts.
28. Certificates, when to be filed, and what to contain.
29. Liability of officers for violations of Sections 16, 17 and 28.
30. Certificates may be filed after due; officers' liability ceases from date of filing.
31. Directors' liability for debts if div-

and is declared by insolvent Com-  
pany; proviso.  
No loans to be made to stockhold-  
ers.  
Debts not to exceed double amount  
of capital stock; Directors liable;  
proviso.  
Liability for false certificates.  
Action against company, and ac-  
tion against officers liable, may  
be prosecuted together.  
Property of stockholders may be  
taken on attachment or execu-  
tion against Company.  
Officers or stockholders may re-  
cover over against Company.  
Cotton and woolen manufacturing  
companies may manufacture silk  
&c. goods.  
Corporations may issue bonds.  
"Corporation" and "company,"  
synonymous.

Religious, Educational and Charitable  
Associations.

41. Incorporation of Protestant Epis-  
copal Church Associations.

Mechanical, Mining, Quarrying.

SECTION 1. That three or more persons may associate themselves together by a written agreement for the purpose of carrying on any manufacturing business, and such agreement, if in conformity with the provisions of this Chapter, shall be a valid contract, and which is not prohibited by law.

SEC. 2. The purpose for and the objects of the corporation shall be defined in the articles of association, and such articles shall be filed with the Register.

SEC. 3. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 4. If doubts arise whether the corporation is to be incorporated, the stockholders, at a meeting called for that purpose, under their by-laws, or under the provisions of this Chapter, may confirm such organization by a vote, and depositing one copy of the articles of association with the Court of Common Pleas, and one with the Register, and one with the Clerk of the Court, and the subsequent acts of the corporation shall be valid.

SEC. 5. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 6. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 7. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 8. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 9. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 10. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

SEC. 11. The first meeting of such corporation shall be held, signed by one or more of the members, stating the time, place and objects of the corporation, and published in some newspaper, or published in some other manner, and the corporation is to be incorporated.

STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

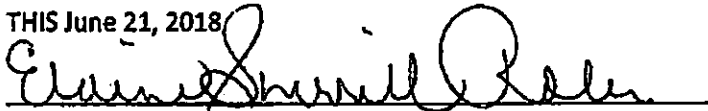
THIS IS TO CERTIFY THAT this and/or the attached is a true and accurate copy of Chapter LXIII, "Of Corporations Organized Under Charter"

Recorded in records of the SC General Assembly, Revised Statutes Of the State of South Carolina Prepared by Commissioners under an Act of the General Assembly, Approved March 9, 1869; title page and pages 337-356; published 1873

Now on deposit with the South Carolina Department of Archives and History

GIVEN UNDER MY HAND AND SEAL OF THE DEPARTMENT

THIS June 21, 2018

A handwritten signature in black ink, appearing to read "Elaine Sherrill Rohr", written over a horizontal line.

Elaine Sherrill Rohr, Archivist  
Reference Services

J. C. Callison  
Esq.

State of

South Carolina

Abbeville County

Savannah Valley, R.R.

This Subscribed, signed and sealed this 18th day of August, 1884, before me, J. C. Callison of said County of Abbeville, South Carolina, Savannah Valley R.R. Company of the other part witnessed that the said J. C. Callison for and in consideration of sum of Five hundred and no cents to him in hand paid by the said Savannah Valley R.R. Company the sum of Five hundred and no cents being to him in hand paid at and before the sealing and giving of these presents the receipt whereof hereby acknowledged both given granted conveyed and sold and by these presents with good grant conveyance and force unto the said Savannah Valley R.R. Company the same sum and assigned the Right of every acre which it owns at all times by whom it is held, Offenses against Railroads and Carriers in any manner they may claim proper and justly for the purpose of improving said Road and the said Company as there was made the agreement between of them parties to a Charter of Incorporation made March 11, 1871 and a Certificate thereof and of the said Road and of the Right of way, which extends from the said Road for a width of 100 feet on each side of the center line of the road and of the Railroad which completed and is extended along the whole front of land now owned by said J. C. Callison lying and being in Abbeville County, according to W. M. Duggan, S. J. Kelly, B. Boyer & others, railway in such direction shown, to and from of and at the Savannah Valley R.R. Company by their Engineer which shall be used for the purpose of widening the said Road and the said Company. Their own deed with said Right of way and Conveyance shall be the said Road and the said Company as much as each side of said Road and the said Company shall be followed on or through the same and the said Road or other part of said Road to gether with all and every other the Right of way and Appurtenances to and from the said Road of land lying adjoining or near any one of the said Roads, all the Right of way

The same shall be used for the purpose of widening the said Road and the said Company as much as each side of said Road and the said Company shall be followed on or through the same and the said Road or other part of said Road to gether with all and every other the Right of way and Appurtenances to and from the said Road of land lying adjoining or near any one of the said Roads, all the Right of way

Savanah Valley Rail Road  
 Company their successors and assigns to their  
 own pleasure complete ownership of said land  
 perpetuity, upon condition and it is expressly  
 understood that should <sup>the</sup> said Railroad  
 be compelled or obliged to not build and establish  
 road along said River or place of  
 land described in the above and foregoing Inden-  
 ture, then <sup>the</sup> said Indenture is wholly null and  
 void of no effect. For the said J. B. Calhoun for his heirs  
 and assigns well is and does defend the  
 title chief and the said Savanah Valley Rail  
 Road Company their successors and assigns  
 to against the claims of myself my heirs and  
 executors assigns. In witness whereof  
 the said J. B. Calhoun has hereunto set his  
 hand and seal the day and year first above  
 written. J. B. Calhoun (seal)

Signed, Sealed & delivered in presence of

Thos. J. Lee

Jas. H. Bell

Thos. J. Lee  
 Thos. J. Lee

Personally appeared Jas. H. Bell before me  
 and was sworn to by the said J. B. Calhoun  
 and as his said Bell the foregoing  
 contents of said Indenture and that he was the said Thos. J. Lee  
 witnessed the execution thereof

Signed in presence of

Thos. J. Lee  
 May 1859

Jas. H. Bell

Thos. J. Lee

Jas. H. Bell

Witness my hand and seal this 31 day of May 1859

Thos. J. Lee

Original Indenture as above made  
 by the said J. B. Calhoun  
 and his heirs and assigns  
 to the said Savanah Valley Rail Road  
 Company their successors and assigns

|                      |   |                  |
|----------------------|---|------------------|
| J. E. Calhoun        | ) | South Carolina   |
|                      | ) | Abbeville County |
| Savannah Valley RRCO | ) |                  |

This Indenture made this sixteenth day of August in the year of our Lord One Thousand Eight Hundred and Eight One (1881) between J E. Calhoun of said County of the one part and the Savannah Valley Rail Road Company of the other part witnesseth that the said J. E. Calhoun for and in consideration of running this contemplated Rail Road over and along his land as well as in consideration of the sum of one dollar to him in hand paid at and before the sealing and delivering of these presents the receipt whereof is hereby acknowledged hath given granted bargained and sold and by these presents doth give grant bargain and sell unto the said Savannah Valley Rail Road Company and their successors and assigns the Right of Way over which to pass at all times by themselves Directors Officers Agents hirelings and Servants in any manner they may think proper and particularly for the purpose of running erecting and establishing thereon a Railroad with the requisite number of tracks pursuant to Charter of Incorporation passed March 12, 1878 and acts amendatory thereof and to this end the limit of said right-of-way shall extend in width sixty-six feet on each side the (centre) line of the roadway of the said Railroad when completed and to extended in length through the whole tract of land owned and claimed by said J. E. Calhoun situated lying and being in Abbeville County adjoining lands of W. M. Taggart S. J. Hester, B. Baylor and others and running in such direction through the said tract of land as the said Savannah Valley Railroad Company by their engineers shall think best suited for the purpose of erecting and establishing their works; and connected with said right of way the said Company shall have the right to cut down and remove all such trees, underwood and others growth and timber on each side of said road as would be by falling on or striking the same, injure the rails or other parts of the said road, Together with all and singular the Rights, Members, and Appurtenances, to the said Strip, Tract or parcel of land being, belonging or in any wise appertaining and more especially the Right of Way over the same, To have and to hold the same unto the said Savannah Valley Rail Road Company their successors and assigns their own proper use, benefit, and behoof forever, in perpetuity upon condition and it is expressly understood that should the said Rail road contemplated as aforesaid be not erected and established on and along said strip, tract or parcel of land described in the above and foregoing indenture, then, said Indenture is to be wholly null and void and of no effect and the said J.E. Calhoun for his heirs and assigns will warrant and defend the Title thereof unto the Savannah Valley Rail Road Company their Successors and assigns, against the claims of myself, my heirs and executors and assigns. In witness whereof the said J. E. Calhoun hath hereunto set his hand and seal the day and year first above written.

**\*\*Note of First Page –** The width “sixty-six” entered by J.L. Perrise, COC, as original indenture called for this width. The original indenture was before me when changes were made, comes it severance to him from an error in recording at 33 – J.L. Perrise

**\*\*Note on Second Page -** Correct of the record made by J. L. Perrise, Clerk of Court this April 2<sup>nd</sup> 1926, as original indenture called for. The original indenture was before me when such changes were made.

DECISION

DEC 11 1978

AB-53 (Sub-No. 16)

**SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT NEAR MCCORMICK  
AND CALHOUN FALLS, IN MCCORMICK AND ABERDEEN COUNTIES,  
SC**

Decided November 21, 1978

By an application filed December 29, 1977, Seaboard Coast Line Railroad Company (SCL or applicant), a common carrier by railroad subject to part I of the Interstate Commerce Act (Act), seeks authority to abandon a portion of its Aberdeen Subdivision, extending from mile post 301.61 near McCormick, MD, to mile post 327.00 near Calhoun Falls, SC, a distance of 25.39 miles, in McCormick and Abbeville Counties, SC. The line includes mobile army stations at McCarroll, SC (mile post 318.97), and at Water, SC (mile post 326), both of which are governed by a mobile army headquartered at Anderson, SC.

The application is governed by section 5 of the Act and by the Commission's Regulations Governing Abandonment of Railroad Lines and Discontinuance of Service, 49 C.F.R. part 1121 (the Regulations).

The application was filed under the "summary" procedures of section 1121.33 of the Regulations, which are designed to facilitate the filing and processing of abandonment applications to which little or no opposition is anticipated. Public notice of the application was given in compliance with the Regulations.

Late-filed pleadings in opposition to the application were filed by 12 parties, including representatives for McCormick County, SC. The pleadings were treated by the Commission as petitions for leave to intervene, and were granted. By order served February 21, 1978, the Commission, Director Robert J. Brooks, Office of Proceedings, instituted an investigation into the proposed abandonment, postponed the effective date of the abandonment, and ordered the applicant to file the remainder of the application, including a proposed long-form application under section 1121.33 of the Regulations. The applicant filed the supplemental information with the Commission on April 10, 1978.

On April 13, 1978, the Commission's Section of Energy and Environment issued an environmental threshold assessment survey (TAS) in which the Section found that the proposed abandonment could not result in a serious adverse impact on the environment. A notice setting forth that conclusion was served April 24, 1978, inviting comments. No substantive comments in opposition, of an environmental nature, were received by the Commission in response to the notice.

By order served May 4, 1978, the Commission, Director Robert J. Brooks, Office of Proceedings, set the proceeding for the modified procedure and established a timetable for the submission of verified statements.

Applicant timely filed its opening verified statement. McCormick County, an interested party in opposition, filed its statement on July 10, 1978, but did not serve SCL with the statement as required by the Commission's Rules of Practice. On July 26, 1978, SCL filed a pleading which sought, in the alternative, (1) to strike McCormick County's statement, or (2) an extension of time in which to file its reply to the opposition statement. By letter dated August 3, 1978, the Commission granted a copy of the opposition statement to SCL and granted an extension of time within which SCL could file its reply. The reply was timely filed. No other statements in opposition were filed, and those parties failing to file such statements are no longer participants in the proceeding.

17 SCL complied with 49 C.F.R. sections 1121.10-13 by including this line in its system diagram map.

40:6 WY SZCE 2

EXHIBIT 4

The formal application of McDowell County contains on that part of the line in the County, containing nearly the entire of McDowell. The record shows that no revenues have been attributable to this portion since late 1977. The line has been located during that time. The information in application does not indicate any specific protection industrial projects that depend on the continued existence of the line in the County.

1. That the line between McDowell County and the County of Lincoln is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

2. That the line between the County of Lincoln and the County of McDowell is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

3. That the line between the County of Lincoln and the County of McDowell is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

4. That the line between the County of Lincoln and the County of McDowell is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

5. That the line between the County of Lincoln and the County of McDowell is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

6. That the line between the County of Lincoln and the County of McDowell is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

7. That the line between the County of Lincoln and the County of McDowell is the boundary by which the County of Lincoln and the County of McDowell are separated. The line is shown on the map of the County of Lincoln and the County of McDowell, and the line is shown on the map of the County of Lincoln and the County of McDowell.

McCorrick County admits that historically there has been little interest in the area by industrial developers. This is in spite of the demonstrated attempts made by both the applicant and officials of McCorrick County to attract such development. The conclusion is inescapable that immediate future development dependent on the continued existence of the line is highly speculative at best. The Commission has often said that the very possible need for railroad service at some indefinite time in the future is insufficient grounds upon which to deny permission to abandon an unprofitable line. Salt Lake & Utah R. Co. Abandonment, 354 I.C.C. 240, 241, (1978).

While we are sympathetic with the County's efforts to attract industry, the facts simply do not show that the speculations on development are sufficient to warrant denial. Nor do these facts warrant the imposition of conditions designed either to preserve the track in place or to retain the underlying right-of-way. The first condition would be tantamount to denying the abandonment, and the second would be an unwarranted restriction upon the railroad's right to dispose of its real property.

McCorrick County indicates that negotiations have been conducted between its representatives and ECL to retain the right-of-way. We point out to McCorrick County that, based on our finding that the right-of-way is suitable for public use, we are conditioning our approval of the abandonment upon the applicant not disposing of the right-of-way without first permitting governmental agencies or other responsible persons the right to negotiate for the acquisition of the property for public use.

In order to protect the interests of railroad employees, we will impose the protective conditions prescribed in Oregon Short Line R. Co. Abandonment-Corban, 354 I.C.C. 504 (1978).

We Find:

1. Abandonment of the line of railroad extending from mile post 504-503.63 to mile post 504-527.86 will not result in a serious adverse impact on the rural and community development of McCorrick and Abbeville Counties, SC.
2. The underlying right-of-way is suitable for other public purposes.
3. This decision will not significantly affect the human environment.

We Further Find:

The present and future public convenience and necessity permits the abandonment by the Seaboard Coast Line Railroad Company of the line of railroad extending from mile post 504-503.63 to mile post 504-527.86, in McCorrick and Abbeville Counties, SC, subject to the conditions for the protection of employees discussed in Oregon Short Line R. Co. Abandonment-Corban, 354 I.C.C. 504 (1978), and subject to the condition that, subsequent to abandonment, the Seaboard Coast Line Railroad Company will continue to haul its waste on pulpwood and wood chips on alligates existing prior to the abandonment for a period of five years or until the Brunswick Pulp and Paper Company moves its yard from Beeter, SC, whichever first occurs, and subject further to the condition that the Seaboard Coast Line Railroad Company shall not sell, lease, exchange or otherwise dispose of the right-of-way underlying the track, including all bridges and all culverts on the line, for a period of 120 days following issuance of the certificate to permit any state and/or local governmental agency or other responsible persons to negotiate the acquisition of all or any portion of the property for public use.

It is ordered:

1. In the event any person or government entity is considering an offer of financial assistance to enable the rail service involved to be continued, it should comply with 49 C.F.R. section 1121.38(b). Within 10 days after receiving appropriate notification that an offer of financial assistance is being considered, applicant shall comply with the informational requirements of 49 C.F.R. section 1121.38(e).

2. All correspondence to the Commission with respect to offers of financial assistance for the continued operation or acquisition of the subject line shall contain an appropriate reference to this proceeding, and the following notation shall appear on the back of the envelope on the lower left corner of envelopes containing such correspondence: "Division of Finance, AD-35".

3. Subject to the conditions set forth above, an appropriate certificate of abandonment shall be issued. Applicant shall not effect any abandonment or discontinuance of service prior to the effective date of the certificate of abandonment.

4. This decision will be effective 30 days from the date it is served.

5. The strict time requirements imposed by the Railroad Reorganization and Regulatory Board Act of 1937 shall be scrupulously observed in all proceedings concerning common carriers by railroads. Accordingly, requests for extending or postponements of the date for filing an appeal will be considered closely and will be granted only upon a showing of extraordinary circumstances. Any appeal must be filed within 30 days after service of this decision or within such further period (not to exceed 30 days) as may be authorized.

By the Commission, James Board Member 3, Barbara Brock, Tolpat, and Taylor.

L. C. HUGH, Jr.  
Secretary.

(S.M.)



Docket No. AB-55 (Sub-No. 16)

(1) This certificate and decision shall take effect and be in force on the date it is served, and shall remain in force until it is superseded or is otherwise terminated. It shall be subject to the provisions of the Act, and to the general orders of the Board of Tax Appeals. When filing schedules cancelling credits for tax on income, the taxpayer shall, in such schedules, refer to this certificate and decision by date and docket number.

(2) If the authority granted by this certificate and decision is exercised, taxpayer shall secure payment of the tax on income for the year in which the authority is exercised, and shall pay the tax on income for the year in which the authority is exercised, and shall pay the tax on income for the year in which the authority is exercised, and shall pay the tax on income for the year in which the authority is exercised.

(3) If the authority granted in this certificate and decision is not exercised within one year from its effective date, it shall be of no further force and effect.

By the Commissioner, Alan M. Rosenberg, Director, Office of Proceedings.

H. G. HARRIS JR.



# SEABOARD COAST LINE RAILROAD COMPANY

FILE IN DOCKET

Law Department  
3600 West End Street  
Richmond, Virginia 23220

CHARLES H. ROSENBERGER  
GENERAL ATTORNEY

MAIL ADDRESS P. O. BOX 27581  
RICHMOND VA 23251

February 25, 1980

AB-55(16)

Mrs. Agatha L. Margenovich  
Secretary  
Interstate Commerce Commission  
Washington, D. C. 20423

INTERSTATE  
COMMERCE COMMISSION  
RECEIVED

FEB 27 1980

ADMINISTRATIVE SERVICES  
MAIL UNIT

Dear Mrs. Margenovich:

This refers to the Commission's Certificate and Decision in Docket No. AB-55 (Sub-No. 16), which authorized Seaboard Coast Line Railroad Company's application to abandon 24.65 miles of track between McCormick and Horn Falls, S. C.

In compliance with the second ordering paragraph of this Certificate and Decision, please be advised that this track was abandoned as of February 15, 1980.

Very truly yours,

Charles H. Rosenberger

RECEIVED  
PROCESS SERVING  
BRANCH

MAR 19 11 42 AM '80

FEB 29 6 14 AM '80

RECEIVED  
FEB 29 1980

[CONFORMED COPY]

SEABOARD COAST LINE RAILROAD COMPANY

TO

CHEMICAL BANK

AND

L. F. SADLER

Trustees

## Consolidated Mortgage

STATE OF SOUTH CAROLINA  
COUNTY OF ABBEVILLE

Filed for record April 30

E. D. 19 71 at 11:00 o'clock A

Dated as of March 15, 1971  duly recorded in Book 6-W

Mortgage Page 443

Paul A. Miller  
Clerk of Court

\* For satisfaction, see mtg. book  
10X, page 180. 8-24-95 Nancy S. King

EXHIBIT 7

Satisfied and Cancelled

this 24<sup>th</sup> day of Aug. 1995

Nancy S. King COOP

"Trustees" and, when referred to separately, the "Corporate Trustee" and the "Individual Trustee", respectively;

WHEREAS, the Company owns, or is in possession of, under leases or other arrangements, and operates, lines of railroad in the States of Virginia, North Carolina, South Carolina, Georgia, Florida and Alabama; and

WHEREAS, the Company desires to provide funds for its lawful corporate purposes and to borrow money for such corporate purposes; and the Company, pursuant to resolutions duly adopted by its Board of Directors, has authorized the creation of the mortgage imposed by this Indenture upon properties of the Company and the issue hereunder from time to time, in the manner and form provided in this Indenture, of its mortgage bonds, to be known as its Consolidated Mortgage Bonds; and

WHEREAS, the Board of Directors of the Company has approved the form and terms of this Indenture and has duly authorized and directed the execution of this Indenture and delivery thereof to the Trustees; and

WHEREAS, the Bonds may be issued in series, of which the first series is to be designated Consolidated Mortgage 8.35% Bonds, Series A, due March 15, 1996 (hereinafter sometimes referred to as "Bonds of Series A"); and

WHEREAS, the Bonds of Series A and the Corporate Trustee's certificate of authentication to be endorsed thereon are to be substantially in the following forms, respectively:

[FORM OF FACE OF BOND OF SERIES A]

No.....

\$.....

**SEABOARD COAST LINE RAILROAD COMPANY**

Consolidated Mortgage 8.35% Bond, Series A, due March 15, 1996

SEABOARD COAST LINE RAILROAD COMPANY, a corporation duly organized and existing under the laws of the State of Virginia (hereinafter called the "Company"), for value received, hereby promises to pay to

| Item                                                                                     | Approximate Length in Miles |
|------------------------------------------------------------------------------------------|-----------------------------|
| (16) Creston, South Carolina, to Giant, South Carolina                                   | 34.43                       |
| (17) Johns Island, South Carolina, to Ashley River, South Carolina                       | 8.61                        |
| (18) Ashley Junction in South Carolina to Rhett Street, North Charleston, South Carolina | 0.72                        |
| (19) Ashley River Phosphate Branch, Charleston, South Carolina                           | 4.61                        |
| (20) Ravenel, South Carolina, to Meggetts, South Carolina                                | 2.97                        |
| (21) Green Pond, South Carolina, to Ehrhardt, South Carolina                             | 37.99                       |
| (22) Savannah River Wharf Branch, Savannah, Georgia                                      | 1.95                        |
| (23) Montgomery Belt Line, Montgomery, Alabama                                           | 0.55                        |
| (24) Albany, Georgia, to Thomasville, Georgia                                            | 58.09                       |
| (25) Climax, Georgia, to Chatsahoochee, Florida                                          | 30.82                       |
| (26) Grimes, Alabama, to Abbeville, Alabama                                              | 26.90                       |
| (27) Waterford, Alabama, to Elba, Alabama                                                | 37.19                       |
| (28) Burnetts Lake, Florida, to Rochelle, Florida                                        | 24.66                       |
| (29) Dunnellon, Florida, to Crystal River, Florida                                       | 13.45                       |
| (30) Milldale, Florida, to Wilcox, Florida                                               | 107.78                      |
| (31) Milldale, Florida, to Quinlan, Florida                                              | 4.13                        |
| (32) Composite, Florida, to Export Terminal, Jacksonville, Florida                       | 4.20                        |
| (33) Beaver Street Junction in Florida to St. Johns River, Jacksonville, Florida         | 1.58                        |
| (34) Fort Mason, Florida, to Umatilla, Florida                                           | 4.79                        |
| (35) Fort Mason, Florida, to Tavares, Florida                                            | 6.56                        |
| (36) Okahumpka, Florida, to Howey, Florida                                               | 5.30                        |

| Item                                                                                      | Approximate Length in Miles |
|-------------------------------------------------------------------------------------------|-----------------------------|
| (37) DeLand Junction, Florida, to DeLand, Florida                                         | 3.78                        |
| (38) Benson Junction, Florida, to Benson, Florida (owned but not operated by the Company) | 4.83                        |
| (39) Sanford and Everglades Branch, near Sanford, Florida                                 | 3.93                        |
| (40) Sanford, Florida, to Tavares, Florida                                                | 28.15                       |
| (41) Sanford, Florida, to Oviedo, Florida                                                 | 16.80                       |
| (42) Dr. Phillips, Florida, to Clarcona, Florida                                          | 15.88                       |
| (43) Lake Alfred, Florida, to Bartow, Florida                                             | 16.34                       |
| (44) Haines City, Florida, to Waverly, Florida                                            | 9.77                        |
| (45) Lake Wales, Florida, to Frostproof, Florida                                          | 14.53                       |
| (46) Sebring, Florida, to Sunnland, Florida                                               | 93.55                       |
| (47) Harrisburg, Florida, to Lake Harbor, Florida                                         | 39.41                       |
| (48) Winston, Florida, to Fort Meade, Florida                                             | 27.96                       |
| (49) Medulla, Florida, to Ridgewood, Florida                                              | 6.68                        |
| (50) Okcala Branch, Keela, Florida, to Duda, Florida                                      | 24.59                       |

| Item                                                                                  | Approximate Length in Miles |
|---------------------------------------------------------------------------------------|-----------------------------|
| (10) Bartow (Hominy), Florida, to Fort Myers, Florida                                 | 93.49                       |
| (11) Fort Royal, Beaufort County, South Carolina, to Augusta, Georgia                 | 112.76                      |
| (12) Augusta, Georgia, to Spartanburg, South Carolina                                 | 133.34                      |
| (13) Liberty Street—North Tower, Savannah, Georgia                                    | 3.68                        |
| (14) L&N Connection, Parkwood, Alabama                                                | 0.39                        |
| (15) South Richmond, Virginia, to Falling Creek, Virginia                             | 5.00                        |
| (16) Fingers Point (Forsmouth), Virginia, to Rocky Mount, North Carolina              | 114.81                      |
| (17) Goldsboro Belt Line in North Carolina                                            | 3.84                        |
| (18) Yadkin Junction (near Wilmington), North Carolina, to Manchester, North Carolina | 92.87                       |
| (19) Parkton, North Carolina, to Red Springs, North Carolina                          | 12.35                       |
| (20) Jonesboro, North Carolina, to Sanford, North Carolina                            | 3.41                        |
| (21) Maxton Junction to Maxton, in North Carolina                                     | 0.40                        |
| (22) Florence, South Carolina, to Wadesboro, North Carolina                           | 63.82                       |
| (23) Darlington, South Carolina, to Mont Clare, South Carolina                        | 8.64                        |
| (24) Bennettsville, South Carolina, to Marlboro, South Carolina                       | 6.97                        |
| (25) Sumter, South Carolina, to Columbia, South Carolina                              | 43.23                       |
| (26) Central Railroad connection track at Sumter, South Carolina                      | 0.76                        |
| (27) Brunswick, Georgia, to Albany Junction, Georgia                                  | 172.48                      |
| (28) Sessoms, Georgia, to Alma, Georgia                                               | 7.52                        |
| (29) Thomasville, Georgia, to Kingwood, Georgia                                       | 30.94                       |
| (30) Thomasville, Georgia, to Dunnellon, Florida                                      | 165.77                      |
| (31) Palatka, Florida, to Brooksville, Florida                                        | 145.94                      |
| (32) Sylvan Lake, Florida, to Clercova, Florida                                       | 17.08                       |

| Item                                                 | Approximate Length in Miles |
|------------------------------------------------------|-----------------------------|
| (33) Winter Garden, Florida, to Mascotte, Florida    | 22.96                       |
| (34) Mable, Florida, to Lacoochee, Florida           | 14.48                       |
| (35) Trilby, Florida, to Clearwater, Florida         | 57.46                       |
| (36) Clearwater, Florida, to St. Petersburg, Florida | 15.53                       |
| (37) Gary, Florida, to Vitis, Florida                | 29.02                       |
| (38) Wye connections at Gary (Tampa), Florida        | 0.28                        |

## BRANCH LINES

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| (1) Meadow Junction, Virginia, to Clopton, Virginia                       | 2.98  |
| (2) Dunlop, Virginia, to Collier (via Petersburg), Virginia               | 6.19  |
| (3) Bruce, Virginia, to Pig Point, Virginia                               | 5.73  |
| (4) Pender, North Carolina, to Kinston, North Carolina                    | 86.03 |
| (5) Tarboro Junction, North Carolina, to Plymouth, North Carolina         | 53.77 |
| (6) Farmelo, North Carolina, to Washington, North Carolina                | 25.10 |
| (7) Rocky Mount, North Carolina, to Bunn, North Carolina                  | 28.07 |
| (8) Warsaw, North Carolina, to Clinton, North Carolina                    | 13.47 |
| (9) Wilmington Junction, North Carolina, to Newbern Wharf, North Carolina | 90.54 |
| (10) Elrod, North Carolina, to Fairmont, North Carolina                   | 12.81 |
| (11) Chadbourne, North Carolina, to Myrtle Beach, South Carolina          | 52.82 |
| * (12) McCormick, South Carolina, to Anderson, South Carolina             | 58.22 |
| (13) Laurens, South Carolina, to Greenville, South Carolina               | 36.34 |
| (14) Floyds, South Carolina, to Hartsville, South Carolina                | 10.05 |
| (15) Bennettsville, South Carolina, to Breeden, South Carolina            | 3.14  |

| Item                                                                    | Approximate Length in Miles |
|-------------------------------------------------------------------------|-----------------------------|
| <b>BRANCH LINES</b>                                                     |                             |
| (1) Richmond, Virginia—Junction to Freight Depot                        | 1.96                        |
| (2) Petersburg, Virginia—Dunlop Street to Market Street                 | 0.72                        |
| (3) Roanoke Junction, North Carolina, to Roanoke Rapids, North Carolina | 2.63                        |
| (4) Henrietta Junction, North Carolina, to Henrietta, North Carolina    | 1.79                        |
| (5) Camden, South Carolina—Junction to Freight Station                  | 0.64                        |
| (6) Mullins, South Carolina—Junction to Passenger Station               | 0.42                        |
| (7) Lincolnton Junction, South Carolina, to Lincolnton, South Carolina  | 0.70                        |
| (8) Savannah, Georgia—Island Junction to Freight Station                | 2.01                        |
| (9) Savannah, Georgia—Bridge Junction to Hutchinson Island              | 2.50                        |
| (10) Atlanta, Georgia—Belt Junction to Inman Park                       | 3.59                        |
| (11) Jacksonville, Florida—F&J. Junction to Commodore Point             | 2.13                        |
| (12) Jacksonville, Florida—Junction to Wilson & Toomer                  | 1.49                        |
| (13) Dames Point, Florida, to North Shore, Florida                      | 7.96                        |
| (14) North Shore, Florida, to Blount Island, Florida                    | 0.53                        |
| (15) Quincy Junction, Florida to Quincy, Florida                        | 1.99                        |
| (16) Alachua, Florida, Spur                                             | 0.59                        |
| (17) Coronet Junction, Florida, to Coronet, Florida                     | 1.73                        |
| (18) Lake Chama, Florida                                                | 0.12                        |
| (19) Tampa, Florida, to Seddon Island, Florida                          | 1.72                        |
| (20) Arcadia Shops, Florida, to Arcadia, Florida                        | 0.79                        |

| Item                                                            | Approximate Length in Miles |
|-----------------------------------------------------------------|-----------------------------|
| (21) Arcadia, Florida—S. Connection                             | 0.17                        |
| (22) Bradley Junction, Florida, to Mulberry, Florida            | 7.25                        |
| (23) T.N. Shops, Florida, to T.N. Junction                      | 0.53                        |
| (24) Hookers Point Junction, Florida, to Hookers Point, Florida | 2.46                        |
| (25) Woods, Florida, to Wye Junction, Florida                   | 3.27                        |
| (26) Wye Junction, Florida, to Victor, Florida                  | 0.45                        |
| (27) Birmingham, Alabama—K.C.M.&B. Connection                   | 2.49                        |

**GROUP C: Lines of railroad of the former Atlantic Coast Line Railroad Company.**

**MAIN LINES**

- (1) The main line extending from Richmond, Virginia, through Rocky Mount and Fayetteville in North Carolina; Florence and Charleston in South Carolina; Savannah, Jesup, Nahant and Folkston in Georgia; Jacksonville, Palatka, Sanford, Orlando, Lakeland and Tampa in Florida to Port Tampa, Florida 893.20

Also main lines extending from:

- (2) Jesup, Georgia, through Waycross, Georgia, to Folkston, Georgia 72.52
- (3) Contentnea, North Carolina, to Wilmington, North Carolina 104.77
- (4) Wilmington, North Carolina, to Pee Dee, South Carolina 94.74
- (5) Florence, South Carolina, to Robbins, South Carolina 137.08
- (6) Waycross, Georgia, to Montgomery, Alabama 314.04
- (7) Waycross, Georgia, to Atlanta, Georgia 278.29
- (8) Manchester, Georgia, to Birmingham, Alabama 197.08
- (9) Dupont, Georgia, to Bartow, Florida 247.95

| Item                                                              | Approximate Length in Miles |
|-------------------------------------------------------------------|-----------------------------|
| (41) Columbus, Georgia, to Richland, Georgia                      | 38.52                       |
| (42) Richland, Georgia—S. W. Connection                           | 0.20                        |
| (43) Kimbrough, Georgia, to Albany, Georgia                       | 42.41                       |
| (44) Fitzgerald, Georgia, to Ocala, Georgia                       | 9.57                        |
| (45) Howells (Atlanta), Georgia—W. & A. Connection                | 0.29                        |
| (46) Georgia State Line to Jacksonville, Florida                  | 32.72                       |
| (47) Jacksonville, Florida, to Chattahoochee, Florida             | 208.54                      |
| (48) Fernandina, Florida, to Yulee, Florida                       | 13.25                       |
| (49) Gross, Florida, to Baldwin, Florida                          | 34.60                       |
| (50) Baldwin, Florida, to Owensboro, Florida                      | 139.33                      |
| (51) Zephyrhills, Florida, to Tampa, Florida                      | 36.99                       |
| (52) Jacksonville, Florida—Passenger Connection Enterprise Street | 0.58                        |
| (53) Baldwin, Florida—S. E. Connection                            | 0.14                        |
| (54) Tallahassee, Florida, to St. Marks, Florida                  | 20.46                       |
| (55) Drifton, Florida, to Monticello, Florida                     | 4.48                        |
| (56) Starke, Florida, to Brooker, Florida                         | 14.93                       |
| (57) Buda, Florida, to Bell, Florida                              | 15.96                       |
| (58) Air Base—Aradonda, Florida                                   | 10.12                       |
| (59) Williston, Florida, to Montbrook, Florida                    | 5.90                        |
| (60) Montbrook, Florida, to Early Bird, Florida                   | 9.65                        |
| (61) Dunnellon, Florida, to Minicoll, Florida                     | 8.89                        |
| (62) Globe, Florida, to North Inverness, Florida                  | 3.46                        |
| (63) Landrum, Florida, to Tampa Northern Junction, Florida        | 60.73                       |
| (64) Sulphur Springs, Florida—T&GC Connection                     | 0.02                        |

| Item                                                         | Approximate Length in Miles |
|--------------------------------------------------------------|-----------------------------|
| (65) Tampa Northern Junction, Florida—N. E. Connection       | 0.22                        |
| (66) Plant City, Florida, to Alcoma, Florida                 | 51.50                       |
| (67) Edison Junction, Florida, to Agricola, Florida          | 12.25                       |
| (68) Bartow, Florida, to Homing, Florida                     | 6.78                        |
| (69) Plant City, Florida—S. Connection                       | 0.17                        |
| (70) Valrico, Florida, to Welcome Jct., Florida              | 11.66                       |
| (71) Durant, Florida, to Manavista, Florida                  | 38.21                       |
| (72) Samoset, Florida, to Sarasota, Florida                  | 9.52                        |
| (73) Sarasota, Florida, to Venice, Florida                   | 18.11                       |
| (74) Sarasota, Florida—Connection (T.S.)                     | 0.22                        |
| (75) Tampa, Florida—Passenger Station Connection             | 0.02                        |
| (76) Palmetto Junction, Florida, to Palmetto, Florida        | 1.66                        |
| (77) Tallahassee, Florida—GF&A Connection                    | 0.10                        |
| (78) Wildwood, Florida, to Orlando, Florida                  | 53.12                       |
| (79) Aloma, Florida, to Lake Charm, Florida                  | 9.18                        |
| (80) West Lake Wales, Florida—N. W. Connection               | 0.08                        |
| (81) West Lake Wales, Florida—S. E. Connection               | 0.06                        |
| (82) Coleman, Florida, to Miami, Florida—Freight Depot       | 274.73                      |
| (83) Hialeah Junction, Florida, to Homestead, Florida        | 30.26                       |
| (84) Bradley Junction, Florida, to Port Boca Grande, Florida | 89.22                       |
| (85) Manatee, Florida, to Bradenton, Florida                 | 0.99                        |
| (86) Georgia State Line to Montgomery, Alabama               | 81.27                       |
| (87) Georgia State Line to Birmingham, Alabama               | 96.85                       |
| (88) Birmingham, Alabama—Pass. Connection                    | 0.51                        |
| (89) Montgomery, Alabama—Junction to Freight Station         | 0.18                        |

| Item                                                                        | Approximate Length in Miles |
|-----------------------------------------------------------------------------|-----------------------------|
| (5) Boykins, Virginia, to North Carolina State Line                         | 2.77                        |
| (6) Richmond, Virginia -- Broad Street Station Connection                   | .09                         |
| (7) Virginia State Line to Norlina, North Carolina (Richmond Line)          | 7.75                        |
| (8) Virginia State Line to Norlina, North Carolina (Portsmouth Line)        | 54.99                       |
| (9) Norlina, North Carolina, to South Carolina State Line (South of Hamlet) | 161.61                      |
| (10) Hamlet, North Carolina (East Jct.), to South Carolina State Line       | 11.17                       |
| (11) Wilmington, North Carolina, to Rutherfordton, North Carolina           | 265.87                      |
| (12) Monroe, North Carolina, to South Carolina State Line                   | 14.32                       |
| (13) Virginia State Line to Lewiston, North Carolina                        | 32.55                       |
| (14) Henderson, North Carolina, to Durham, North Carolina                   | 41.50                       |
| (15) Diskerson, North Carolina, to Oxford, North Carolina                   | 2.94                        |
| (16) Franklinton, North Carolina, to Louisburg, North Carolina              | 9.79                        |
| (17) Moncure, North Carolina, to Pittsboro, North Carolina                  | 11.45                       |
| (18) Ellenboro, North Carolina, to Caroleen, North Carolina                 | 4.65                        |
| (19) Hamlet, North Carolina--N. W. Connection                               | 0.24                        |
| (20) Hamlet, North Carolina--N. E. Connection                               | 0.45                        |
| (21) North Carolina State Line to Charleston, South Carolina Freight Depot  | 157.44                      |

| Item                                                                   | Approximate Length in Miles |
|------------------------------------------------------------------------|-----------------------------|
| (22) Dupont, South Carolina, to Stono, South Carolina                  | 5.30                        |
| (23) Lobeck, South Carolina, to Georgia State Line                     | 39.66                       |
| (24) North Carolina State Line to Georgia State Line (Via Columbia)    | 205.54                      |
| (25) North Carolina State Line to Georgia State Line (Birmingham Line) | 136.42                      |
| (26) McBee, South Carolina, to Hartsville, South Carolina              | 16.04                       |
| (27) Florence, South Carolina, to Pamplico, South Carolina             | 17.42                       |
| (28) Hartsville, South Carolina, to Sumter, South Carolina             | 38.31                       |
| (29) Georgetown, South Carolina, to Andrews, South Carolina            | 16.19                       |
| (30) Calawba, South Carolina, to Great Falls, South Carolina           | 20.28                       |
| (31) Andrews, South Carolina--S. E. Connection                         | 0.19                        |
| (32) South Carolina State Line to Alabama State Line (Montgomery Line) | 200.03                      |
| (33) South Carolina State Line to Alabama State Line (Birmingham Line) | 183.53                      |
| (34) South Carolina State Line to Savannah, Georgia (Central Jct.)     | 31.33                       |
| (35) Howells (Atlanta), Georgia--Southern Railway Connection           | 0.76                        |
| (36) Howells (Atlanta), Georgia--West Connection                       | 0.21                        |
| (37) Rockmart, Georgia, to Cartersville, Georgia                       | 22.82                       |
| (38) Savannah (Telfair Jct.), Georgia, to Burroughs, Georgia           | 9.79                        |
| (39) Ogeechee, Georgia, to Florida State Line                          | 90.69                       |
| (40) Vidalla, Georgia, to Macon, Georgia                               | 91.78                       |

STATE OF NEW YORK } ss:  
COUNTY OF NEW YORK }

I, JOHN L. BERVAR, a Notary Public in and for the State and County aforesaid, do hereby certify that on this 24th day of March, 1971, personally appeared before me in said County L. F. SADLER, personally known to me and known to me to be the individual and the same person who is described in and who subscribed his name to and who executed the foregoing instrument, who, being by me duly sworn, deposed and said that he resides at 4928 Arapahoe Avenue, Jacksonville, Florida; and that he signed, sealed, executed and delivered the said instrument freely and voluntarily, and as his free and voluntary act and deed for the uses and purposes therein set forth.

I further certify that said instrument was duly signed, sealed, delivered and acknowledged by said L. F. Sadler, as hereinabove set forth, in the presence of Elsie Maughan and John T. Lord, who then and there respectively subscribed their names to the same as attesting witnesses, and who, having been by me duly sworn, stated that they saw said L. F. Sadler sign, execute, deliver and acknowledge said instrument to be his act and deed, and that they witnessed the said execution, delivery and acknowledgment thereof by signing their names thereto as attesting witnesses at the instance and in the presence of said L. F. Sadler, and in the presence of each other and in my presence; and said attesting witnesses have affixed their signatures to this certificate (at the left of my own signature) for the purpose of confirming the same so far as it relates to them.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as such Notary Public in said County and State, the day and year first above written.

(NOTARIAL SEAL)

JOHN L. BERVAR

JOHN L. BERVAR  
Notary Public, State of New York  
No. 41-5303890  
Qualified in Queens County  
Cen. Filed in New York County  
Term Expires March 30, 1972

ELSIE MAUGHAN

ELSIE MAUGHAN

JOHN T. LORD

JOHN T. LORD

# EXHIBIT A

Description of the lines of railroad subject to the lien of the Consolidated Mortgage of the Seaboard Coast Line Railroad Company dated as of March 15, 1971.

Group A: Lines of railroad acquired since merger of July 1, 1967.

| Line                                                             | Approximate Length in Miles |
|------------------------------------------------------------------|-----------------------------|
| (1) Charlotte, North Carolina, to Gastonia, North Carolina       | 22.98                       |
| (2) Spartanburg, South Carolina, to Greenwood, South Carolina    | 88.74                       |
| (3) Belmont Junction, North Carolina, to Belmont, North Carolina | 3.16                        |
| (4) Cowans Ford, North Carolina, to Terrell, North Carolina      | 16.15                       |
| (5) Belton, South Carolina, to Anderson, South Carolina          | 11.18                       |
| (6) South Collier, Virginia, to North Burgess, Virginia          | 5.26                        |
| (7) Ellsworth Junction, Florida, to Astatula, Florida            | 4.31                        |
| (8) Winter Garden, Florida, to Ocoee, Florida                    | 3.25                        |
| (9) Hilton, North Carolina, to Navassa, North Carolina           | 2.52                        |
| (10) Rockingham, North Carolina, to Freeman, North Carolina      | 7.76                        |
| (11) Lumberton, North Carolina, to Duart, North Carolina         | 25.76                       |

Group B: Lines of railroad of the former Seaboard Air Line Railroad Company.

## MAIN LINES

|                                                        |       |
|--------------------------------------------------------|-------|
| (1) (Acce) Richmond, Virginia, to Centralla, Virginia  | 15.49 |
| (2) Dunlop, Virginia, to North Carolina State Line     | 70.23 |
| (3) Bellwood, Virginia, to Hopewell, Virginia          | 15.76 |
| (4) Portsmouth, Virginia, to North Carolina State Line | 60.25 |



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IN WITNESS WHEREOF Grantor and Trustee have caused these presents to be duly signed and sealed, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

George R. Whittle  
James F. Preslar

Signed, sealed and delivered  
in the presence of:

R. Lorenson  
JJ Cashin

SEABOARD SYSTEM RAILROAD, INC.

By J. I. Rice  
Vice President

Attest Robert H. [Signature]  
Secretary

CHEMICAL BANK, as Corporate Trustee  
as aforesaid.

By J. M. [Signature]  
Attest [Signature]



McMORMON COUNTY STAMP TAX

AMT. \$48.25 Pd

1 Total

## SOUTH CAROLINA FORM

STATE OF FLORIDA  
 COUNTY OF DUVAL

Personally appeared before me, a Notary Public in and for the State and County aforesaid,

George R. Wurtele, who being duly sworn, says:—

That he saw the within named, J. T. Rice as Vice President  
 of SEABOARD SYSTEM RAILROAD, INC., a corporation under and  
 by virtue of the laws of the State of Virginia, and Robert J. Haulter  
~~as~~ <sup>XXXX</sup> Secretary thereof, as the act and deed of said corporation, sign, affix thereto  
 the seal of the said corporation and deliver the within instrument, and that he with Joyce F. Preslar  
 witnessed the execution of the same.

George R. Wurtele (L.S.)

Sworn and subscribed to before me this 16th  
 day of June, A. D. 1983.

Brenda W. Rice  
 Notary Public.

Notary Public, State of Florida at Large  
 My commission expires Dec. 3, 1984

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SOUTH CAROLINA FORM

STATE OF NEW YORK

COUNTY OF NEW YORK

Personally appeared before me, a Notary Public in and for the State and County aforesaid, R. LORENZEN, who being duly sworn, says:-

That he saw the within named J. MURRAY as TRUST OFFICER of CHEMICAL BANK, a corporation under and by virtue of the laws of the State of New York, and C. G. MARTENS as ASSISTANT SECRETARY thereof, as the act and deed of said corporation, sign, affix thereto the seal of said corporation and deliver the within instrument, and that he with J. J. Cashin witnessed the execution of the same.

R. Lorenzen (L.S.)

Sworn and subscribed to before me this

25<sup>th</sup> day of July,

A. D., 1983.

Hugh J. McMenamy  
Notary Public

HUGH J. McMENAMY  
Notary Public, State of New York  
No. 24-4736804  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires March 30, 1985

STATE OF SOUTH CAROLINA  
COUNTY OF ABBEVILLE

Filed for record Nov. 10  
A. D. 1983 9 October 10

132

STATE OF SOUTH CAROLINA  
COUNTY OF MCCORMICK

filed for record OCT 31 1983

A. D. 1983 at 11:30 o'clock A.M.

and duly recorded in Book 65

of Deeds page 18

Thomas B. Messer

Clerk of Court

Ex officio

R M C

BOOK 243  
PAGE 37  
DATED 4-12-12  
REC 4-12-12

STATE OF SOUTH CAROLINA  
COUNTY OF MCCORMICK  
QUITCLAIM  
DEED OF REAL PROPERTY

THIS QUITCLAIM DEED, executed as of the 12<sup>th</sup> day of April, 2012 by the South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina (hereinafter referred to as "Grantor"), to the Ninety-Six District Resource Conservation and Development Council, Incorporated, a South Carolina non-profit (hereinafter referred to as "Grantee"), whose mailing address is 115 Enterprise Court, A-3, Greenwood, SC 29649.

WITNESSETH:

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) the receipt and sufficiency of which is acknowledged by Grantor, Grantor has quit claimed, granted, bargained, sold and released, and by this Deed quitclaims, grants, bargains, sells and releases, to Grantee, its successors and assigns, all of its right, title and interest in and to the following real property:

All of that vacated railroad right of way, varying in width, along with numerous side parcels of land of various dimensions, beginning on Railroad Valuation Map V5/1, at milepost 506, located 3 miles northwest of McCormick, South Carolina and extending in a general northwesterly direction for 17 miles, more or less, passing through communities known as Bordeaux, Willington, and Mt. Carmel until it reaches the Abbeville County line, being shown on Railroad Valuation Maps V5/1, 2, 3, 4, 5, and 6, attached hereto as Exhibit A. Some of the property herein has McCormick county tax map numbers 098-00-00-028, 077-00-00-009, and 024-06-01-022.

This deed grant includes the following side parcels owned by Grantor in fee simple, but only to the extent such parcels are actually located within the bounds of McCormick County:

Ream-Patterson Siding site, measuring 135' x 800', and calculated to contain about 2.48 acre. (Abbeville County Deed Book 11, page 206)  
Mount Carmel Depot property (with building), containing about 1 acre. (Abbeville County Deed Book 11, page 204)

BOOK 243 OF  
DEEDS  
PAGE 37  
STATE TAX PAID 0  
COUNTY TAX PAID 0

Page 1

133

AUDITOR'S OFFICE - MCCORMICK CTY.  
Recorded 4-17-12  
In Book 11, Page 267  
Virginia H. Blum  
Auditor / Deputy

Exhibit 9

**Willington Depot site, containing about 1 acre. (Abbeville County Deed Book 11, page 205)**

**Site associated with trestle, near mile post 50 (AKH-510), composed of two 42' x 258' strips for a total of 0.5 acre. (Abbeville County Deed Book 29, page 460)**

**Borrow pit site near mile post 49 (AKH-509), composed of two 20' x 600' strips for a total 0.56 acre. (Abbeville County Deed Book 30, page 210)**

**Bordeaux Depot site, measuring 125' x 490' x 77' x 390', shown by plat to contain 0.77 acre. (Abbeville County Deed Book 35, page 122)**

**Section Houses/Water Tower site, measuring 260' x 169.61' calculated to contain 1.01 acres. (Abbeville County Deed Book 11, page 207)**

**Site near Petigru Station east of mile post 46 (AKH-506), composed of two 17' x 700' strips for a total of 0.54 acre. (Abbeville County Deed Book 25, page 523)**

**Site near Petigru Station, west of mile post 46 (AKH-506), composed of a 17' x 1085' strip for a total of 0.42 acre. (Abbeville County Deed Book 25, page 523)**

**Site near mile post 46 (AKH-506, east and near Petigru siding, composed of two tracts (3.21 acres and 2.75 acres) for a total of 5.96 acres. (Abbeville County Deed Book 26, page 600)**

**TOGETHER with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto;**

**TO HAVE AND TO HOLD all and singular said property unto Grantee, its successors and assigns forever.**

**LESS property under Clark's Hill Lake now know as Lake Thurmond; see deed recorded in McCormick County in Deed Book 21 at Page 193.**

**Subject to matters that would be shown on a current survey of the property and all easements and restrictions of record, including but not limited to that certain Easement given by the Clarks Hill-Russell Authority of the State of South Carolina to the County of McCormick, South Carolina recorded in the Abbeville County Register of Deeds at Book 138, Page 511.**

**This is a portion of the property conveyed by Seaboard System Railroad, Inc. to Clarks Hill-Russell Authority of South Carolina now known as the SC Department of Commerce, Division of Savannah Valley Development by deed dated June 16, 1983 and recorded in McCormick County in Deed Book 65 at Page 18 on October 31, 1983.**

**THIS conveyance is made subject to all covenants, restrictions, easements, rights-of-way, and other matters of record, and such matters as would be shown by a current plat, affecting the within-described property.**

***[signature page follows]***

IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed as of the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of:

South Carolina Department of  
Commerce, Division of the  
Savannah Valley Development,  
as successor in interest to the  
Clarks Hill-Russell Authority of  
South Carolina

Witness No. 1

Name: Karen B. Manning

Vicki S. Wooten

Witness No. 2

Name: Vicki S. Wooten

By:

James Christopher Huffman

Title: Chief Financial Officer

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

I, the undersigned notary public, hereby certify that James Christopher Huffman, as Chief Financial Officer of the South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina, personally came before me this day and acknowledged the execution of the foregoing instrument as Grantor's act and deed.

WITNESS my hand and notarial stamp or seal, this 12<sup>th</sup> day of April, 2012.

Vicki S. Wooten

Notary Public for State of South Carolina

My Commission Expires: My Commission Expires April 6, 2016

[AFFIX NOTARIAL SEAL OR STAMP]

**Exhibit A**  
**Railroad Valuation Maps**  
**[follow on subsequent pages]**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND ) AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by the South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina, to the Ninety-Six District Resource Conservation and Development Council, Incorporated, on April 12, 2012.
3. Check on of the following: The DEED is

- (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
- (c)  X  EXEMPT from the deed recording fee because the value of the realty, as defined in Section 12-24-30, is equal to or less than \$100.

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:  
Seller.

5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

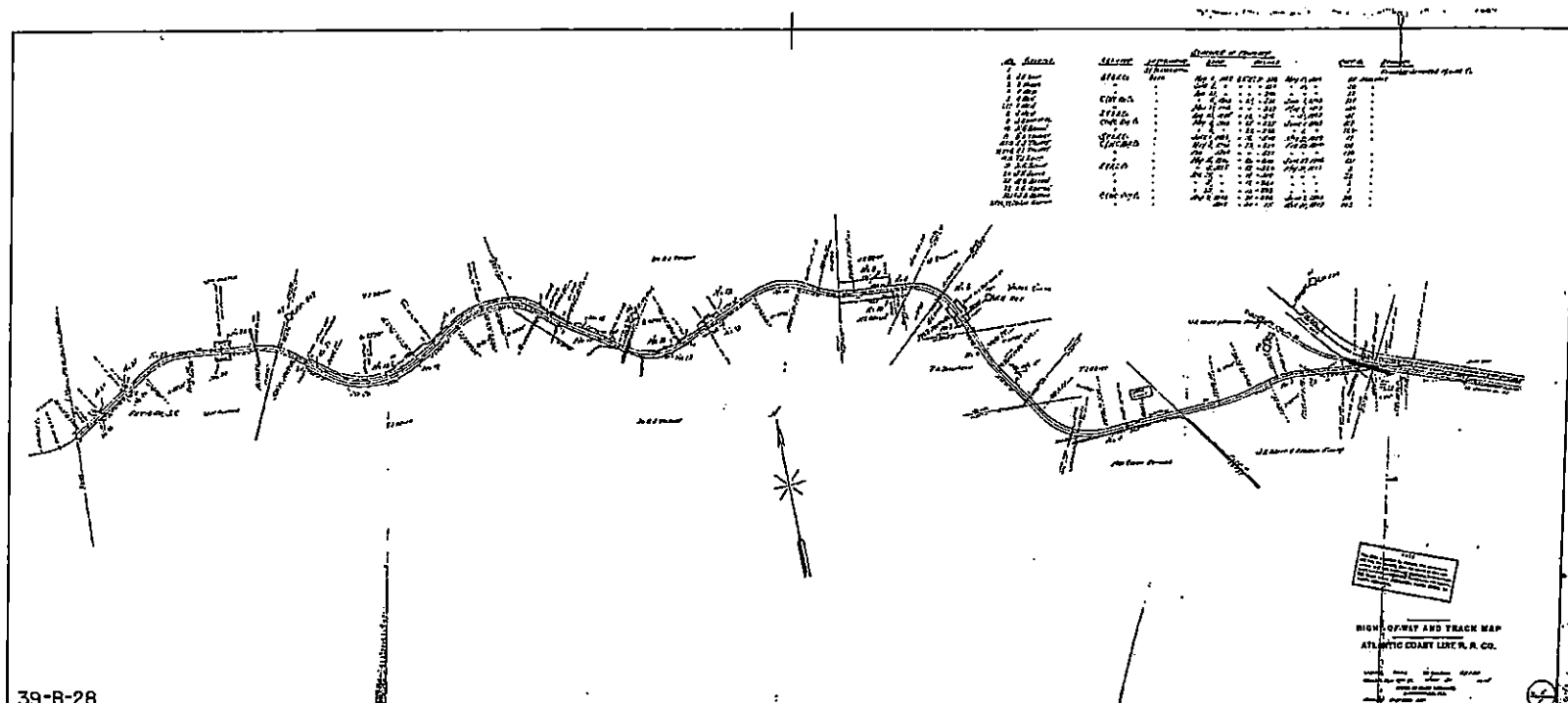
South Carolina Department of Commerce, Division of the Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina

By: [Signature]  
Name: James Christopher Huffman  
Its: Chief Financial Officer

Sworn to before me this 12<sup>th</sup>  
day of April, 2012.

[Signature]  
Notary Public for South Carolina

My Commission Expires: My Commission Expires April 6, 2016



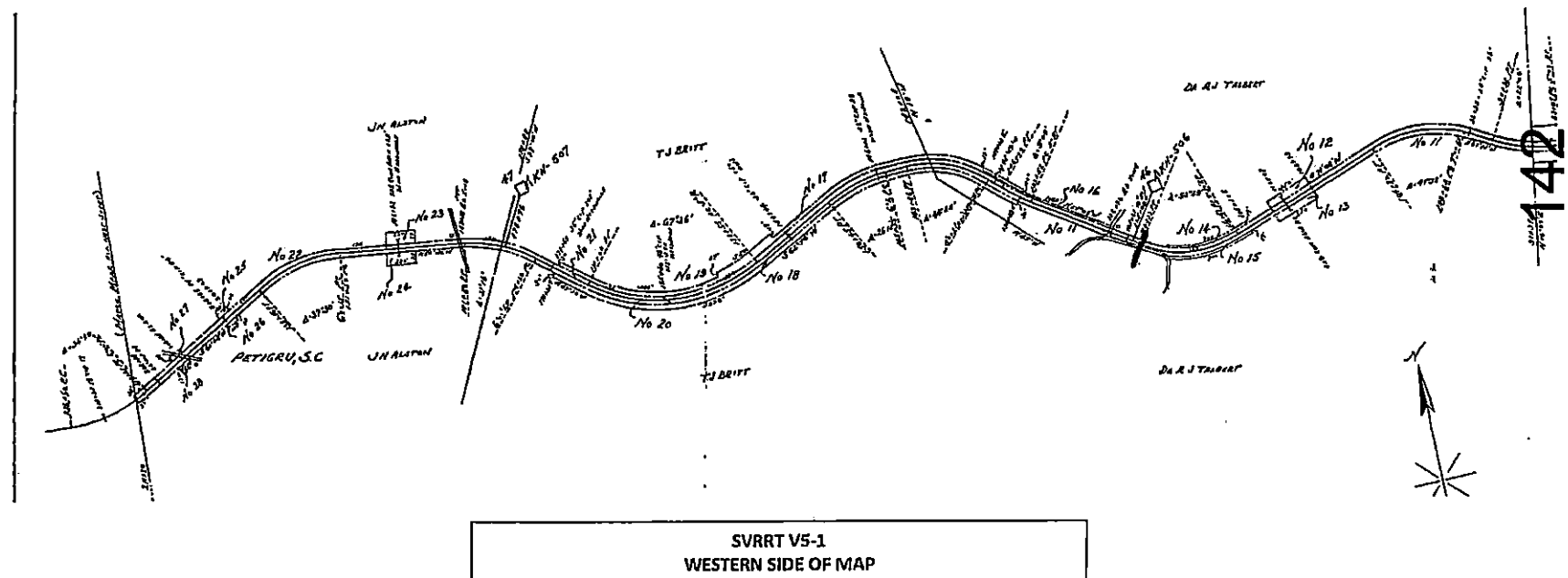
39-B-28

CSX RAILROAD MAP VS/S-1  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

| No. | GRANTOR      | SCHEDULE OF PROPERTY |                 |              |              | COST NO      | REMARKS       |
|-----|--------------|----------------------|-----------------|--------------|--------------|--------------|---------------|
|     |              | GRANTEE              | INSTRUMENT      | DATE         | RECORD       |              |               |
| 1   |              |                      | BY PRESCRIPTION |              |              |              |               |
| 2   | J H BART     | SVRR Co              | DEED            | MAY 4, 1885  | DB 72, P 326 | MAY 31, 1889 | 45 ASBENVILLE |
| 3   | Z HARRIS     | "                    | "               | JUNE 2, "    | " " " 326    | " 31, "      | 20            |
| 4   | F NEW        | "                    | "               | APR 23, "    | " " " 310    | " " "        | 32            |
| 5   | J NEW        | C&W RYC              | "               | " 4, 1903    | " 25, " 228  | JUNE 1, 1903 | 121           |
| 6   | F NEW        | "                    | "               | MAY 31, 1903 | " " " 227    | MAY 1, 1903  | 120           |
| 8   | J NEW        | SVRR Co              | "               | APR 23, 1885 | " 12, " 316  | " 31, 1889   | 31            |
| 9   | J BART ET AL | C&W RYC              | "               | MAY 4, 1903  | " 25, " 225  | JUNE 1, 1903 | 117           |
| 10  | N G BROWN    | "                    | "               | " 4, "       | " 25, " 226  | " 1, "       | 122           |
| 11  | G A TALBERT  | SVRR Co              | "               | JUNE 1, 1885 | " 12 " 308   | MAY 31, 1889 | 41            |
| 12  | R J TALBERT  | C&W RYC              | "               | MAY 4, 1903  | " 25, " 225  | FEB 29, 1904 | 118           |
| 16  | R J TALBERT  | "                    | "               | FEB 1904     | " " " 523    | " " "        | 124           |
| 12  | T J BART     | "                    | "               | MAY 16, 1906 | " 26 " 600   | JUNE 29 1906 | 131           |
| 13  | N G BROWN    | SVRR Co              | "               | " 5, 1885    | " 12, " 320  | MAY 31, 1889 | 2             |
| 20  | J H JONES    | "                    | "               | APR 25, "    | " 12 " 314   | " " "        | 22            |
| 21  | N G BROWN    | "                    | "               | " 5, "       | " 12 " 320   | " " "        | 2             |
| 22  | L G AUSTON   | "                    | "               | " 25, "      | " 12 " 298   | " " "        | 1             |
| 23  | J A AUSTON   | C&W RYC              | "               | MAY 8, 1903  | " 26 " 230   | JUNE 1, 1903 | 119           |
| 25  | 26, 27, 28   | "                    | "               | 1909         | " 30 " 15    | NOV 10, 1909 | 142           |

List of Properties  
V5-1 MAP







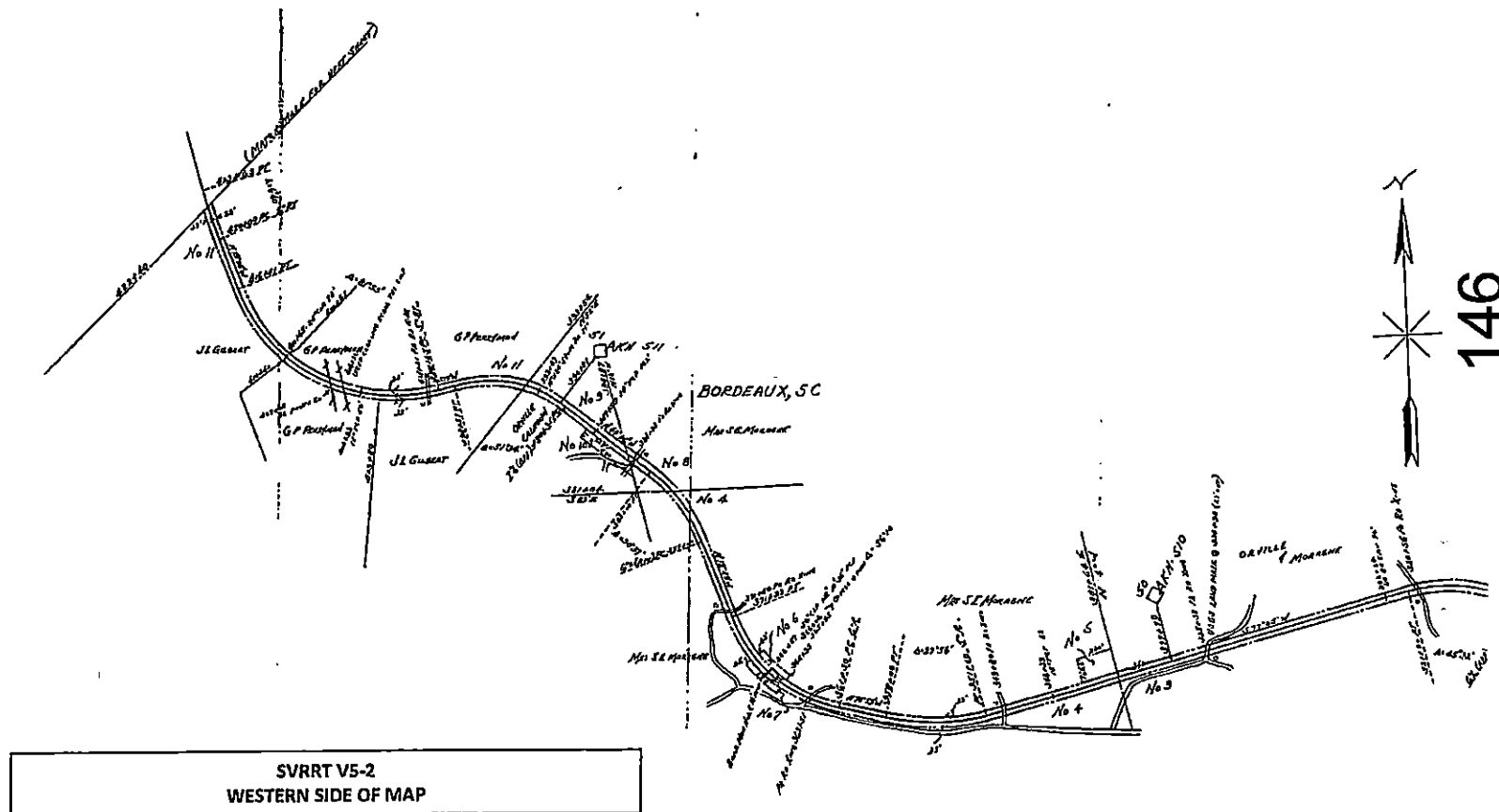
| SCHEDULE OF PROPERTY |                          |                          |                   |               |                            |                |                      |
|----------------------|--------------------------|--------------------------|-------------------|---------------|----------------------------|----------------|----------------------|
| <u>No</u>            | <u>GRANTOR</u>           | <u>GRANTEE</u>           | <u>INSTRUMENT</u> | <u>DATE</u>   | <u>RECORD</u>              | <u>CUST No</u> | <u>REMARKS</u>       |
| 1                    | L G ALLSTON              | SV R R Co                | DEED              | APR 25, 1885  | DB 12, P 298, MAY 31, 1889 | 1              | ABBEVILLE            |
| 2                    | C L PETTIGREW            | "                        | "                 | " 23, "       | " 12 " 296 " 31, 1914      | 34             | "                    |
| 3                    | J A GILBERT              | "                        | "                 | JUNE 3, 1881  | " 12 " 212, " 14, 1899     | 17             | "                    |
| 4                    | ALLEN MORAGNE            | "                        | "                 | " 27, "       | " 12 " 220, " " "          | 23             | "                    |
| 5                    | "                        | "                        | "                 | " " 1886      | " 11 " 207, " " 1889       | 60             | "                    |
| 6                    | MRS S E MORAGNE          | C & W C Rwy Co           | "                 | " " 1909      | " 29 " 469, Dec 3, 1909    | 140            | "                    |
| 7                    | "                        | "                        | "                 | " " "         | " " " " " 3, 1909          | 180            | "                    |
| 8                    | P GILLEBEAU              | SV R R Co                | "                 | JUNE 3, 1881  | " 12 " 210, MAY 14, 1889   | 18             | "                    |
| 9                    | J A GILBERT              | "                        | "                 | " " "         | " " " 212 " " "            | 17             | "                    |
| 10                   | DEVILLE & CALHOUN        | C & W C Rwy Co           | "                 | JULY 3, 1895  | " " " " " " "              |                | Depot Lot            |
| 11                   | P GILLEBEAU              | SV R R Co                | "                 | JUNE 3, 1881  | DB 12 P 210, MAY 14, 1889  | 18             |                      |
| 12 & 13              | DEVILLE & CALHOUN        | C & W C Rwy Co           | "                 | JAN - 1910    | " 30 " 210 AUG 15, 1910    |                | 2 STRIPS 20'x600'    |
| 1A, 2A, 3A, 12A, 13A | C & W C Rwy              | UNITED STATES OF AMERICA | "                 | SEPT 14, 1951 | "                          | 23             | MR CORMICK           |
| 1B, 3C, 12B, 13B     | UNITED STATES OF AMERICA | C & W C Rwy              | "                 | SEPT 14, 1951 | "                          | 23             | " PERPETUAL EASEMENT |
| 2B, 3B               | UNITED STATES OF AMERICA | C & W C Rwy              | EASEMENT          | AUG 22, 1953  | " 23 P 36, SEPT 18, 1953   | 43             | "                    |
|                      |                          |                          |                   |               |                            | 23             | "                    |

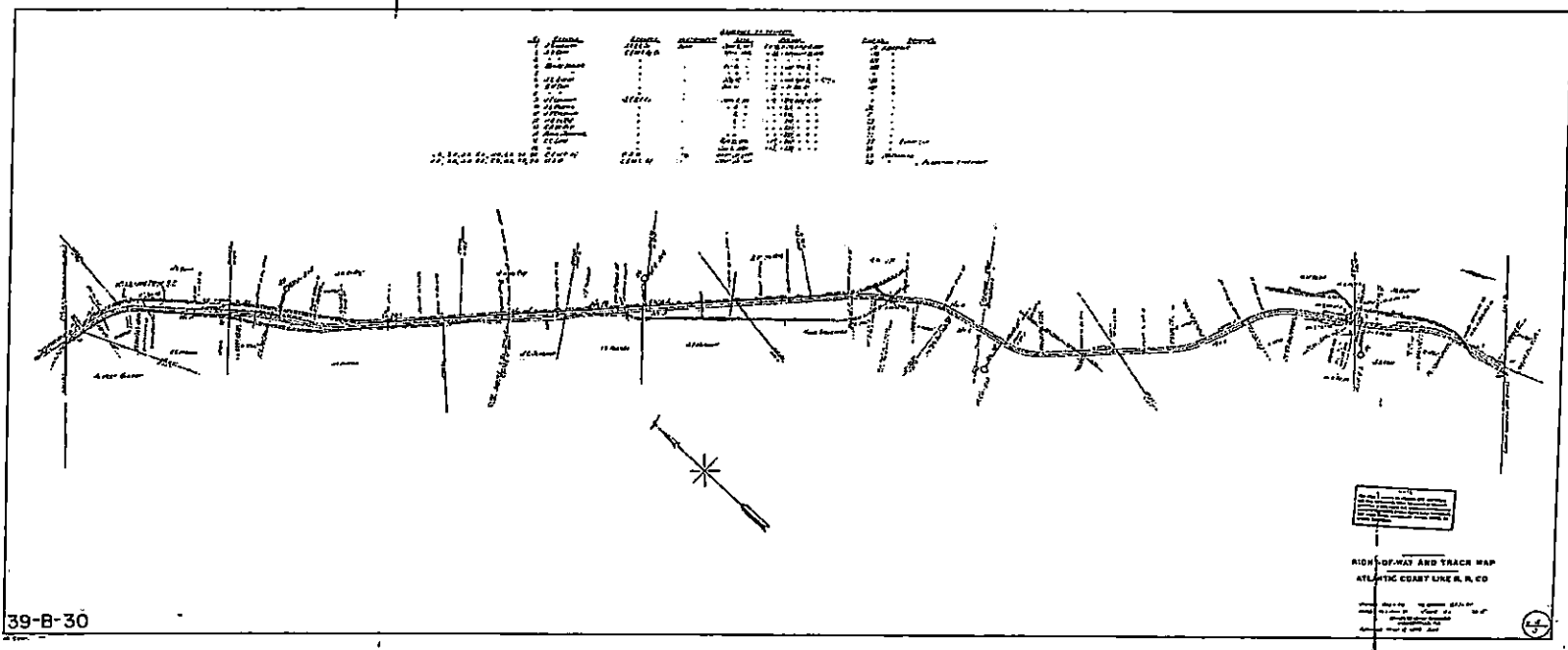
List of Properties  
V5-2 MAP



NOTE  
This map is subject to change and corrections  
may not accurately show all details of the area.

SVRRT V5-2  
EASTERN SIDE OF MAP

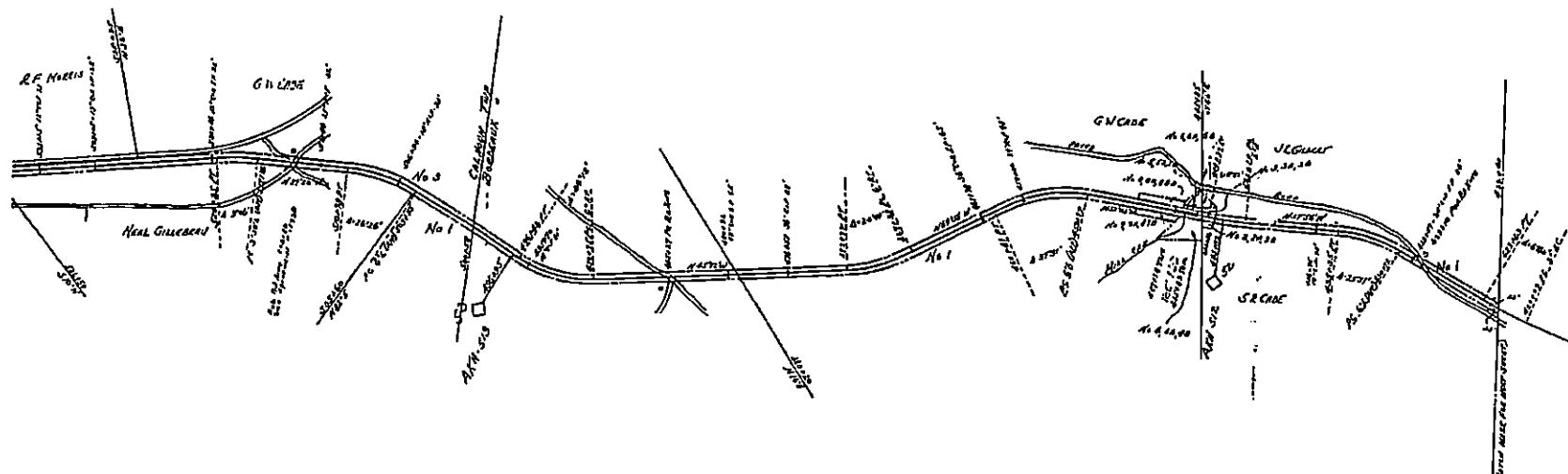


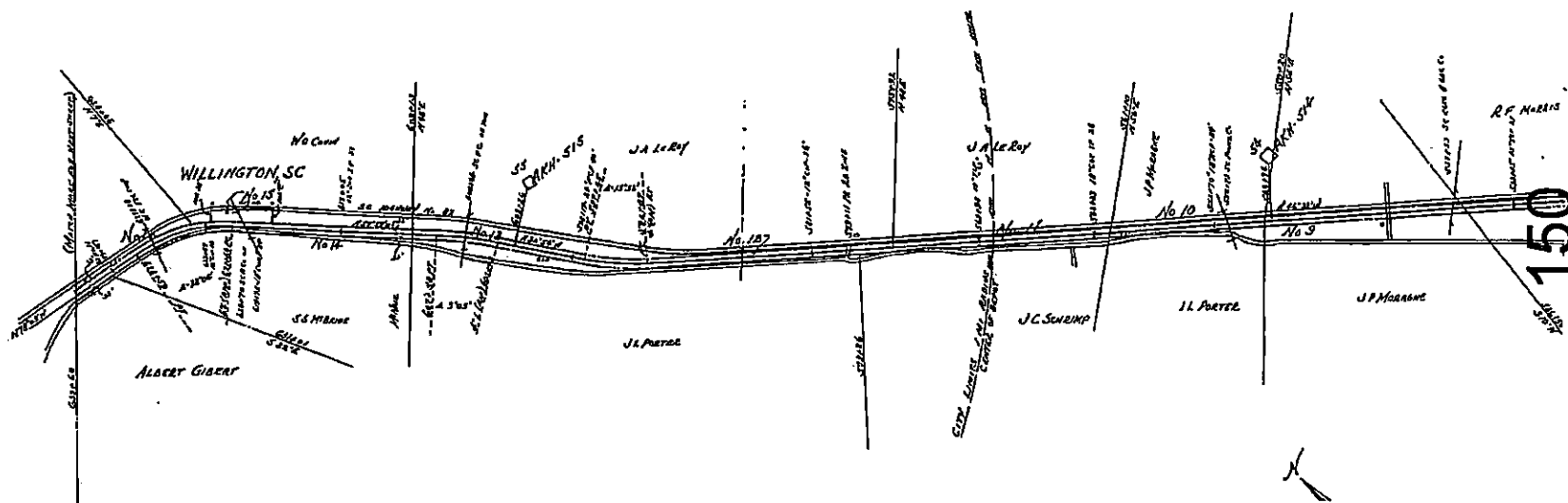


CSX RAILROAD MAP VS/S-3  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

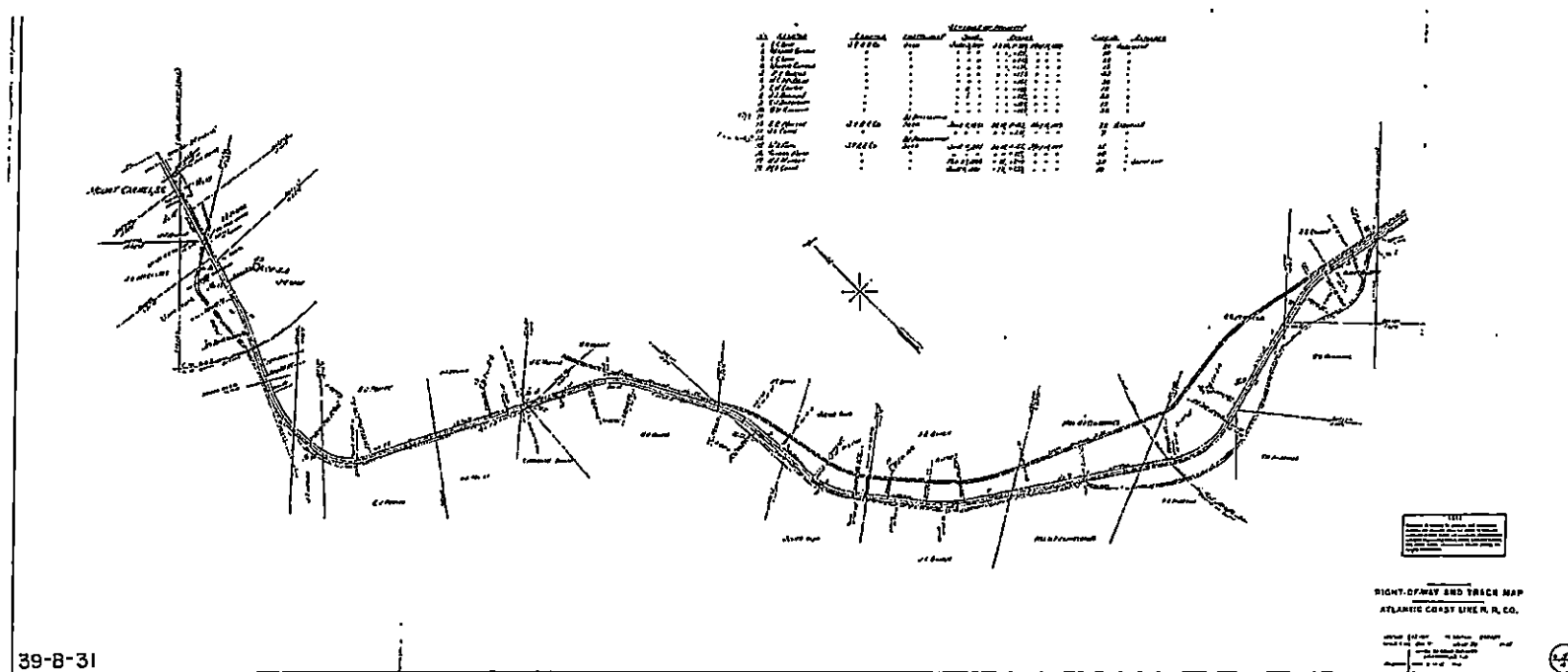
| SCHEDULE OF PROPERTY           |                |                |                   |               |                             |                         |
|--------------------------------|----------------|----------------|-------------------|---------------|-----------------------------|-------------------------|
| <u>No</u>                      | <u>GRANTOR</u> | <u>GRANTEE</u> | <u>INSTRUMENT</u> | <u>DATE</u>   | <u>RECORD</u>               | <u>Dist No</u>          |
| 1                              | P GILBEAU      | SV RR Co       | DEED              | JUNE 3, 1881  | D 8 12, P 213, MAY 14, 1889 | 18 ASSEVILLE            |
| 2                              | S R CADE       | C & W C RY Co  | "                 | MAY 1, 1906   | " 26, " 60, JUNE 29, 1906   | 132 "                   |
| 3                              | "              | "              | "                 | "             | " " " " " "                 | 132 "                   |
| 4                              | HENRY HARPER   | "              | "                 | OCT 16, "     | " " " 683, MAR 2, "         | 137 "                   |
| 5                              | "              | "              | "                 | "             | " " " " " "                 | " "                     |
| 6                              | J L GIBERT     | "              | "                 | MAY 12, "     | " " " 689, MAY 31, " 579    | 129 "                   |
| 7                              | G W CADE       | "              | "                 | NOV 30, "     | " 28, " 71, DEC 23, "       | 139 "                   |
| 8                              | "              | "              | "                 | "             | " " " " " "                 | " "                     |
| 9                              | J F CALHOUN    | SV RR Co       | "                 | JUNE 4, 1881  | " 12 " 203, MAY 14, 1889    | 11 "                    |
| 10                             | J L PORTER     | "              | "                 | " 3, "        | " " " 216, " " "            | 36 "                    |
| 11                             | J F CALHOUN    | "              | "                 | " 4, "        | " " " 203, " " "            | 11 "                    |
| 12                             | H E LE ROY     | "              | "                 | " 3, "        | " " " 214, " " "            | 23 "                    |
| 13                             | E B LE ROY     | "              | "                 | " " "         | " " " 222, " " "            | 24 "                    |
| 14                             | PETER HEMINGER | "              | "                 | " " "         | " " " 227, " " "            | 21 "                    |
| 15                             | L C LINK       | "              | "                 | APR 22, 1886  | " 11, " 205, " " "          | 25 " Depot Lot          |
| 16                             | "              | "              | "                 | JUN 3, 1881   | " 12, " 229, " " "          | 26 "                    |
| 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A | C & W C RY     | U S A          | "                 | SEPT 14, 1951 |                             | 23 McCOMICK             |
| 1B, 2B, 3B, 4B, 5B, 6B, 7B, 8B | U S A          | C & W C RY     | "                 | SEPT 14, 1951 |                             | 23 " PERPETUAL EASEMENT |

List of Properties  
V5-3 MAP





SVRRT V5-3  
WESTERN SIDE OF MAP

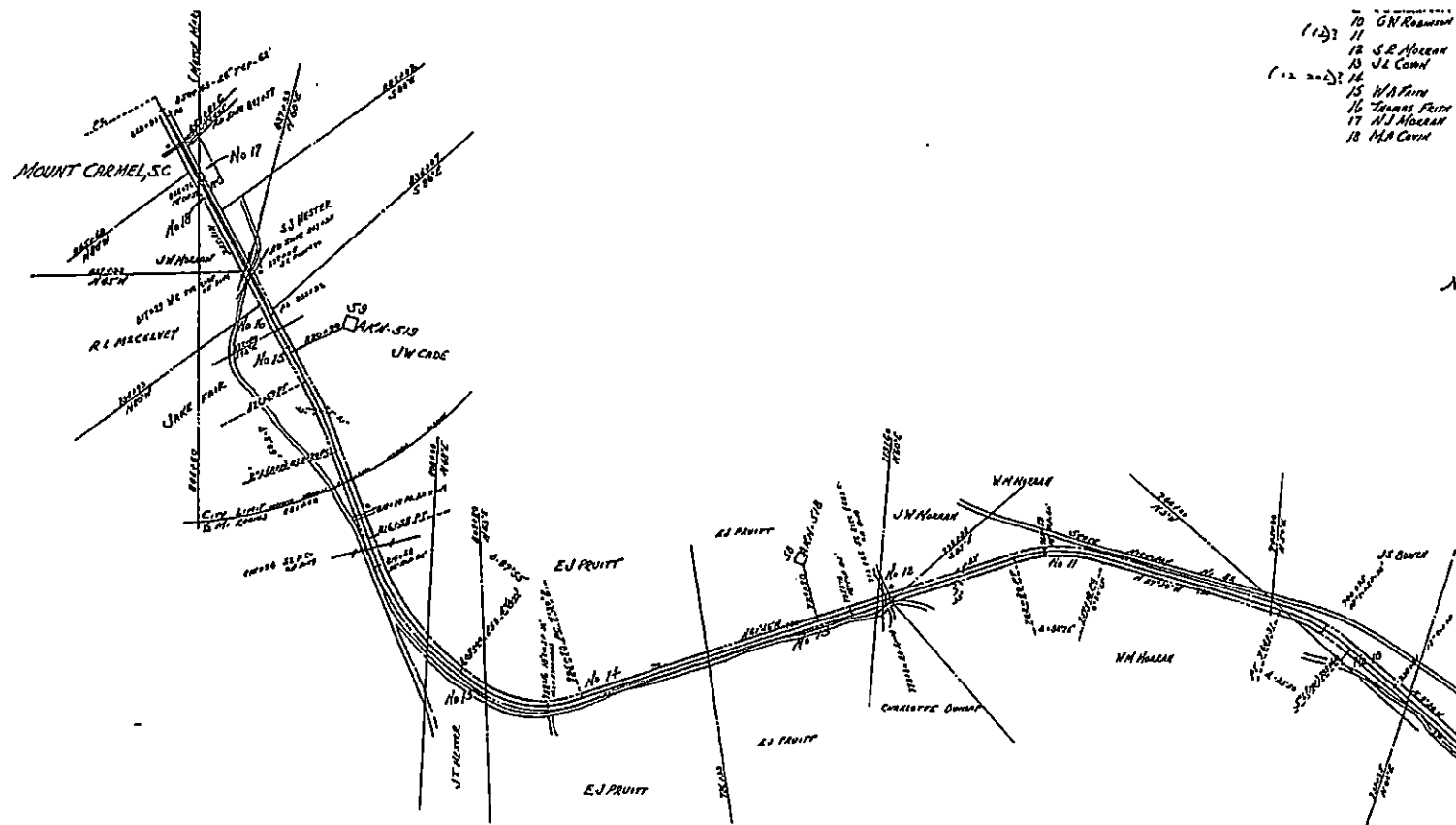


CSX RAILROAD MAP VS/S-4  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

|            |                 | <u>SCHEDULE OF PROPERTY</u> |                   |              |                            |                  |                |
|------------|-----------------|-----------------------------|-------------------|--------------|----------------------------|------------------|----------------|
| <u>NO.</u> | <u>GRANTOR</u>  | <u>GRANTEE</u>              | <u>INSTRUMENT</u> | <u>DATE</u>  | <u>RECORD</u>              | <u>CUST. NO.</u> | <u>REMARKS</u> |
| 1          | LCLINK          | SVRR Co                     | DEED              | JUNE 3, 1881 | DB 12, P-229, MAY 14, 1889 | 26               | ABBEVILLE      |
| 2          | WILLIAM GUTHRIE | "                           | "                 | " " "        | " " " 171, " " "           | 19               | "              |
| 3          | LCLINK          | "                           | "                 | " " "        | " " " 223, " " "           | 26               | "              |
| 4          | WILLIAM GUTHRIE | "                           | "                 | " " "        | " " " 171, " " "           | 19               | "              |
| 5          | R. L. OWENS     | "                           | "                 | " " "        | " " " 173, " " "           | 33               | "              |
| 6          | WS McBRIDE      | "                           | "                 | " " "        | " " " 161, " " "           | 30               | "              |
| 7          | CW COWAN        | "                           | "                 | " 4, "       | " " " 153, " " "           | 12               | "              |
| 8          | JS ROBINSON     | "                           | "                 | " " "        | " " " 157, " " "           | 39               | "              |
| 9          | CJ DARRICOTT    | "                           | "                 | " " "        | " " " 155, " " "           | 13               | "              |
| 10         | GN ROBINSON     | "                           | "                 | " " "        | " " " 167, " " "           | 38               | "              |
| (12)?      | 11              |                             | By Prescription   |              |                            |                  |                |
|            | 12 S P MORRAN   | SVRR Co                     | DEED              | JUNE 4, 1881 | DB 12, P-169, MAY 14, 1889 | 28               | ABBEVILLE      |
| (12 204)?  | 13 J L COVIN    | "                           | "                 | " " "        | " " " 241, " " "           | 7                | "              |
|            | 14              |                             | By Prescription   |              |                            |                  |                |
|            | 15 W A FRITH    | SVRR Co                     | DEED              | JUNE 4, 1881 | DB 12, P-165, MAY 14, 1889 | 15               | "              |
|            | 16 THOMAS FRITH | "                           | "                 | " " "        | " " " 151, " " "           | 14               | "              |
|            | 17 NJ MORRAN    | "                           | "                 | FEB 27, 1886 | " 11, " 204, " " "         | 59               | " DEPOT LOT    |
|            | 18 MA COVIN     | "                           | "                 | JUNE 4, 1881 | " 12, " 223, " " "         | 10               | "              |

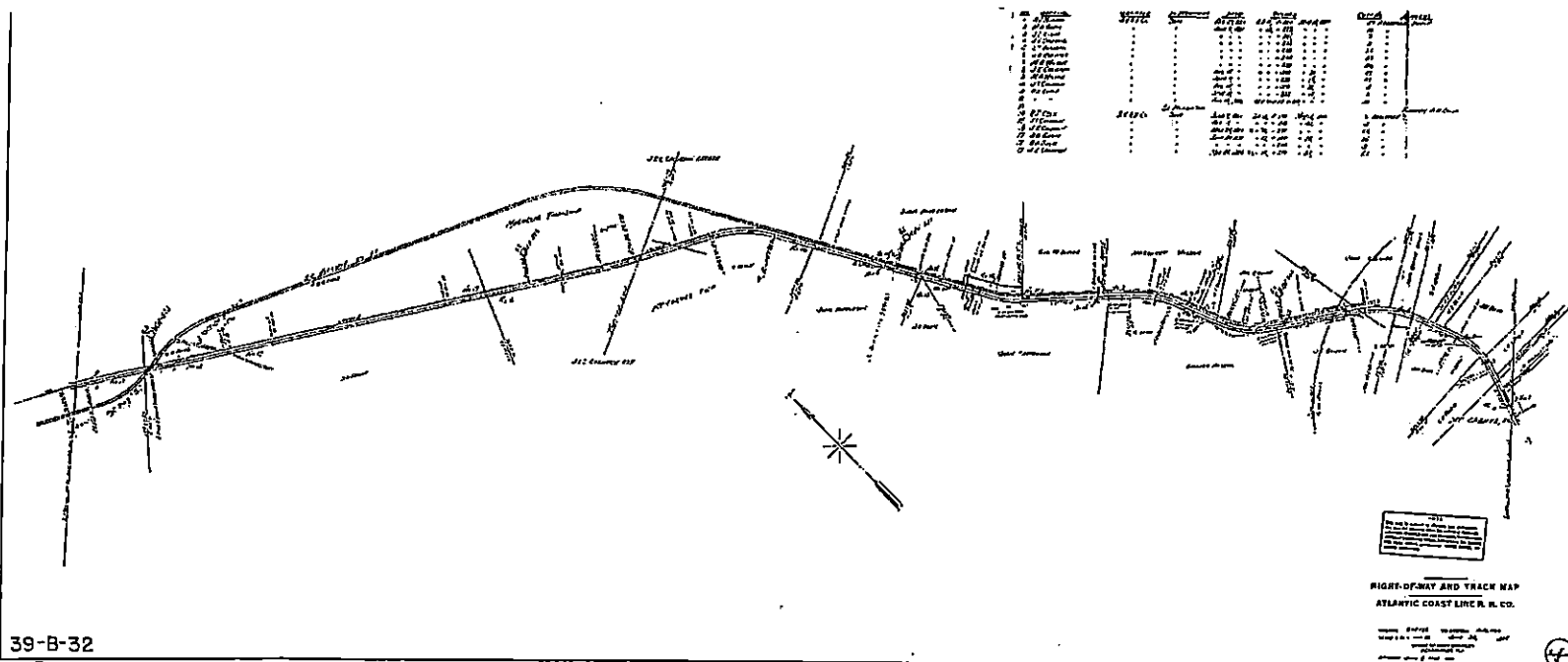
List of Properties  
VS-4 MAP





SVRRT V5-4  
WESTERN SIDE OF MAP

- (12)?
- 10 G.N. ROBERTSON
  - 11 S.E. MOORE
  - 12 J.A. CAMP
  - 13 W.A. PRIN
  - 14 THOMAS FRIST
  - 15 H.J. MOORE
  - 16 H.M. COVIL



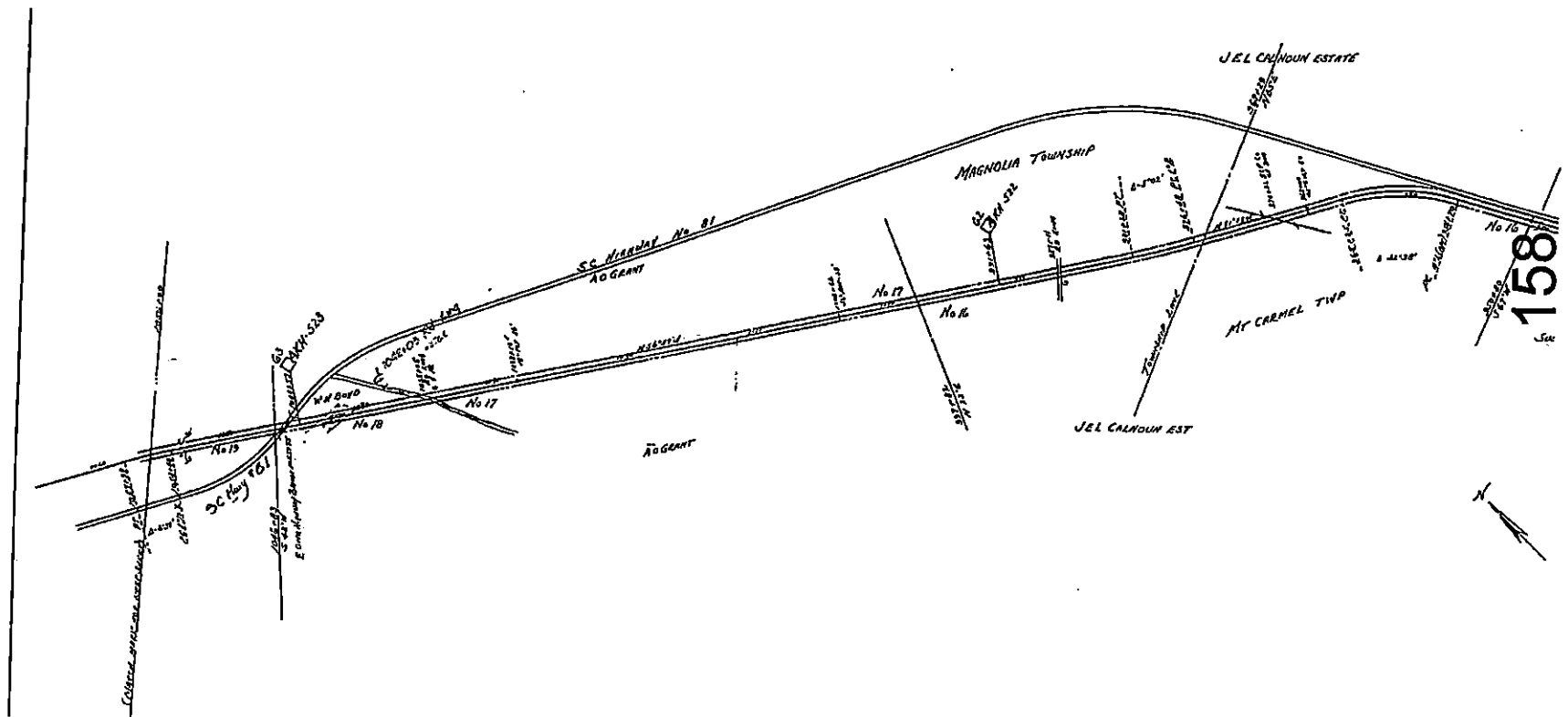
CSX RAILROAD MAP VS/S-5  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

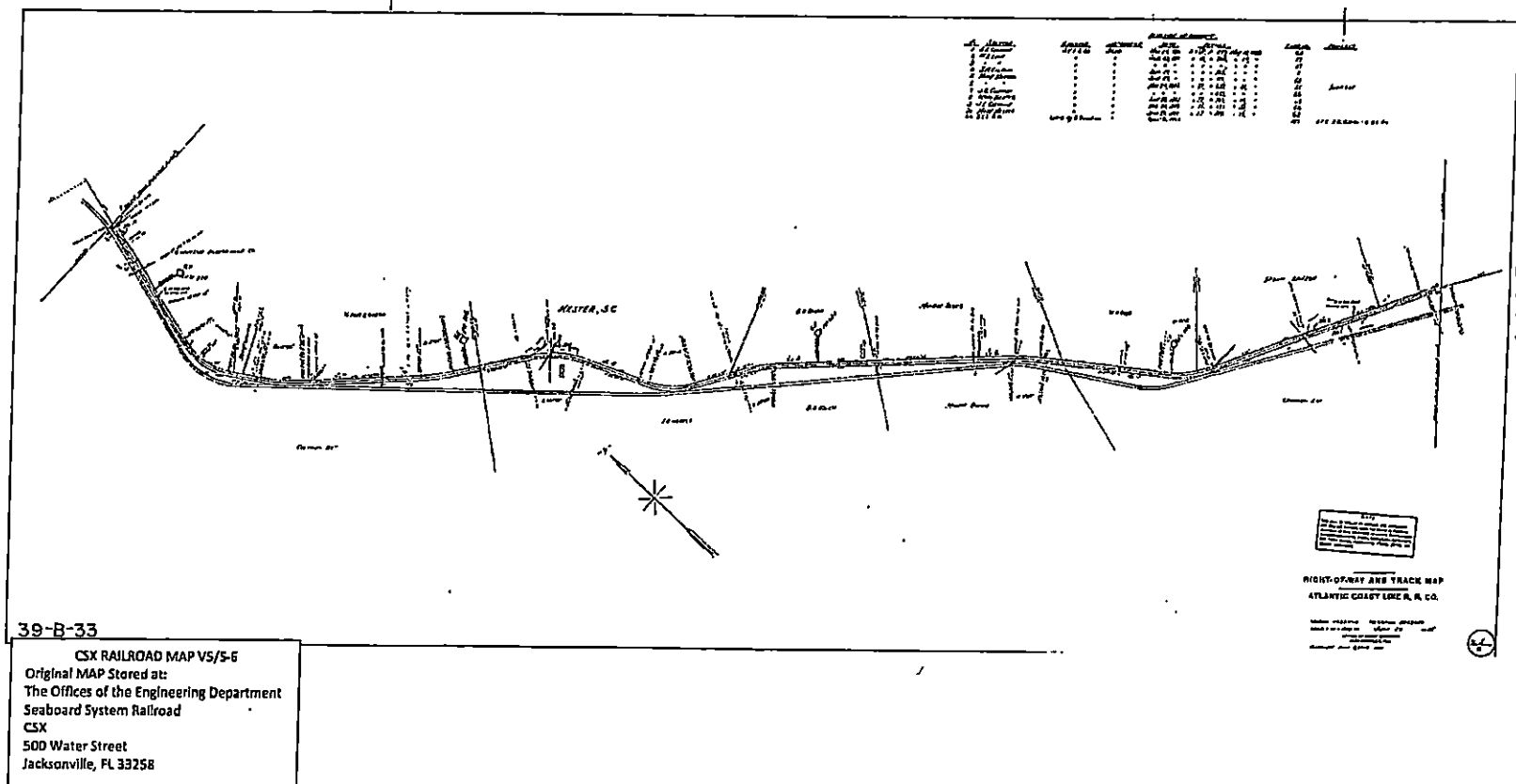
| <u>NO</u> | <u>GRANTOR</u> | <u>GRANTEE</u> | <u>INSTRUMENT</u>       | <u>DATE</u>   | <u>RECORD</u>         | <u>CUST No</u> | <u>REMARKS</u>    |
|-----------|----------------|----------------|-------------------------|---------------|-----------------------|----------------|-------------------|
| 1         | NJ MORRAN      | SVRR Co        | DEED                    | FEB 27, 1886  | DB 11, P-204          | MAY 14, 1889   | 59 ABBEVILLE DEPT |
| 2         | MA COVIN       | "              | "                       | JUNE 4, 1881  | " 12, " 223           | " " "          | 10 "              |
| 3         | J L COVIN      | "              | "                       | " " "         | " " " 241             | " " "          | 7 "               |
| 4         | J E CALDWELL   | "              | "                       | " " "         | " " " 225             | " " "          | 9 "               |
| 5         | LT PASCHAL     | "              | "                       | " " "         | " " " 243             | " " "          | 35 "              |
| 6         | J O ROBINSON   | "              | "                       | " " "         | " " " 245             | " " "          | 37 "              |
| 7         | MA WILSON      | "              | "                       | " " "         | " " " 239             | " " "          | 42 "              |
| 8         | J E CALHOUN    | "              | "                       | AUG 16, "     | " " " 302             | " 31, "        | 47 "              |
| 9         | MA WILSON      | "              | "                       | JUNE 4, "     | " " " 239             | " 14, "        | 42 "              |
| 10        | J I CALHOUN    | "              | "                       | AUG 15, "     | " " " 312             | " 31, "        | 5 "               |
| 11        | PA COVIN       | "              | "                       | JUNE 18, "    | " " " 235             | " 14, "        | 8 "               |
| 12        | " "            | "              | "                       | AUG 16, 1886  | EX OF SALES #11 P-206 | " " "          | 48 "              |
| 13        |                |                |                         |               |                       |                |                   |
| 14        | R F COLE       | SVRR Co        | By Prescription<br>DEED | JUNE 7, 1881  | DB 12, P 138          | MAY 16, 1889   | 6 ABBEVILLE       |
| 15        | J I CALHOUN    | "              | "                       | AUG 15, "     | " " " 312             | " 31, "        | 5 "               |
| 16        | J E CALHOUN    | "              | "                       | MAR 24, 1886  | 12 " X, " 277         | " " "          | 66 "              |
| 17        | A O GRANT      | "              | "                       | JUNE 29, 1881 | " 12, " 194           | " 14, "        | 16 "              |
| 18        | BA BOYD        | "              | "                       | " " "         | " " " 200             | " " "          | 3 "               |
| 19        | J E CALHOUN    | "              | "                       | MAR 24, 1886  | 12 " X, " 277         | " 31, "        | 66 "              |

List of Properties  
V5-5 MAP



SVRRT V5-5  
EASTERN SIDE OF MAP



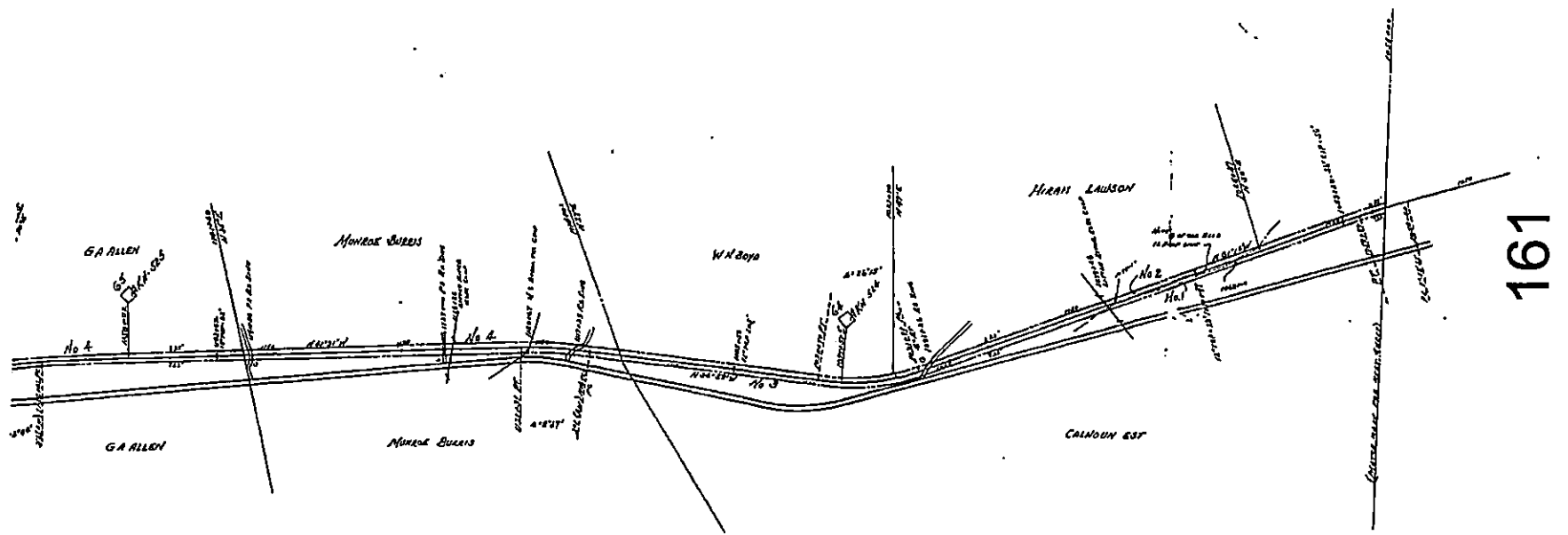


159

|           |                | <u>SCHEDULE OF PROPERTY</u> |                   |                |                      |                |                   |
|-----------|----------------|-----------------------------|-------------------|----------------|----------------------|----------------|-------------------|
| <u>No</u> | <u>GRANTOR</u> | <u>GRANTEE</u>              | <u>INSTRUMENT</u> | <u>DATE</u>    | <u>RECORD</u>        | <u>CUST NO</u> | <u>REMARKS</u>    |
| 1         | J E CALHOUN    | SVRR Co                     | DEED              | MAR 24, 1886   | D B 27, P-277        | MAY 31, 1889   | 66                |
| 2         | M E LYON       | "                           | "                 | JUNE 29, 1881  | " 12, " 204, " 14, " | "              | 27                |
| 3         | "              | "                           | "                 | "              | " " " " " " " "      | "              | 27                |
| 4         | S M CALHOUN    | "                           | "                 | SEPT 24, "     | " " " 163, " " "     | "              | 4                 |
| 5         | MARY HESTER    | "                           | "                 | JUNE 29, "     | " " " 188, " " "     | "              | 68                |
| 6         | "              | "                           | "                 | MAR 24, 1886   | " 11, " 258, " 31, " | "              | 55                |
| 7         | J E CALHOUN    | "                           | "                 | " " "          | " " " 277, " " "     | "              | 66                |
| 8         | MARY HESTER    | "                           | "                 | JUNE 29, 1881  | " 12, " 188, " 14, " | "              | 68                |
| 9         | J E CALHOUN    | "                           | "                 | MAR 24, 1886   | " 11, " 277, " 31, " | "              | 66                |
| 10        | MARY HESTER    | "                           | "                 | JUNE 29, 1881  | " 12, " 188, " 14, " | "              | 68                |
| 6A        | R C L R R      | STATE of S Carolina         | "                 | April 13, 1964 |                      |                | 151               |
|           |                |                             |                   |                |                      |                | AFE 29, BBA-005A= |

DEPOT LOT

List of Properties  
V5-6 MAP



SVRRT V5-6  
EASTERN SIDE OF MAP



FILED  
STATE OF SOUTH CAROLINA

BOOK 244  
PAGE 57  
DATED 6-28-12  
REC: 6-28-12

STATE OF SOUTH CAROLINA )  
COUNTY OF MCCORMICK ) QUITCLAIM  
DEED OF REAL PROPERTY

THIS QUITCLAIM DEED, executed as of the 28th day of June, 2012 by the Ninety-Six District Resource Conservation and Development Council, Incorporated, a South Carolina non-profit (hereinafter referred to as "Grantor"), whose address is 115 Enterprise Court, A-3, Greenwood, SC 29648, to the Savannah Valley Trails, Incorporated, a South Carolina non-profit (hereinafter referred to as "Grantee"), whose mailing address is 11 Overlook Point, McCormick, SC 29835

**WITNESSETH:**

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) the receipt and sufficiency of which is acknowledged by Grantor, Grantor has quit claimed, granted, bargained, sold and released, and by this Deed quitclaims, grants, bargains, sells and releases, to Grantee, its successors and assigns, all of its right, title and interest in and to the following real property:

All of that vacated railroad right of way, varying in width, along with numerous side parcels of land of various dimensions, beginning on Railroad Valuation Map V5/1, at milepost 506, located 3 miles northwest of McCormick, South Carolina and extending in a general northwesterly direction for 17 miles, more or less, passing through communities known as Bordeaux, Willington, and Mt. Carmel until it reaches the Abbeville County line, being shown on Railroad Valuation Maps V5/1, 2, 3, 4, 5, and 6, attached hereto as Exhibit A. Some of the property herein has McCormick county tax map numbers ~~000-00-00~~ ~~000-00-00~~, and ~~000-00-00~~.

BOOK 244 OF AUDITOR'S OFFICE MCCORMICK CTY.  
PAGE 57 Recorded 7-2-2012  
STATE TAX PAID 11 In Book 11 Page 277  
COUNTY TAX PAID 05 Marlene Halile  
Auditor / Deputy

Page

**This deed grant includes the following side parcels owned by Grantor in fee simple, but only to the extent such parcels are actually located within the bounds of McCormick County:**

**Ream-Patterson Siding site, measuring 135' x 800', and containing about 2.48 acre. (Abbeville County Deed Book 11, page 206)**

**Mount Carmel Depot property (with building), containing about 1 acre. (Abbeville County Deed Book 11, page 204)**

**Willington Depot site, containing about 1 acre. (Abbeville County Deed Book 11, page 205)**

**Site associated with trestle, near mile post 50 (AKA-510), composed of two 42' x 258' strips for a total of 0.5 acre. (Abbeville County Deed Book 29, page 460)**

**Borrow pit site near mile post 49 (AKA-509), composed of two 20' x 600' strips for a total 0.56 acre. (Abbeville County Deed Book 30, page 210)**

**Bordeaux Depot site, measuring 125' x 490' x 77' x 390', shown by plat to contain 0.77 acre. (Abbeville County Deed Book 35, page 122)**

**Section Houses/Water Tower site, measuring 260' x 169.61' calculated to contain 1.01 acres. (Abbeville County Deed Book 11, page 207)**

**Site near Petigru Station east of mile post 46 (AKA-506), composed of two 17' x 700' strips for a total of 0.54 acre. (Abbeville County Deed Book 25, page 523)**

**Site near Petigru Station, west of mile post 46 (AKA-506), composed of of a 17' x 1085' strips for a total of 0.42 acre. (Abbeville County Deed Book 25, page 523)**

**Site near mile post 46 (AKA-506), east and near Petigru siding, composed of two tracts (3.21 acres and 2.75 acres) for a total of 5.96 acres. (Abbeville County Deed Book 26, page 600)**

**TOGETHER with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto;**

**TO HAVE AND TO HOLD all and singular said property unto Grantee, its successors and assigns forever.**

**LESS property under Clark's Hill Lake now know as Lake Thurmond; see deed recorded in McCormick County in Deed Book 21 at Page 193.**

**Subject to matters that would be shown on a current survey of the property and all easements and restrictions of record, including but not limited to that certain Easement given by the Clarks Hill-Russell Authority of the State of South Carolina to the County of McCormick, South Carolina recorded in the Abbeville County Register of Deeds at Book 138, Page 511.**

**This is a portion of the property conveyed by Seaboard System Railroad, Inc. to Clarks Hill-Russell Authority of South Carolina now known as the SC Department of Commerce, Division of Savannah Valley Development by deed dated June 16, 1983 and recorded in McCormick County in Deed Book 65 at Page 18 on October 31, 1983.**

**THIS conveyance is made subject to all covenants, restrictions, easements, rights-of-way, and other matters of record, and such matters as would be shown by a current plat, affecting the within-described property.**

***[signature page follows]***

IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed as of the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of:

Ninety-Six District Resource,  
Conservation, and Development,  
Council, Incorporated

Amber R Parnell  
Witness No. 1  
Name: Amber R Parnell  
Eva Steen  
Witness No. 2  
Name: Eva Steen

By: Brenda Galloway  
Name: Brenda Galloway  
Title: Chairman

STATE OF SOUTH CAROLINA )  
COUNTY OF Greenville )

I, the undersigned notary public, hereby certify that Brenda Galloway, as Chairman of the Ninety-Six District Resource, Conservation and Development Council, Incorporated, personally came before me this day and acknowledged the execution of the foregoing instrument as Grantor's act and deed.

WITNESS my hand and notarial stamp or seal, this 28<sup>th</sup> day of June, 2012.

Janet Hill Br  
NOTARY PUBLIC for State of South Carolina  
My Commission Expires: 03/08/2014  
[AFFIX NOTARIAL SEAL OR STAMP]

**Exhibit A**  
**Railroad Valuation Maps**  
**[follow on subsequent pages]**

STATE OF SOUTH CAROLINA )

COUNTY OF Breunwood )

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by the Ninety-Six District Resource, Conservation, and Development Council, Incorporated to the Savannah Valley Trails, Incorporated on June 28, 2012.
3. Check on of the following: The DEED is

- (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
- (c) X EXEMPT from the deed recording fee because the value of the realty, as defined in Section 12-24-30, is equal to or less than \$100.

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:  
Seller.

- 5 I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

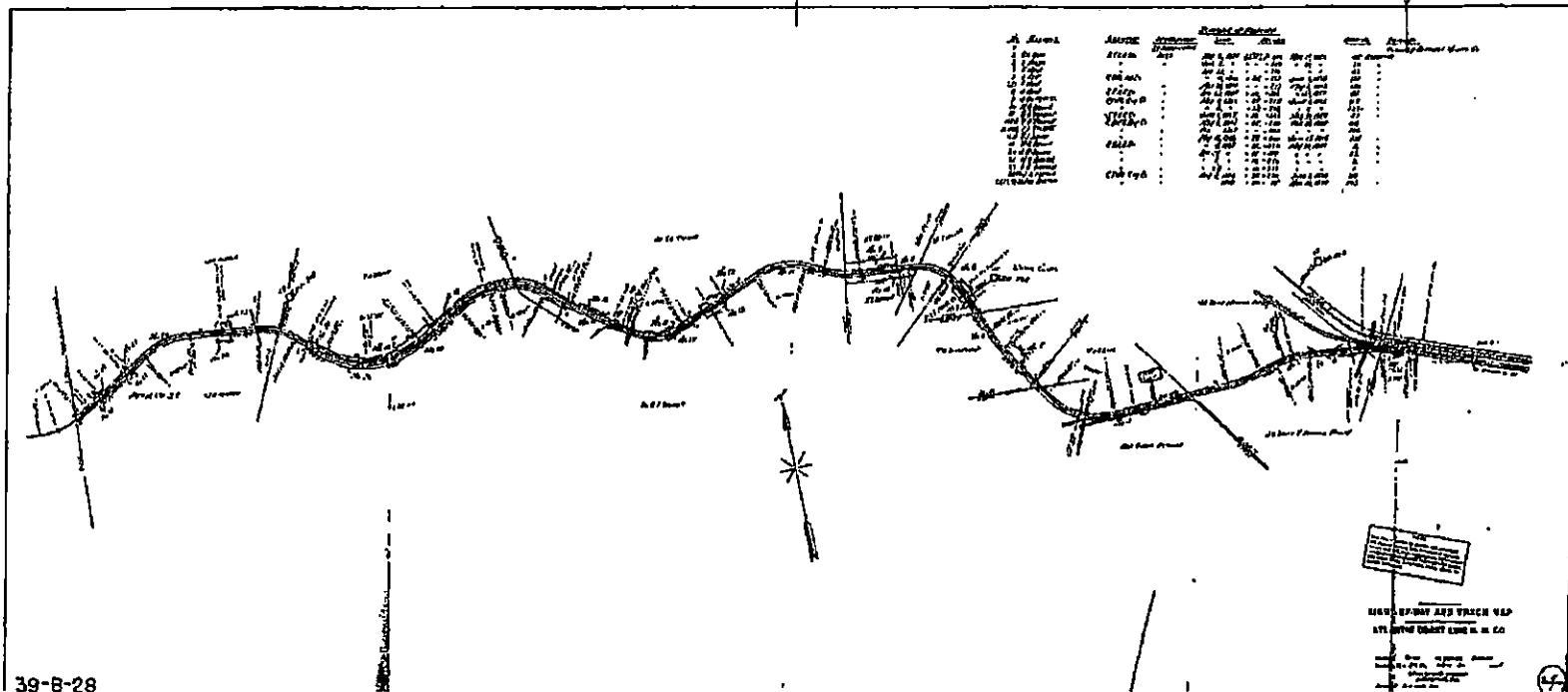
Ninety-Six Resource, Conservation,  
and Development Council, Incorporated

By: Brenda Galloway  
Name: Brenda Galloway  
ITS: Chairman

Sworn to before me this 28th  
day of June, 2012.

Notary Public for South Carolina  
My Commission Expires: 03/08/2014

# EXHIBIT A (24PAGES)



# EXHIBIT A (24PAGES)

| No. | GRANTOR  | GRANTEE    | SCHEDULE OF PROPERTY |              | COST \$     | REMARKS       |
|-----|----------|------------|----------------------|--------------|-------------|---------------|
|     |          |            | INSTRUMENT           | DATE         |             |               |
| 1   | J N BURT | SYRR Co    | BY PRESCRIPTION      | MAY 6, 1885  | 0872 P 316  | MAY 31, 1889  |
| 2   | J N BURT | "          | "                    | JUNE 2, "    | " " " 324   | " 31, "       |
| 3   | J N BURT | "          | "                    | APR 23, "    | " " " 320   | " " " "       |
| 4   | J N BURT | CINC RY Co | "                    | " 0, 1903    | " 25, " 228 | JUNE 1, 1903  |
| 5   | J N BURT | "          | "                    | MAY 31, 1903 | " " " 227   | MAY 1, 1903   |
| 6   | J N BURT | SYRR Co    | "                    | APR 23, 1885 | " 12, " 316 | " 31, 1889    |
| 7   | J N BURT | CINC RY Co | "                    | MAY 6, 1903  | " 25, " 225 | JUNE 1, 1903  |
| 8   | J N BURT | "          | "                    | " 0, "       | " 25, " 226 | " 1, "        |
| 9   | J N BURT | SYRR Co    | "                    | JUNE 1, 1885 | " 12, " 308 | MAY 31, 1889  |
| 10  | J N BURT | CINC RY Co | "                    | MAY 6, 1903  | " 25, " 228 | FEB 29, 1905  |
| 11  | J N BURT | "          | "                    | FEB 1, 1904  | " " " 223   | " " " "       |
| 12  | J N BURT | "          | "                    | MAY 16, 1906 | " 26, " 600 | JUNE 29, 1906 |
| 13  | J N BURT | SYRR Co    | "                    | " 5, 1885    | " 12, " 320 | MAY 31, 1889  |
| 14  | J N BURT | "          | "                    | APR 25, "    | " 12, " 314 | " " " "       |
| 15  | J N BURT | "          | "                    | " 8, "       | " 12, " 320 | " " " "       |
| 16  | J N BURT | "          | "                    | " 25, "      | " 12, " 298 | " " " "       |
| 17  | J N BURT | CINC RY Co | "                    | MAY 6, 1903  | " 25, " 230 | JUNE 1, 1903  |
| 18  | J N BURT | "          | "                    | 1903         | " 30, " 15  | NOV 10, 1909  |

List of Properties  
VS-1 MAP

EXHIBIT A (24PAGES)

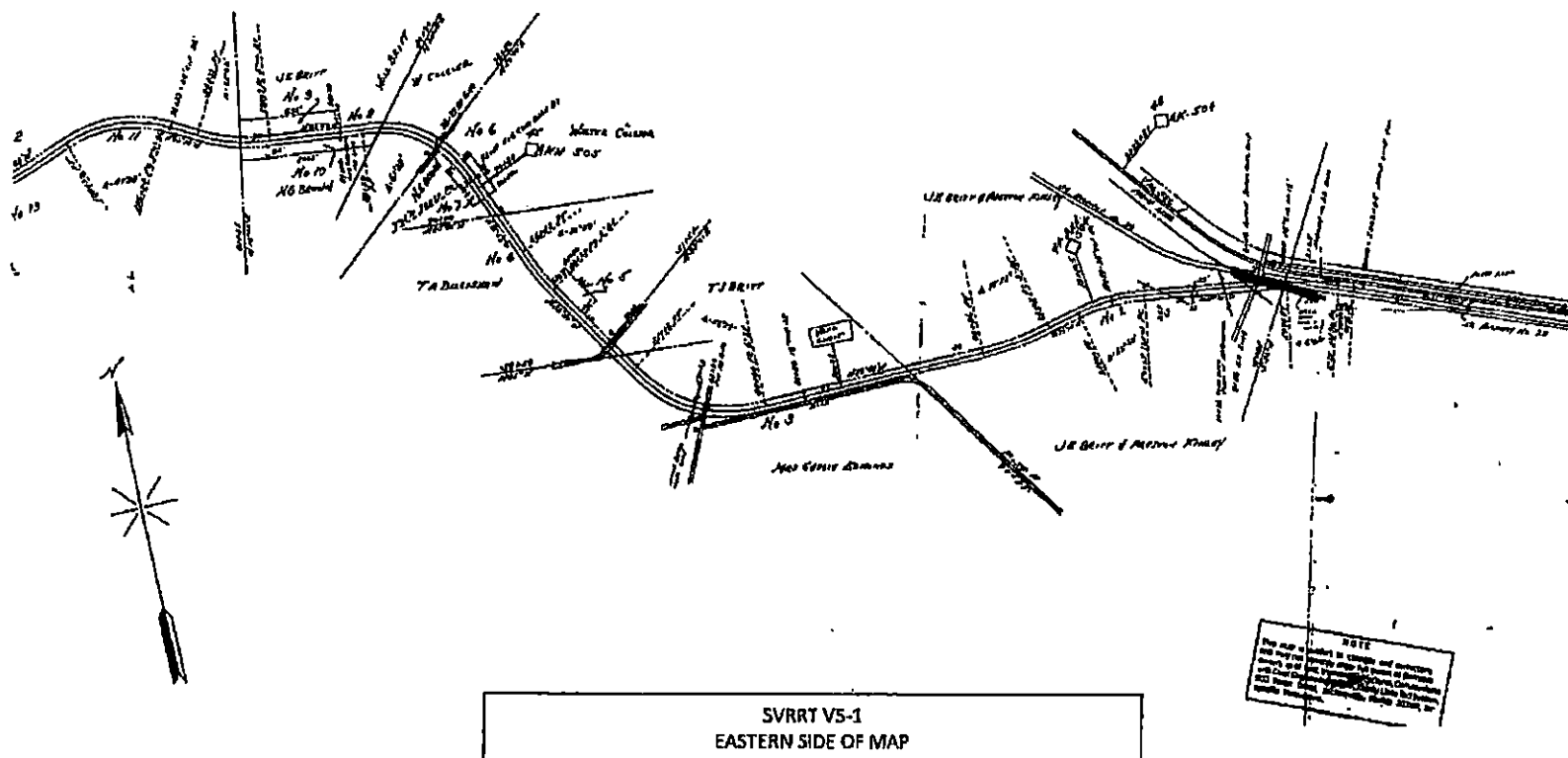


EXHIBIT A (24PAGES)

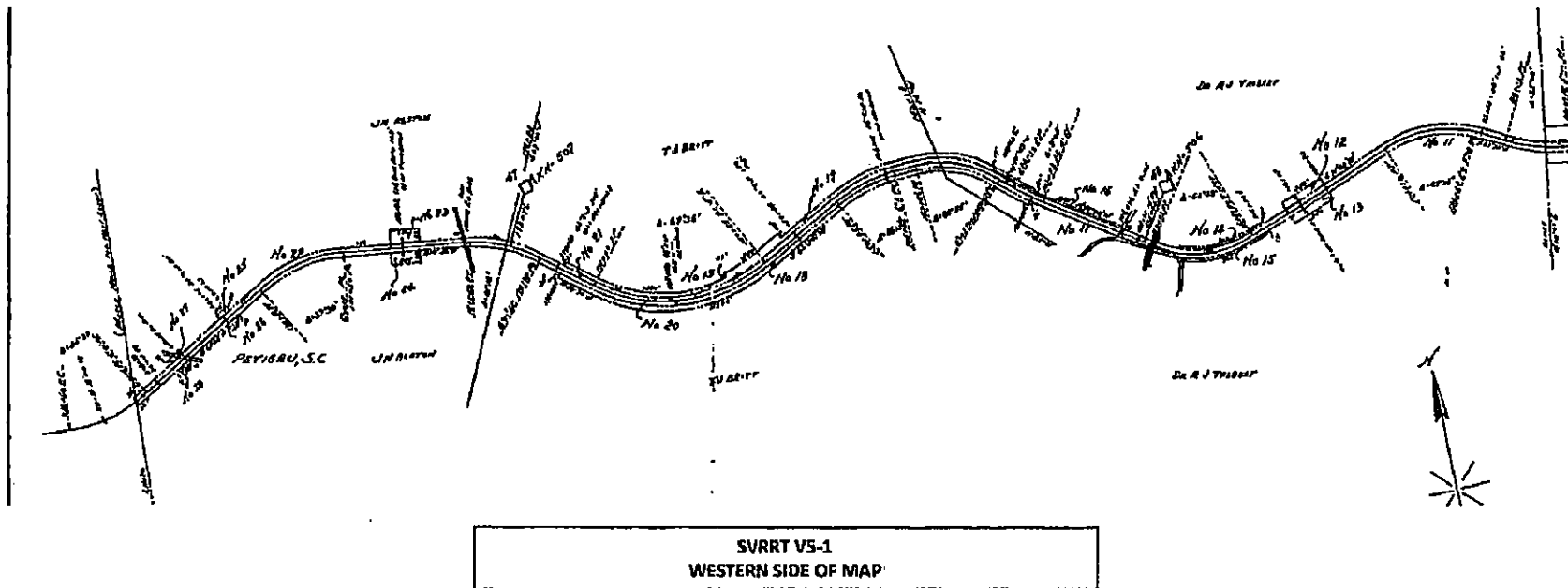
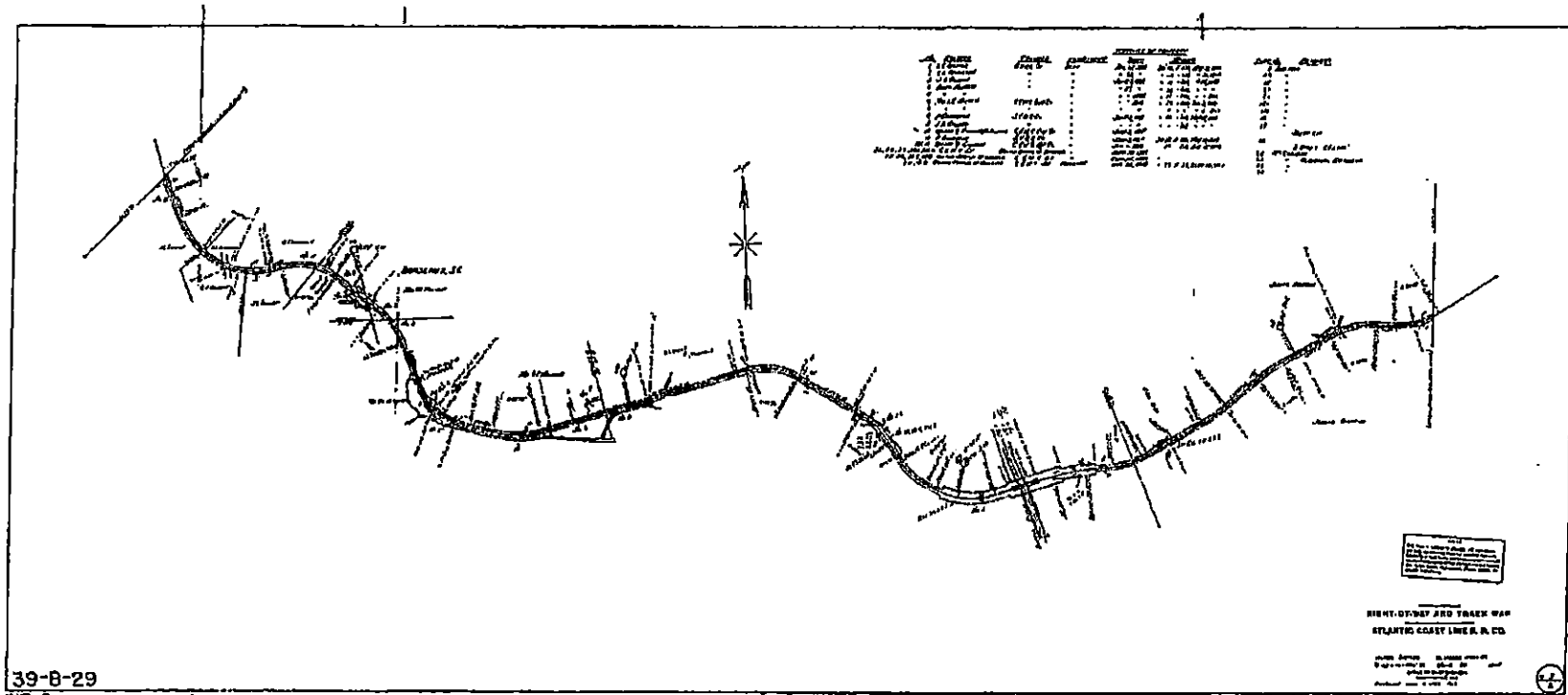


EXHIBIT A (24PAGES)



CSX RAILROAD MAP VS/S-2  
Original MAP Stored at:  
The Office of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

# EXHIBIT A (24PAGES)

| No. GRANTOR          |                               | GRANTOR                  | SCHEDULE OF PROPERTY |               | COST NO. REMARKS            |                         |
|----------------------|-------------------------------|--------------------------|----------------------|---------------|-----------------------------|-------------------------|
| No.                  | GRANTOR                       | GRANTOR                  | INSTRUMENT           | DATE          | RECORD                      | COST NO. REMARKS        |
| 1                    | L.B. ALLSTON                  | SVRR Co                  | DEED                 | APR 25, 1885  | DB 12, P. 298, MAY 31, 1889 | 1 ROBERTVILLE           |
| 2                    | C.L. PATTENBER                | "                        | "                    | " 29, "       | " 12 - 296, " 31, 1894      | 34 "                    |
| 3                    | J.A. GILBERT                  | "                        | "                    | JUNE 3, 1887  | " 12 - 212, " 29, 1899      | 17 "                    |
| 4                    | ALLEN HERNANDEZ               | "                        | "                    | " 29, "       | " 12 - 220, " " "           | 23 "                    |
| 5                    | " "                           | "                        | "                    | " " 1886      | " 11 - 207, " " "           | 60 "                    |
| 6                    | Mrs S.E. NORMAN               | C & W C RY Co            | "                    | " " 1909      | " 29 - 440, Dec 3, 1909     | 140 "                   |
| 7                    | " "                           | "                        | "                    | " " "         | " " " " 3, 1909             | 140 "                   |
| 8                    | P. GILBERT                    | SVRR Co                  | "                    | JUNE 3, 1887  | " 12 - 212, MAY 15, 1889    | 18 "                    |
| 9                    | J.A. GILBERT                  | "                        | "                    | " " "         | " " - 212, " " "            | 17 "                    |
| 10                   | CECIL G. CALHOUN & A. GILBERT | C & W C RY Co            | "                    | JULY 3, 1885  | " " " " " "                 | 17 " Depot Lot          |
| 11                   | P. GILBERT                    | SVRR Co                  | "                    | JUNE 3, 1887  | DB 12 P 210, MAY 14, 1889   | 18                      |
| 12 & 13              | CECIL G. CALHOUN              | C & W C RY Co            | "                    | JAN - 1910    | " 30 - 210, AUG 15, 1910    | 28 2 Strips 20' x 600'  |
| 1A, 2A, 3A, 12A, 13A | C & W C RY                    | UNITED STATES OF AMERICA | "                    | SEPT 14, 1901 | "                           | 23 MR. CORNICK          |
| 1B, 3C, 12B, 13B     | UNITED STATES OF AMERICA      | C & W C RY               | "                    | SEPT 14, 1901 | "                           | 23 " PERPETUAL EASEMENT |
| 2B, 3B               | UNITED STATES OF AMERICA      | C & W C RY               | EASEMENT             | AUG 22, 1952  | " 23 P 36, SEPT 18, 1950    | 23 "                    |

List of Properties  
V5-2 MAP

EXHIBIT A (24PAGES)



NOTE  
This map is subject to change and corrections  
and may not always show the latest data.

SVRRT VS-2  
EASTERN SIDE OF MAP

EXHIBIT A (24PAGES)

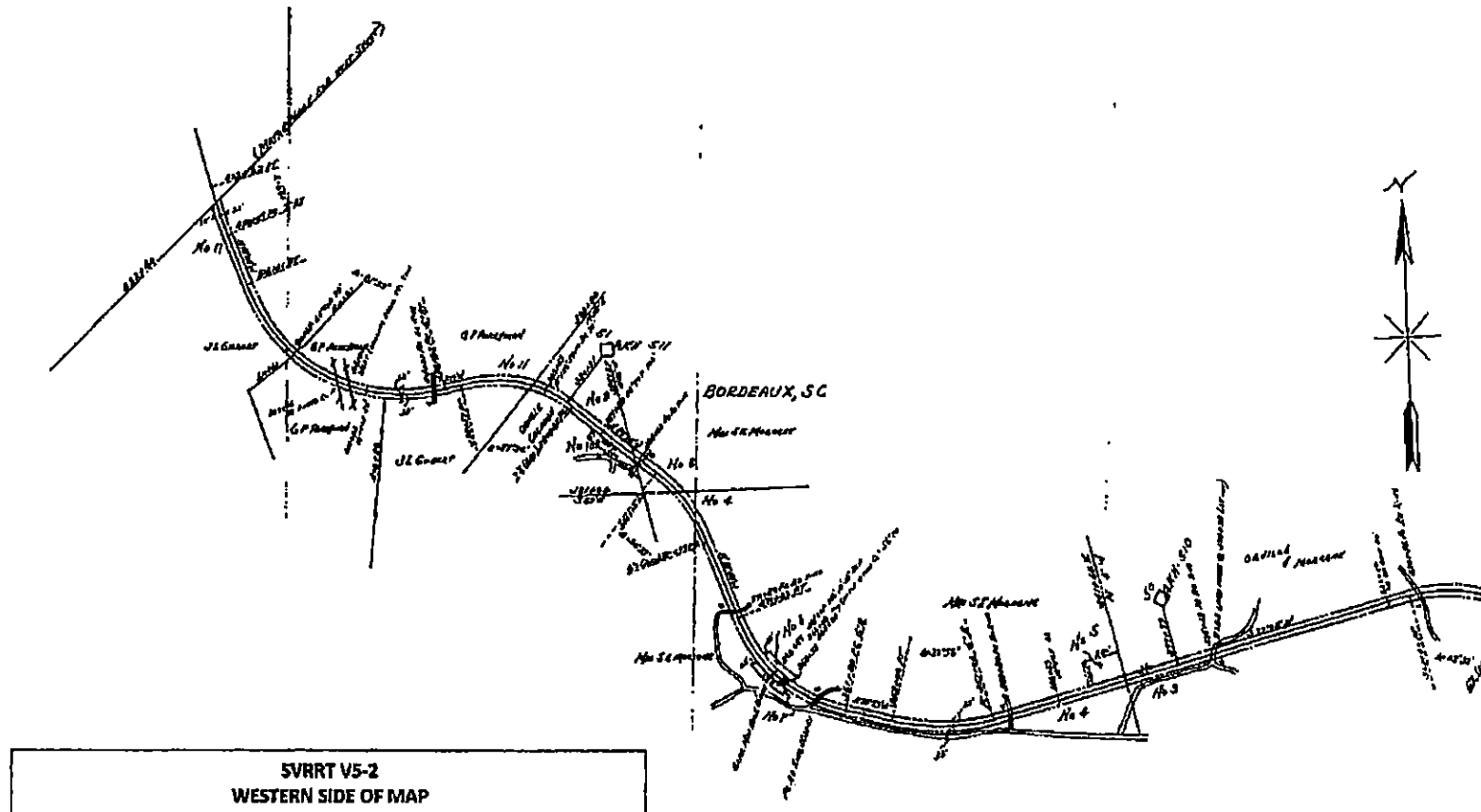
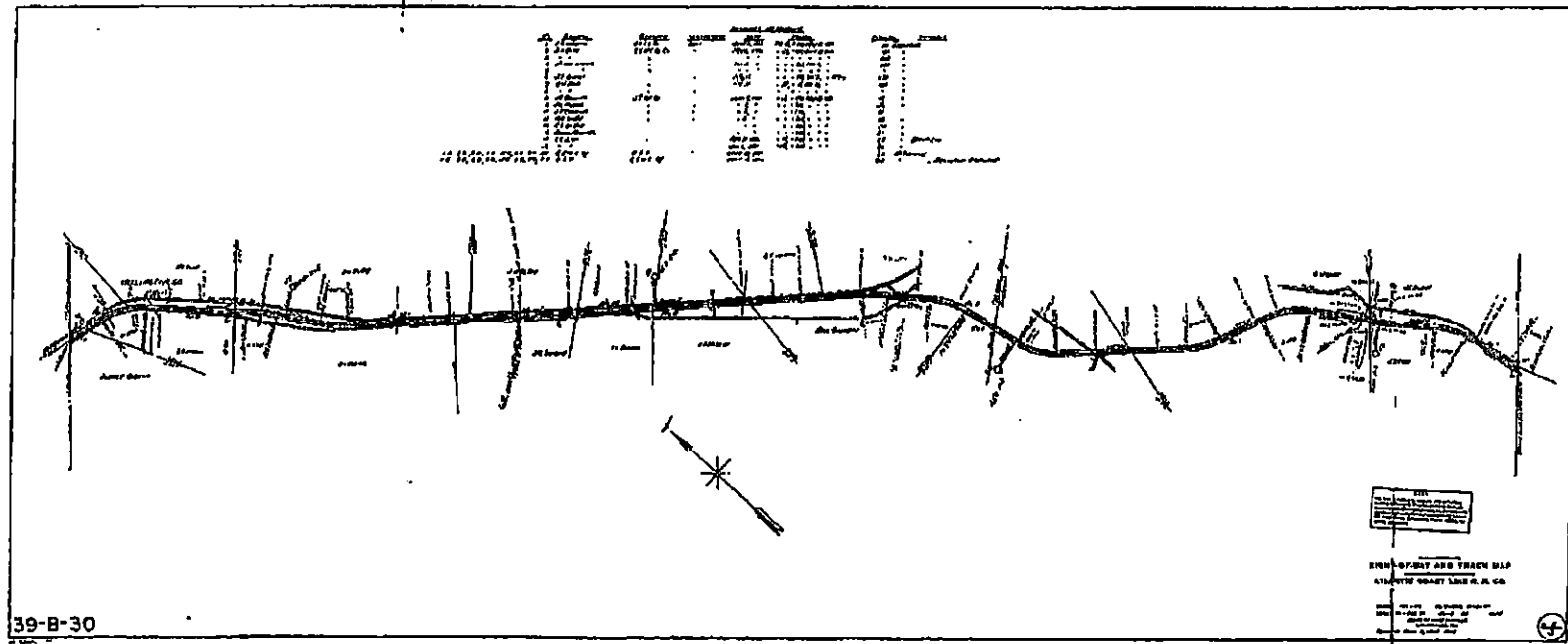


EXHIBIT A (24PAGES)



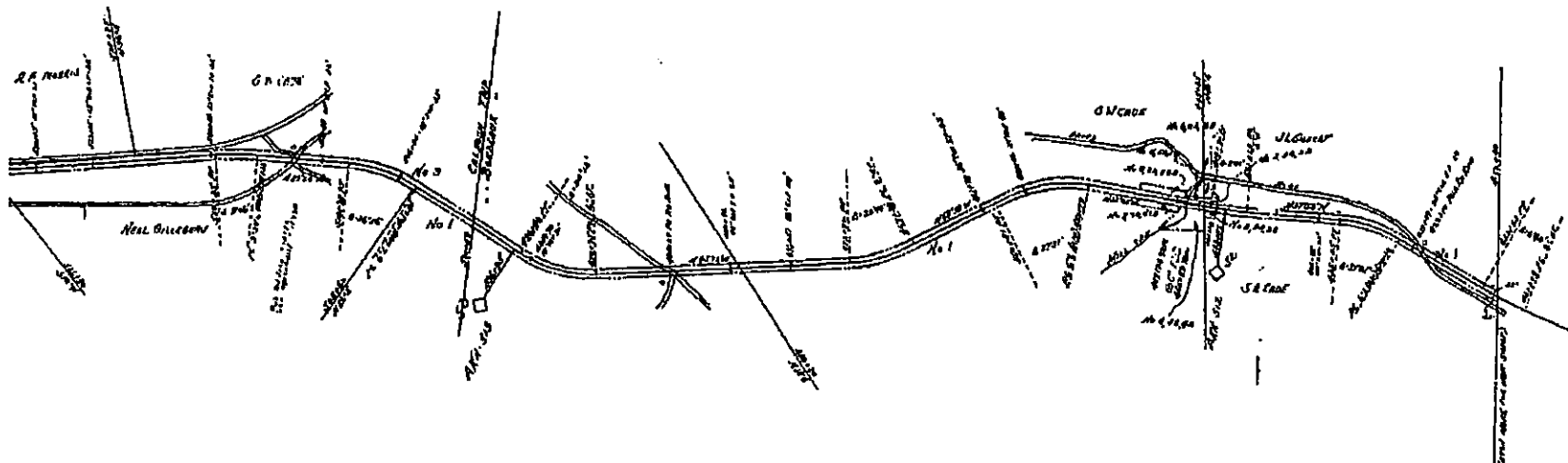
CSX RAILROAD MAP VS/S-3  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

# EXHIBIT A (24PAGES)

| No                             | GRANTOR      | GRANTEE    | INSTRUMENT | SCHEDULE OF PROPERTY |                           | EAST No | REMARKS               |
|--------------------------------|--------------|------------|------------|----------------------|---------------------------|---------|-----------------------|
|                                |              |            |            | DATE                 | RECORD                    |         |                       |
| 1                              | P GILBERT    | SYRR Co    | DEED       | JUNE 8, 1881         | DB 12, P 20, MAY 18, 1889 | 13      | ADDEVILLE             |
| 2                              | SR CAG       | C&H CRY Co | "          | MAY 1, 1906          | " 26 - 60, JUNE 23, 1906  | 132     | "                     |
| 3                              | "            | "          | "          | "                    | " " " " " "               | 132     | "                     |
| 4                              | HENRY HADDER | "          | "          | OCT 16               | " " " 65, MAR 2, "        | 137     | "                     |
| 5                              | "            | "          | "          | "                    | " " " " " "               | "       | "                     |
| 6                              | J L GIBERT   | "          | "          | MAY 12               | " " " 14, MAY 31, " 57, 9 | 129     | "                     |
| 7                              | GN CAG       | "          | "          | NOV 30               | " 28, " 7, DEC 23 "       | 139     | "                     |
| 8                              | "            | "          | "          | "                    | " " " " " "               | "       | "                     |
| 9                              | J F CALHOUN  | SYRR Co    | "          | JUNE 4, 1881         | " 12 " 208, MAY 18, 1889  | 11      | "                     |
| 10                             | J L PARTER   | "          | "          | " 3                  | " " " 216, " " "          | 36      | "                     |
| 11                             | J F CALHOUN  | "          | "          | " 4                  | " " " 208, " " "          | 11      | "                     |
| 12                             | HELE RY      | "          | "          | " 3                  | " " " 218, " " "          | 23      | "                     |
| 13                             | EB Le ROY    | "          | "          | "                    | " " " 222, " " "          | 24      | "                     |
| 14                             | PETER HUNTER | "          | "          | "                    | " " " 227, " " "          | 21      | "                     |
| 15                             | L C LARK     | "          | "          | APR 22, 1886         | " 11, " 205 " " "         | 25      | " DEPT LOT            |
| 16                             | "            | "          | "          | JUN 3, 1881          | " 12, " 229, " " "        | 26      | "                     |
| 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A | C&H CRY      | U S A      | "          | SEPT 14, 1951        | "                         | 23      | McCOMBICK             |
| 1B, 2B, 3B, 4B, 5B, 6B, 7B, 8B | U S A        | C&H CRY    | "          | SEPT 14, 1951        | "                         | 23      | " , PARRYTON EASEMENT |

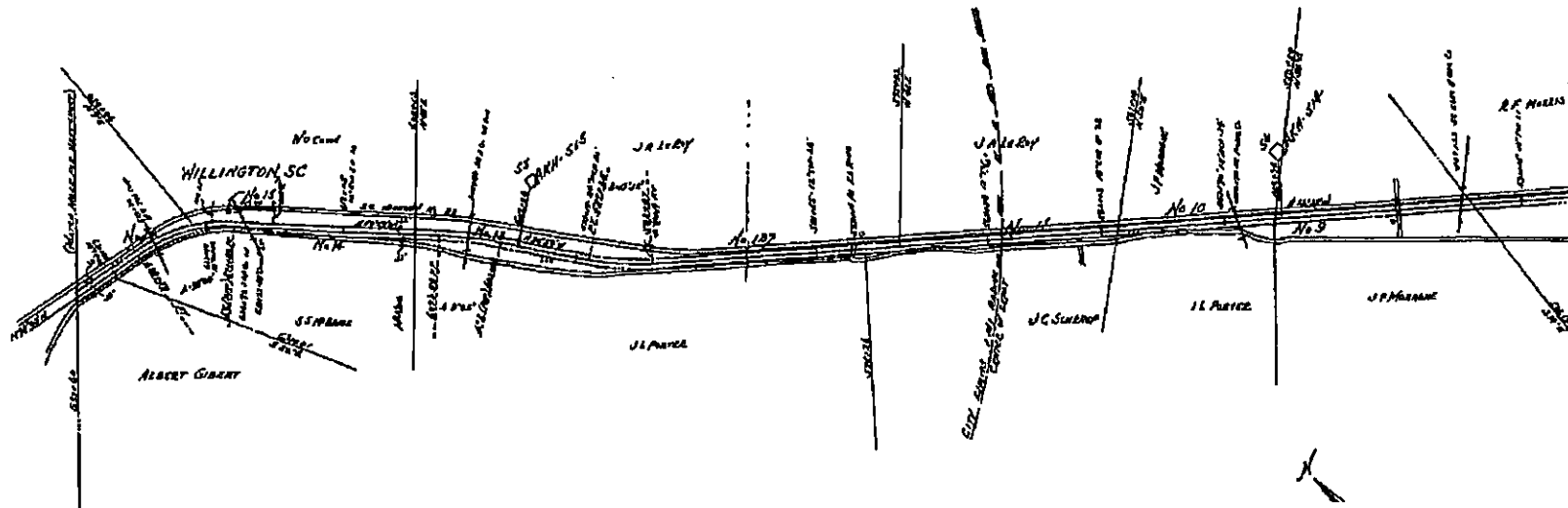
List of Properties  
V5-3 MAP

EXHIBIT A (24PAGES)



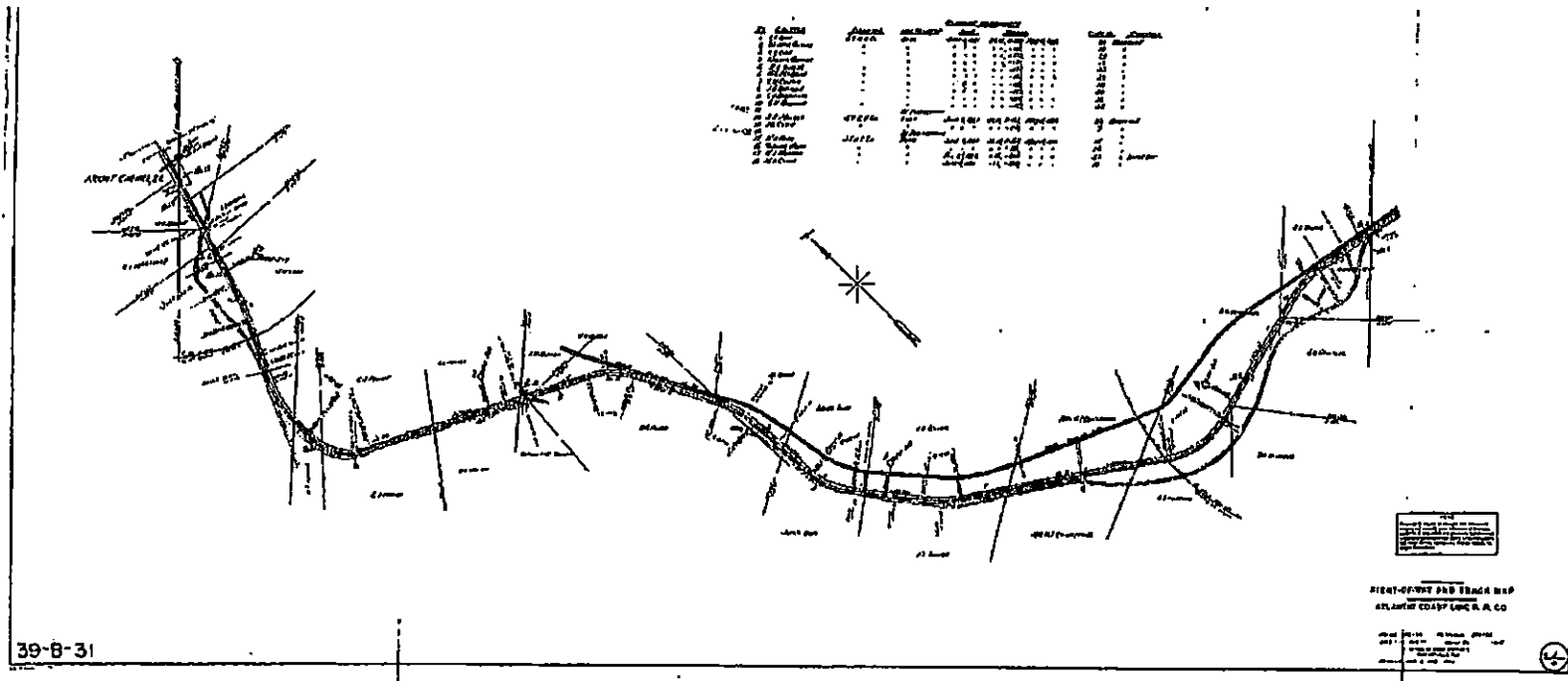
SVRRT V5-3  
EASTERN SIDE OF MAP

EXHIBIT A (24PAGES)



SVRRT V5-3  
WESTERN SIDE OF MAP

EXHIBIT A (24PAGES)



CSX RAILROAD MAP V5/S-4  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

# EXHIBIT A (24PAGES)

| SCHEDULE OF PROPERTY |                 |           |                 |              |                            |                 |
|----------------------|-----------------|-----------|-----------------|--------------|----------------------------|-----------------|
| NO                   | GRANTOR         | GRANTEE   | INSTRUMENT      | DATE         | RECORD                     | CUST NO REMARKS |
| 1                    | L C LINK        | SV R R Co | DEED            | JUNE 3, 1881 | DB 12, P-223, MAY 14, 1883 | 26 ABBEVILLE    |
| 2                    | WILLIAM GUTHRIE | "         | "               | " " "        | " " "171, " " "            | 19 "            |
| 3                    | L C LINK        | "         | "               | " " "        | " " "223, " " "            | 26 "            |
| 4                    | WILLIAM GUTHRIE | "         | "               | " " "        | " " "171, " " "            | 19 "            |
| 5                    | R L OWENS       | "         | "               | " " "        | " " "173, " " "            | 33 "            |
| 6                    | W S MCBRIDE     | "         | "               | " " "        | " " "161, " " "            | 30 "            |
| 7                    | C H COWAN       | "         | "               | " 4, "       | " " "153, " " "            | 12 "            |
| 8                    | J S ROBINSON    | "         | "               | " " "        | " " "157, " " "            | 39 "            |
| 9                    | C J DARRICOTT   | "         | "               | " " "        | " " "155, " " "            | 13 "            |
| 10                   | G N ROBINSON    | "         | "               | " " "        | " " "167, " " "            | 38 "            |
| (12)? 11             |                 |           | BY PRESCRIPTION |              |                            |                 |
| 12                   | S R MOREAN      | SV R R Co | DEED            | JUNE 4, 1881 | DB 12, P-169, MAY 14, 1883 | 28 ABBEVILLE    |
| 13                   | J L COWAN       | "         | "               | " " "        | " " "204, " " "            | 7 "             |
| (12 204)? 14         |                 |           | BY PRESCRIPTION |              |                            |                 |
| 15                   | W A FRITH       | SV R R Co | DEED            | JUNE 4, 1881 | DB 12, P-185, MAY 14, 1883 | 15 "            |
| 16                   | THOMAS FRITH    | "         | "               | " " "        | " " "181, " " "            | 14 "            |
| 17                   | N J MORRAN      | "         | "               | FEB 27, 1886 | " 11, "204, " " "          | 59 " DEPOT LOT  |
| 18                   | M A COWAN       | "         | "               | JUNE 8, 1881 | " 12, "223, " " "          | 10 "            |

List of Properties  
V5-4 MAP

## 183

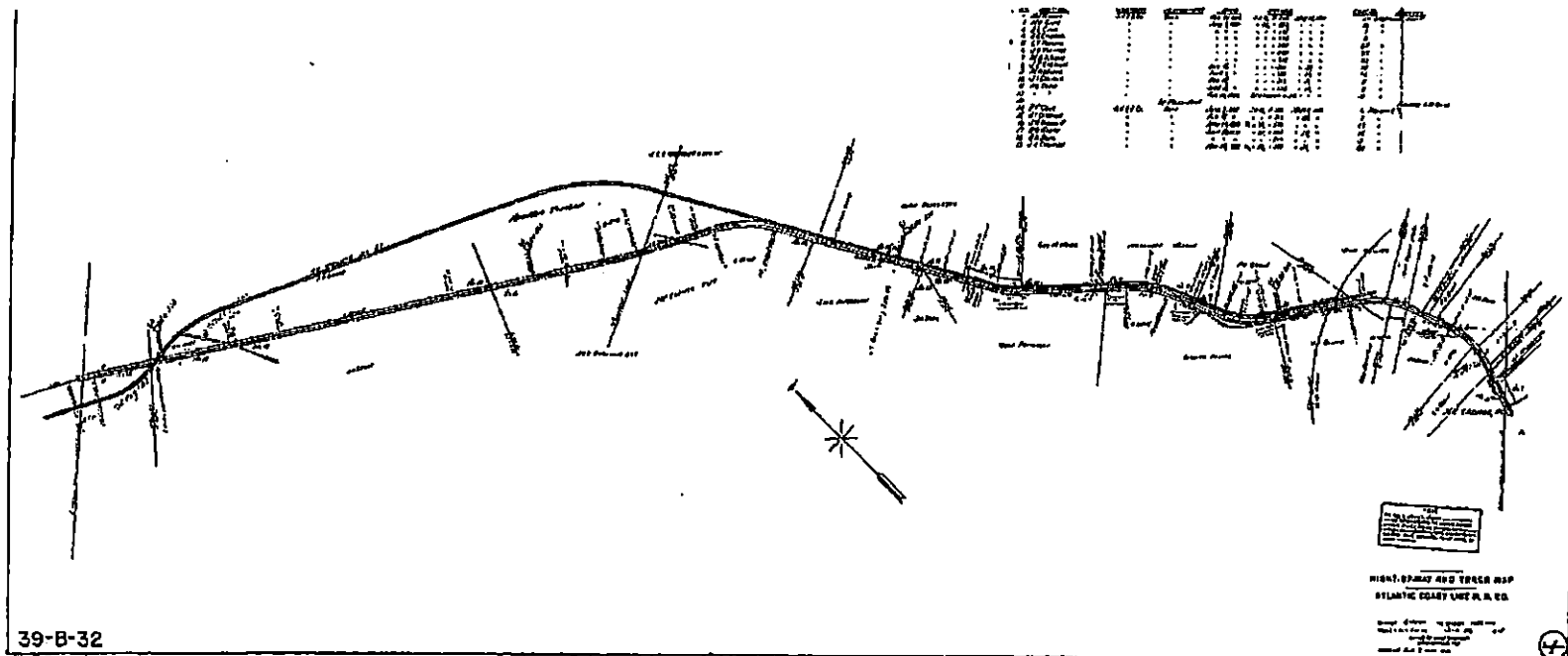


## 184



16

EXHIBIT A (24PAGES)

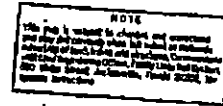


# EXHIBIT A (24PAGES)

| <u>NO</u> | <u>GRANTING</u> | <u>GRANTEE</u> | <u>INSTRUMENT</u> | <u>DATE</u>   | <u>RECORD</u>                 | <u>COST NO</u> | <u>MARKS</u>   |
|-----------|-----------------|----------------|-------------------|---------------|-------------------------------|----------------|----------------|
| 1         | W J MORAN       | SV R R Co      | DEED              | FEB 28, 1886  | DB 11, P. 204 May 14, 1889    | 53             | ABBEVILLE DEPT |
| 2         | M A COVIN       | "              | "                 | JUNE 4, 1881  | " 12, " 223, " " "            | 10             | "              |
| 3         | J L COVIN       | "              | "                 | " " "         | " " " 241, " " "              | 7              | "              |
| 4         | J E CALHOUN     | "              | "                 | " " "         | " " " 243, " " "              | 3              | "              |
| 5         | L T PASCIAL     | "              | "                 | " " "         | " " " 243, " " "              | 35             | "              |
| 6         | J D ROBINSON    | "              | "                 | " " "         | " " " 245, " " "              | 37             | "              |
| 7         | M A WILSON      | "              | "                 | " " "         | " " " 239, " " "              | 42             | "              |
| 8         | J E CALHOUN     | "              | "                 | AUG 16, "     | " " " 302, " 31, "            | 47             | "              |
| 9         | M A WILSON      | "              | "                 | JUNE 4, "     | " " " 239, " 14, "            | 42             | "              |
| 10        | J I CALHOUN     | "              | "                 | AUG 15, "     | " " " 312, " 31, "            | 5              | "              |
| 11        | P A COVIN       | "              | "                 | JUNE 18, "    | " " " 235, " 14, "            | 8              | "              |
| 12        | " "             | "              | "                 | AUG 16, 1886  | BY PRESCRIPTION P. 206, " " " | 48             | "              |
| 13        |                 |                | By Prescription   |               |                               |                |                |
| 14        | R F COLE        | SV R R Co      | DEED              | JUNE 7, 1881  | DB 12, P. 130 May 14, 1889    | 6              | ABBEVILLE      |
| 15        | J I CALHOUN     | "              | "                 | AUG 15, "     | " " " 312, " 31, "            | 5              | "              |
| 16        | J E CALHOUN     | "              | "                 | MAR 24, 1886  | " " " 277, " " "              | 66             | "              |
| 17        | A O GRANT       | "              | "                 | JUNE 29, 1881 | " 12, " 194, " 14, "          | 16             | "              |
| 18        | B A BOYD        | "              | "                 | " " "         | " " " 200, " " "              | 9              | "              |
| 19        | J E CALHOUN     | "              | "                 | MAR 24, 1886  | " 12, " 277, " 31, "          | 66             | "              |

List of Properties  
VS-5 MAP

## 187



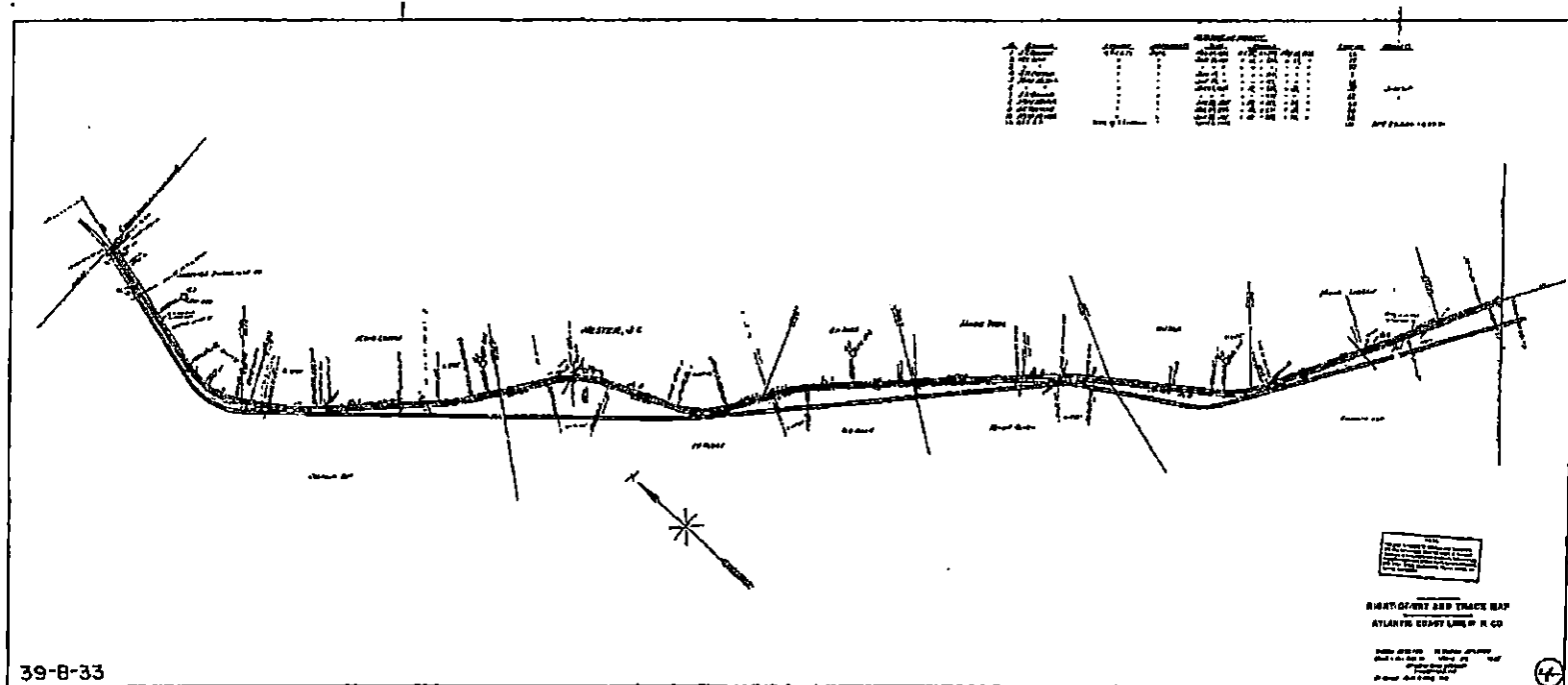
**SVRRT V5-5**  
**EASTERN SIDE OF MAP**

1. **Project Name:** [Project Name]



**SVRRT V5-5**  
**WESTERN SIDE OF MAP**

EXHIBIT A (24PAGES)



CSX RAILROAD MAP V5/5-6  
Original MAP Stored at:  
The Offices of the Engineering Department  
Seaboard System Railroad  
CSX  
500 Water Street  
Jacksonville, FL 32258

# EXHIBIT A (24PAGES)

| No. | GRANTOR     | GRANTEE             | INSTRUMENT | SCHEDULE OF PROPERTY |                           | CAST No. | REMARKS             |
|-----|-------------|---------------------|------------|----------------------|---------------------------|----------|---------------------|
|     |             |                     |            | DATE                 | RECORD                    |          |                     |
| 1   | J E CALHOUN | SV R R Co           | DEED       | MAR 24, 1886         | D B C, P-277 MAY 31, 1889 | 66       |                     |
| 2   | M E LYON    | "                   | "          | JUNE 29, 1881        | " 12, " 204, " 14, "      | 27       |                     |
| 3   | "           | "                   | "          | " " "                | " " " " " " "             | 27       |                     |
| 4   | S M CALHOUN | "                   | "          | SEPT 29, "           | " " " 163, " " "          | 4        |                     |
| 5   | MARY HESTER | "                   | "          | JUNE 29, "           | " " " 188, " " "          | 68       |                     |
| 6   | "           | "                   | "          | MAR 24, 1886         | " 11, " 258, " 31, "      | 53       | DEPT LOT            |
| 7   | J E CALHOUN | "                   | "          | " " "                | " " " 277, " " "          | 66       |                     |
| 8   | MARY HESTER | "                   | "          | JUNE 29, 1881        | " 12, " 188, " 14, "      | 68       |                     |
| 9   | J E CALHOUN | "                   | "          | MAR 24, 1886         | " 11, " 277, " 31, "      | 66       |                     |
| 10  | MARY HESTER | "                   | "          | JUNE 29, 1881        | " 12, " 188, " 14, "      | 68       |                     |
| GA  | NCL RR      | STATE of S Carolina | "          | Apr 13, 1960         |                           | 151      | RFE 28,884 - 0 05 A |

List of Properties  
V5-6 MAP

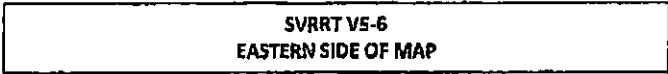
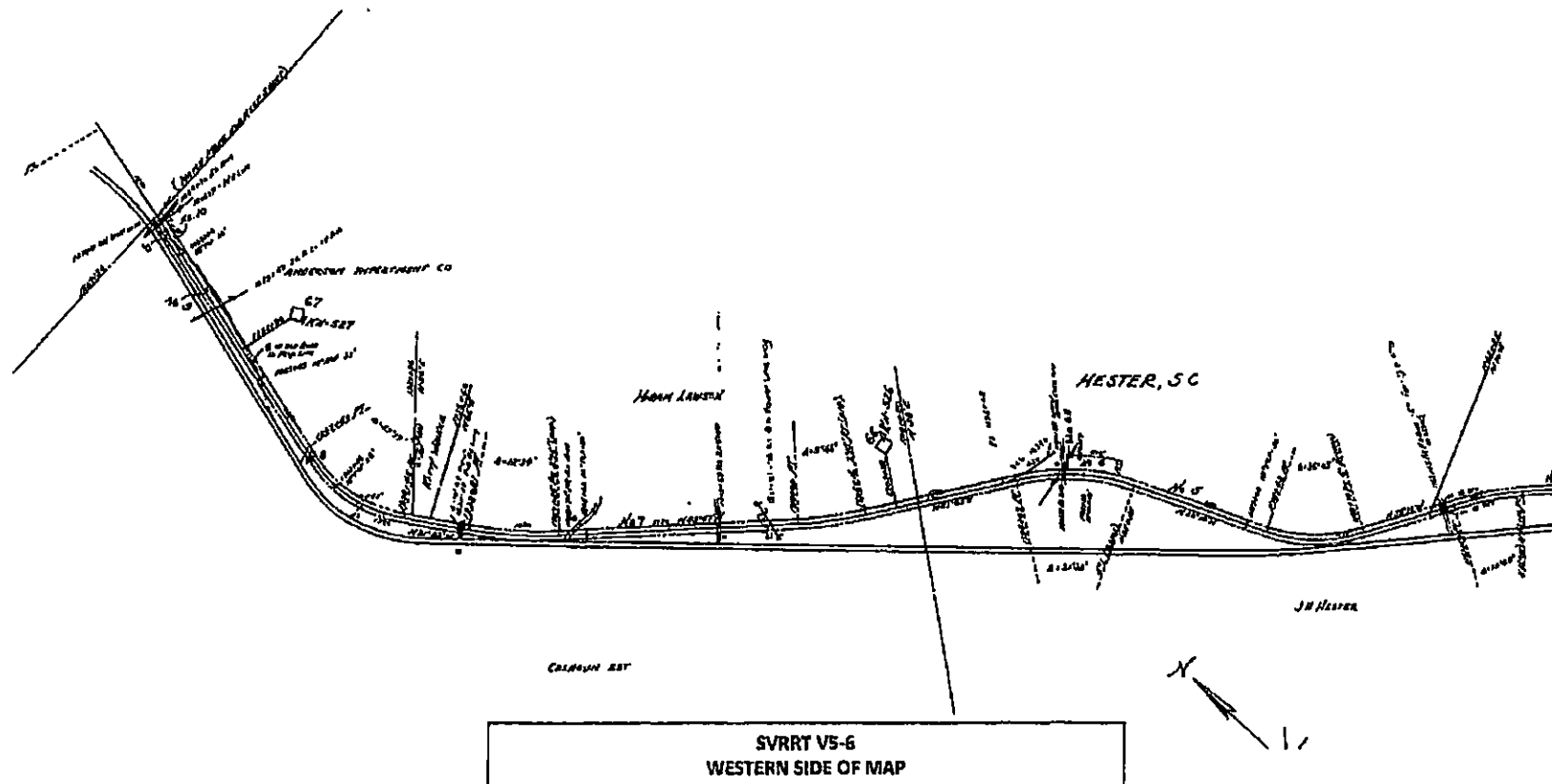
[illegible]

EXHIBIT A (24PAGES)



STATE OF SOUTH CAROLINA )  
COUNTY OF ABBEVILLE )

QUITCLAIM  
DEED OF REAL PROPERTY

THIS QUITCLAIM DEED, executed as of the 12<sup>th</sup> day of April, 2012 by the South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina (hereinafter referred to as "Grantor"), to the Town of Calhoun Falls, a political subdivision of the State of South Carolina (hereinafter referred to as "Grantee"), whose mailing address is 401 North Washington Street, Calhoun Falls, SC 29628.

WITNESSETH:

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) the receipt and sufficiency of which is acknowledged by Grantor, Grantor has quitclaimed, granted, bargained, sold and released, and by this Deed quitclaims, grants, bargains, sells and releases, to Grantee, its successors and assigns, all of its right, title and interest in and to the following real property:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

THIS conveyance is made subject to all covenants, restrictions, easements, rights-of-way, and other matters of record, and such matters as would be shown by a current plat, affecting the within-described property.

TOGETHER with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto;

TO HAVE AND TO HOLD all and singular said property unto Grantee, its successors and assigns forever.

FILED  
STATE OF SOUTH CAROLINA  
COUNTY OF ABBEVILLE  
2012 APR 12 PM 1 52  
RECORDED-BOOK 292  
OF Five PAGE 852  
EMILY Y MCMAHAN  
CLERK OF COURT

IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed  
as of the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of:

South Carolina Department of Commerce,  
Division of the Savannah Valley  
Development, as successor in interest to the  
Clarks Hill-Russell Authority of South  
Carolina

Witness No. 1

Name: Karen B. Manning

Witness No. 2

Name: Vicki S. Wooten

By: James Christopher Huffman

Name: James Christopher Huffman

Title: Chief Financial Officer

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

I, the undersigned notary public, hereby certify that James Christopher Huffman, as Chief  
Financial Officer of the South Carolina Department of Commerce, Division of Savannah Valley  
Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina,  
personally came before me this day and acknowledged the execution of the foregoing instrument  
as Grantor's act and deed.

WITNESS my hand and notarial stamp or seal, this 12<sup>th</sup> day of April, 2012.

Vicki S. Wooten  
Notary Public for State of South Carolina

My Commission Expires: My Commission Expires April 6, 2015.

[AFFIX NOTARIAL SEAL OR STAMP]

#### EXHIBIT A

All of that vacated railroad right of way, varying in width, along with numerous side parcels of land of various dimensions, beginning on Railroad Valuation Map V5/S-7, at Milepost 527.86 in Calhoun Falls at the intersection of said vacated right of way and the southern line of the CSX 100 foot railroad right of way line (Atlanta to Monroe), thence following with the vacated right of way in a southwestern direction running for the most part parallel to and north and east of the SC Hwy 81 until said right of way reaches the McCormick County line, being shown on Railroad Valuation Map V5/S-7, V5/7, and V5/6. This deed includes the following side parcels owned by Grantor in fee simple, but only to the extent such parcels are actually located within the bounds of Abbeville County:

Hester Depot site, measuring 109' x 400', and containing about 1 acre. (Abbeville County Deed Book 11, page 258).

Less 0.155 acres conveyed to South Carolina Department of transportation by Deed Book 249 at Page 408 and corrected by Deed Book 250 at Page 422 filed May 18, 2005.

Subject to matters that would be shown on a current survey of the property and all easements and restrictions of record, including but not limited to the following: (i) that certain Easement Grant given by the Clarks Hill Russell Authority of the State of South Carolina the Town of Calhoun Falls recorded in the Abbeville County Register of Deeds at Book 140, page 539; (ii) that certain Easement given by the Clarks Hill-Russell Authority of the State of South Carolina to the County of McCormick, South Carolina recorded in the Abbeville County Register of Deeds at Book 138, page 511; (iii) that certain agreement by and between the Charleston & Western Carolina Railway Company and the Town of Calhoun Falls recorded in the Abbeville County Register of Deeds at Misc. Book 5, page 204.

This is a portion of the property conveyed by Seaboard System Railroad, Inc. to Clarks Hill-Russell Authority of South Carolina, now known as the South Carolina Department of Commerce, Division of Savannah Valley Development, by deed dated June 16, 1983 and recorded in Abbeville County in Deed Book 138 at Page 835 on November 10, 1983.

855

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by the South Carolina Department of Commerce, Division of Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina, to the Town of Calhoun Falls, a political subdivision of the State of South Carolina, on April 12, 2012.
3. Check on of the following: The DEED is
  - (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c) ☒ EXEMPT from the deed recording fee because the realty is being transferred to a political subdivision of the State of South Carolina.
4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Seller.
5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

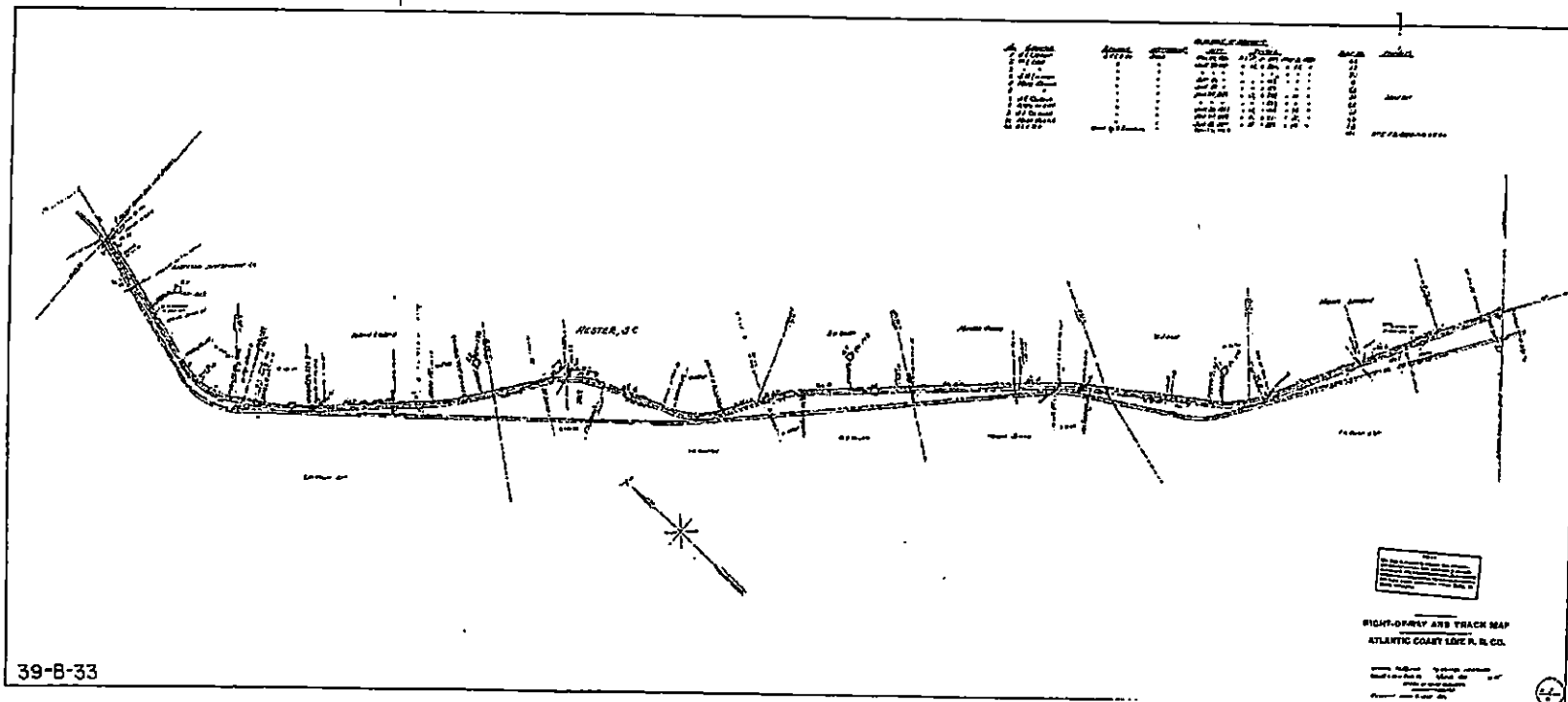
South Carolina Department of Commerce, Division of the Savannah Valley Development, as successor in interest to the Clarks Hill-Russell Authority of South Carolina

By: [Signature]  
Name: James Christopher Hurliman  
Its: Chief Financial Officer

Sworn to before me this 12<sup>th</sup>  
day of April, 2012.

[Signature]  
Notary Public for South Carolina

My Commission Expires: My Commission Expires April 8, 2015



857

2

| SCHEDULE OF PROPERTY |                |                     |                   |                |                             |                |
|----------------------|----------------|---------------------|-------------------|----------------|-----------------------------|----------------|
| <u>NO</u>            | <u>GRANTOR</u> | <u>GRANTOR</u>      | <u>INSTRUMENT</u> | <u>DATE</u>    | <u>RECORD</u>               | <u>COST NO</u> |
| 1                    | J E CALHOUN    | SV R R Co           | DEED              | MAR 24, 1886   | D B 27, P-277, MAY 31, 1883 | 66             |
| 2                    | M E LYON       | "                   | "                 | JUNE 29, 1881  | " 12, " 204, " 14, "        | 27             |
| 3                    | "              | "                   | "                 | " " "          | " " " " " " "               | 27             |
| 4                    | S M CALHOUN    | "                   | "                 | SEPT 26, "     | " " " 163, " " "            | 4              |
| 5                    | MARY HESTER    | "                   | "                 | JUNE 29, "     | " " " 188, " " "            | 68             |
| 6                    | "              | "                   | "                 | MAR 24, 1886   | " 11, " 258, " 31, "        | 55             |
| 7                    | J E CALHOUN    | "                   | "                 | " " "          | " " " 277, " " "            | 66             |
| 8                    | MARY HESTER    | "                   | "                 | JUNE 29, 1881  | " 12, " 188, " 14, "        | 68             |
| 9                    | J E CALHOUN    | "                   | "                 | MAR 24, 1886   | " 11, " 277, " 31, "        | 66             |
| 10                   | MARY HESTER    | "                   | "                 | JUNE 29, 1881  | " 12, " 188, " 14, "        | 68             |
| 6A                   | ACL RR         | STATE of S Carolina | "                 | April 13, 1964 |                             | 157            |

DEPOT LOT

RFE 28,284-0 05A-

198

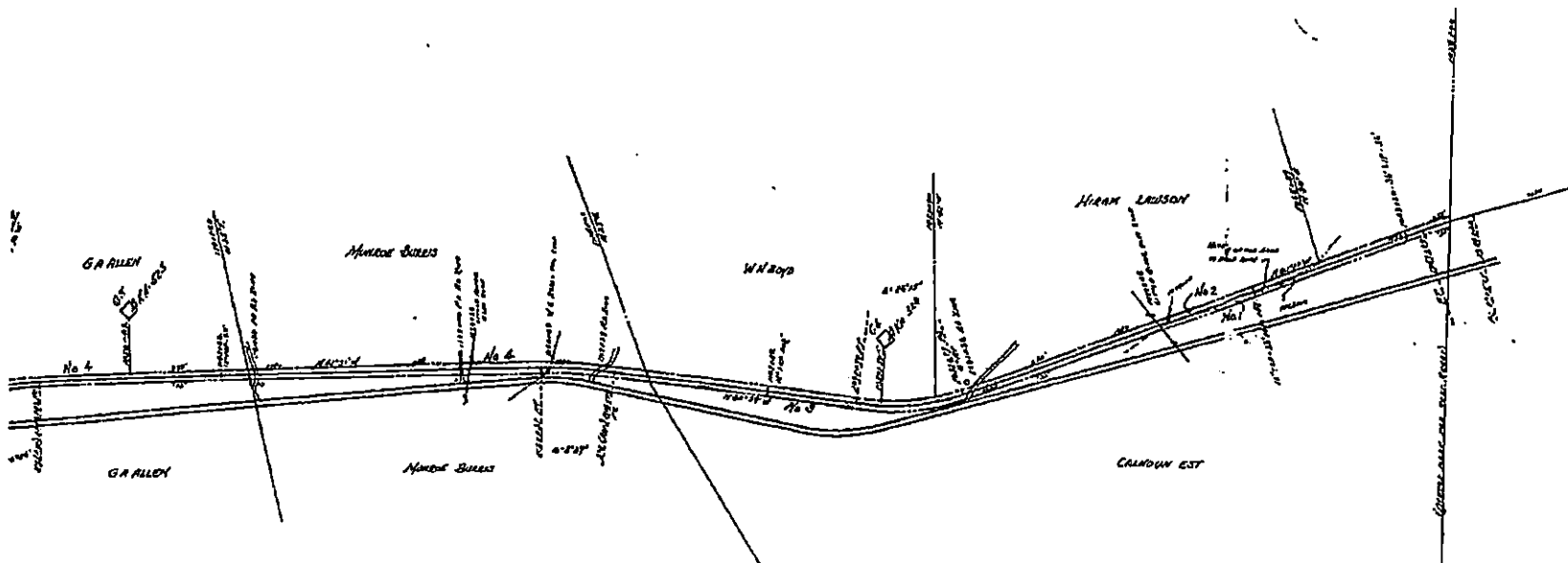
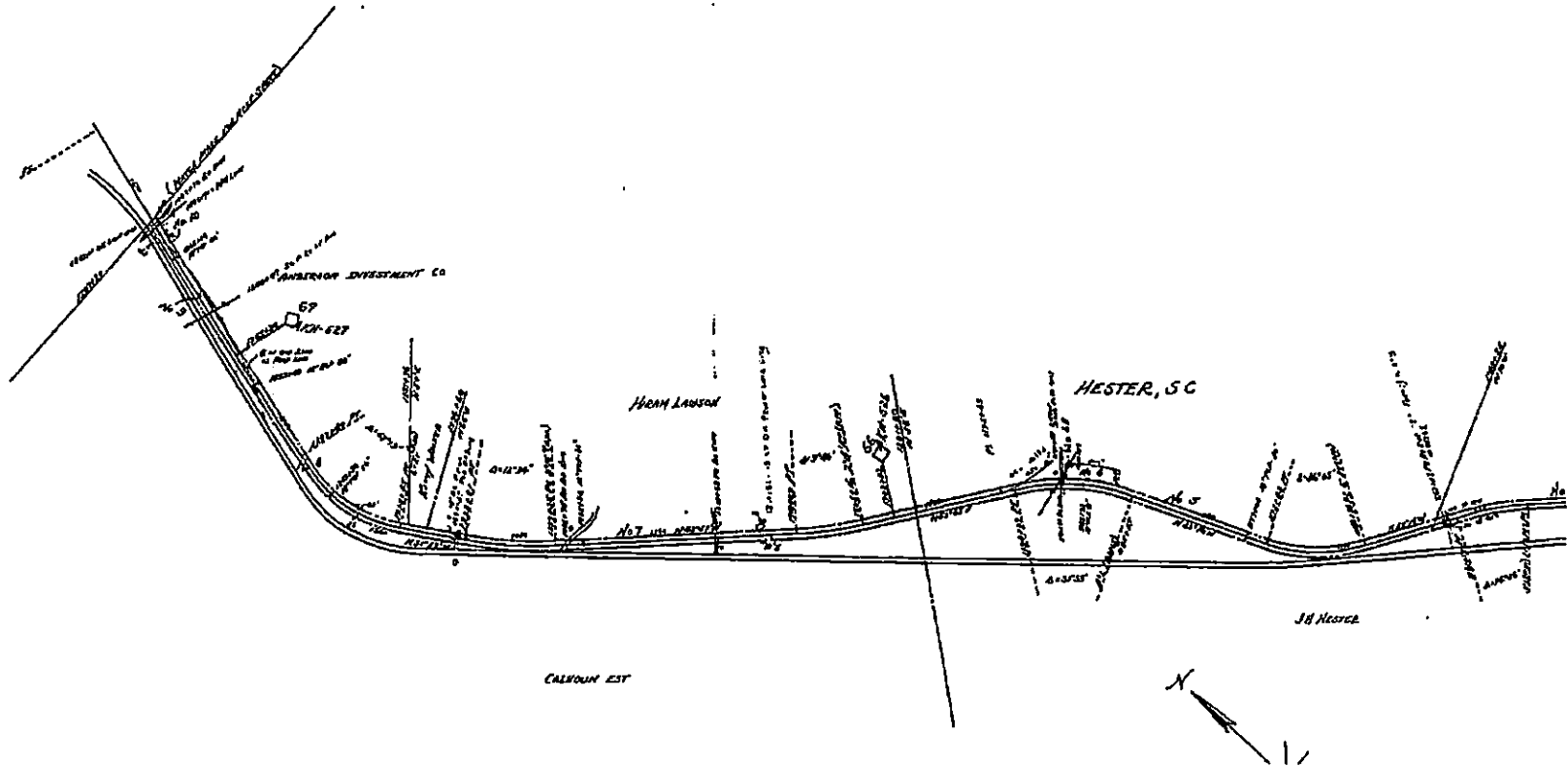
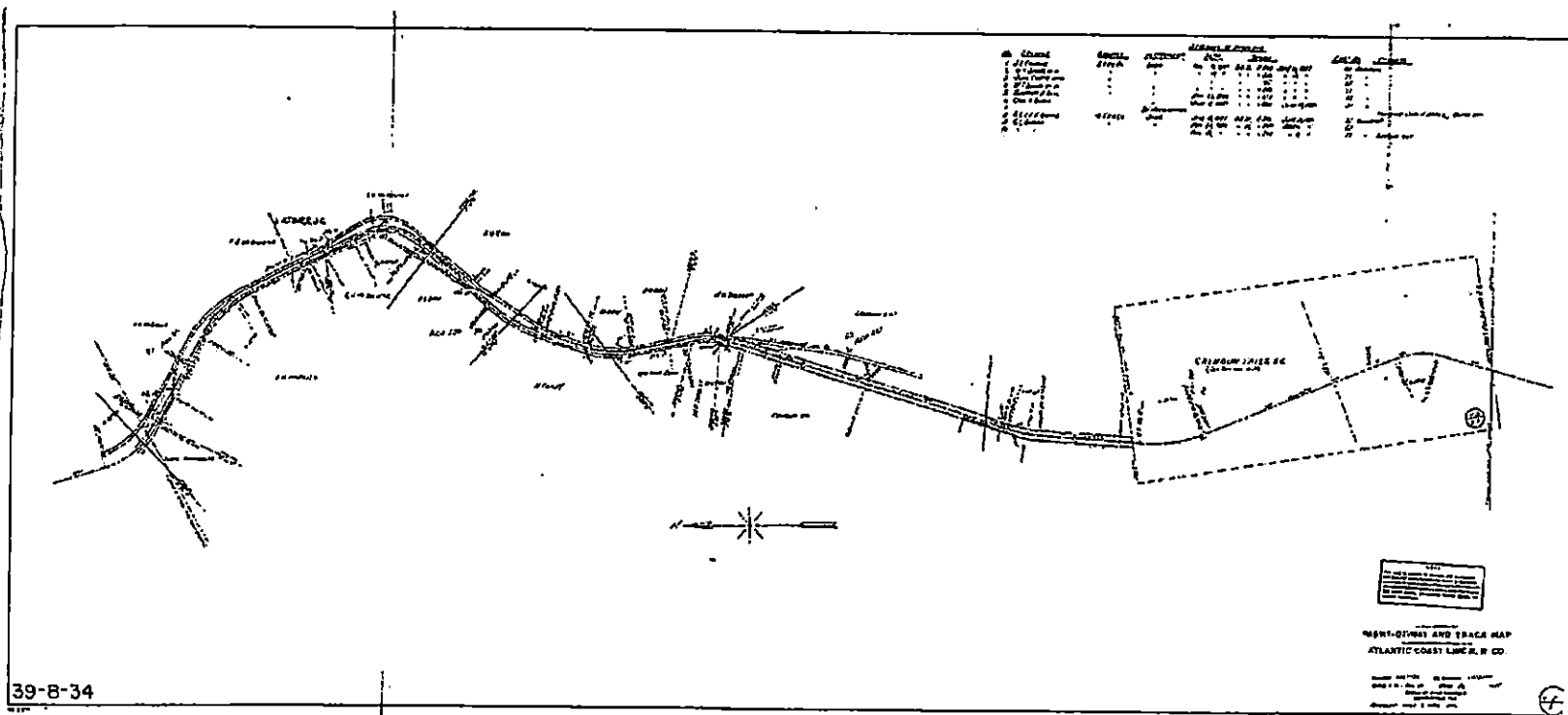


Exhibit A

200



201



861

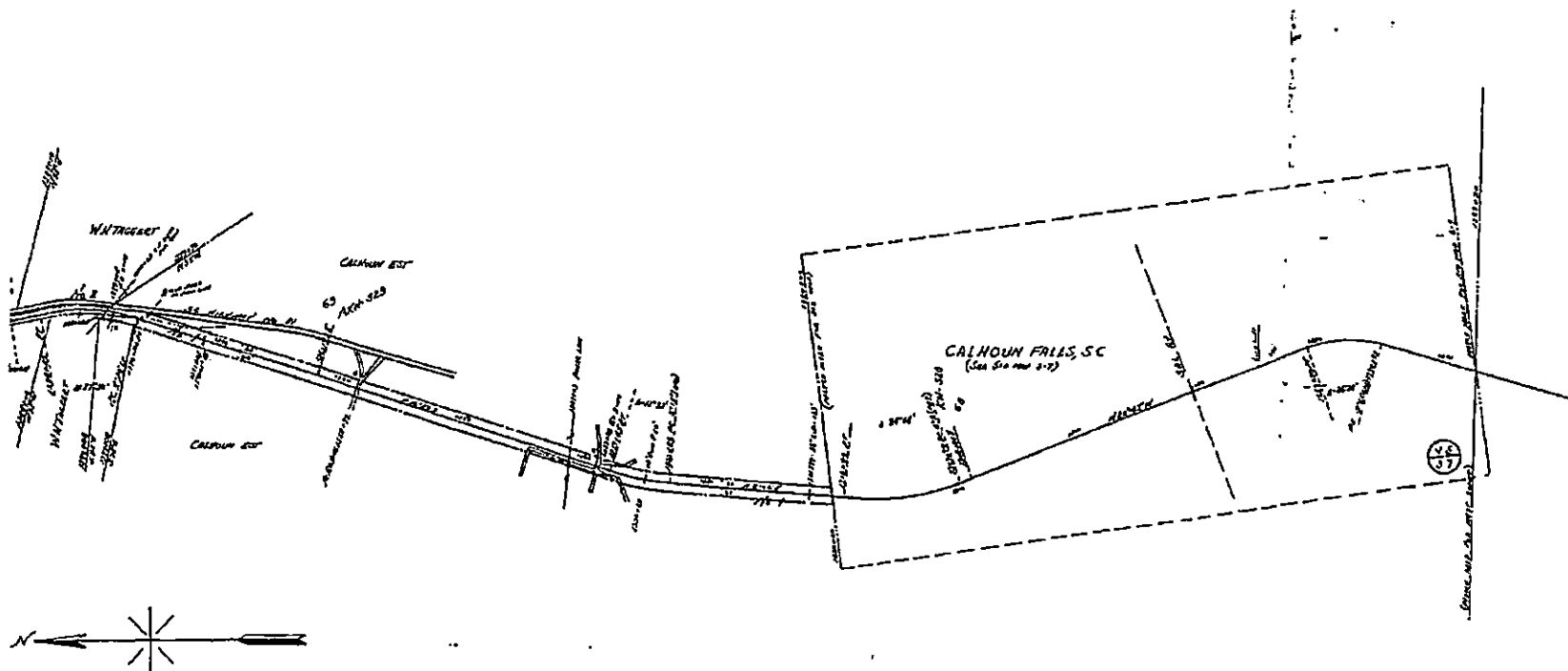
6

202

| <u>SCHEDULE OF PROPERTY</u> |                  |                |                   |               |                            |                  |
|-----------------------------|------------------|----------------|-------------------|---------------|----------------------------|------------------|
| <u>No.</u>                  | <u>GRANTOR</u>   | <u>GRANTEE</u> | <u>INSTRUMENT</u> | <u>DATE</u>   | <u>RECORD</u>              | <u>CUST No</u>   |
| 1                           | J E CALKOUN      | SVRR Co        | DEED              | AUG 16, 1881  | DB 12, P 302, MAY 31, 1889 | 47 ABBEVILLE     |
| 2                           | WT SPEED ET AL   | "              | "                 | " 15, "       | " " " 206 " 16, "          | 79 "             |
| 3                           | JOHN COWAN ET AL | "              | "                 | " " "         | " " " 192 " " "            | 65 "             |
| 4                           | WT SPEED ET AL   | "              | "                 | " " "         | " " " 206 " " "            | 79 "             |
| 5                           | ELIZABETH A BELL | "              | "                 | JAN. 22, 1886 | " " " 237 " " "            | 14 "             |
| 6                           | CHAS F BAKER     | "              | "                 | JUNE 4, 1889  | " " " 346 JUNE 17, 1889    | 51 "             |
| 7                           |                  |                | BY PRESCRIPTION   |               |                            |                  |
| 8                           | G C & F H GRAYES | SVRR Co        | DEED              | JUNE 8, 1889  | DB 12, P 346 JUNE 17, 1889 | 51 ABBEVILLE     |
| 9                           | G C GRAYES       | "              | "                 | MAY 26, 1886  | " 11, " 263 MAY 31, "      | 62 "             |
| 10                          | " "              | "              | "                 | AUG 16, "     | " " " 208 " 16, "          | 52 " SECTION LOT |

FORMERLY CHAS F BAKER, DEPOT LOT

203



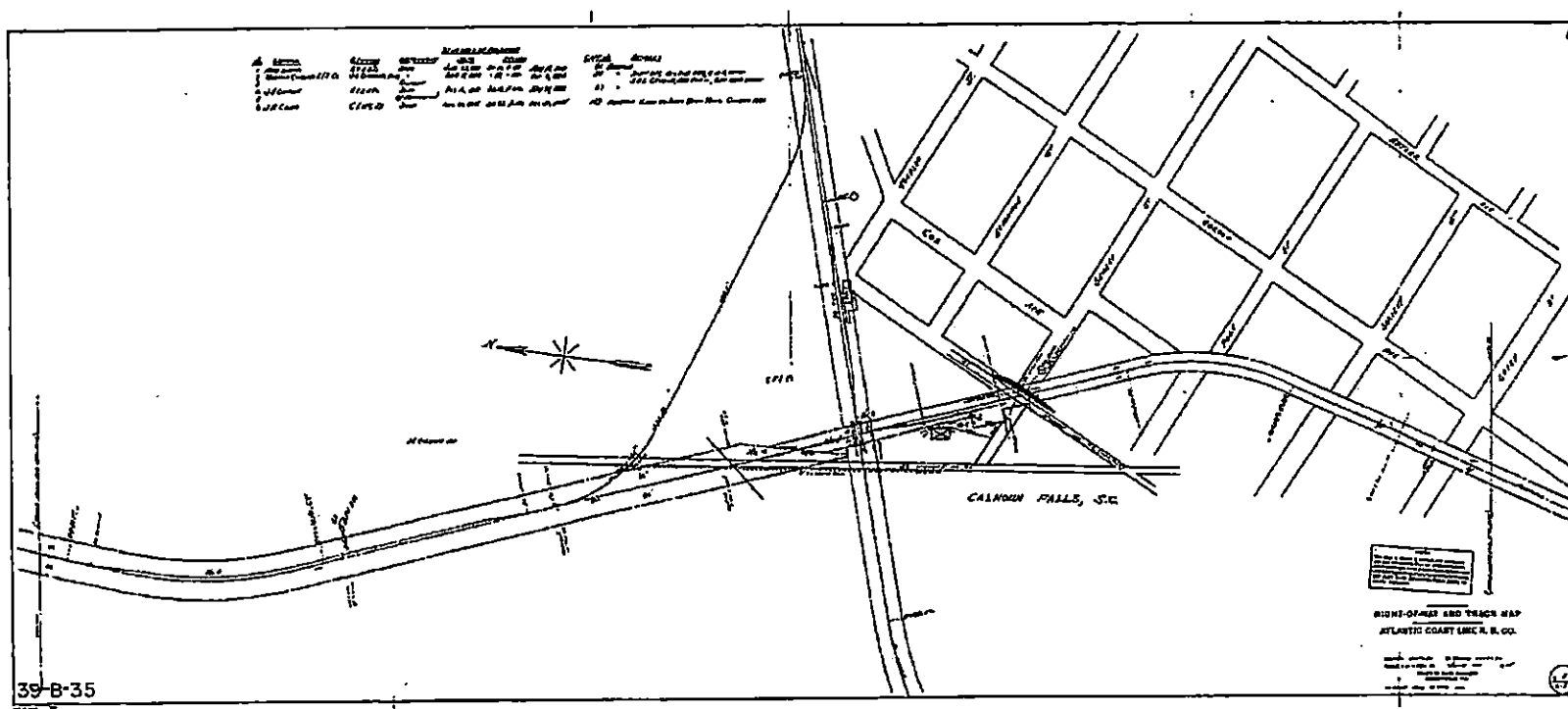
NOTE  
This map is subject to change and correction  
and does not necessarily show the extent of the  
property of the State and the Commission  
and does not represent the Office of the State Engineer  
and the State Engineer, Florida, 2222, in  
any way.

RIGHT-OF-WAY AND TRACK MAP

803

003

204

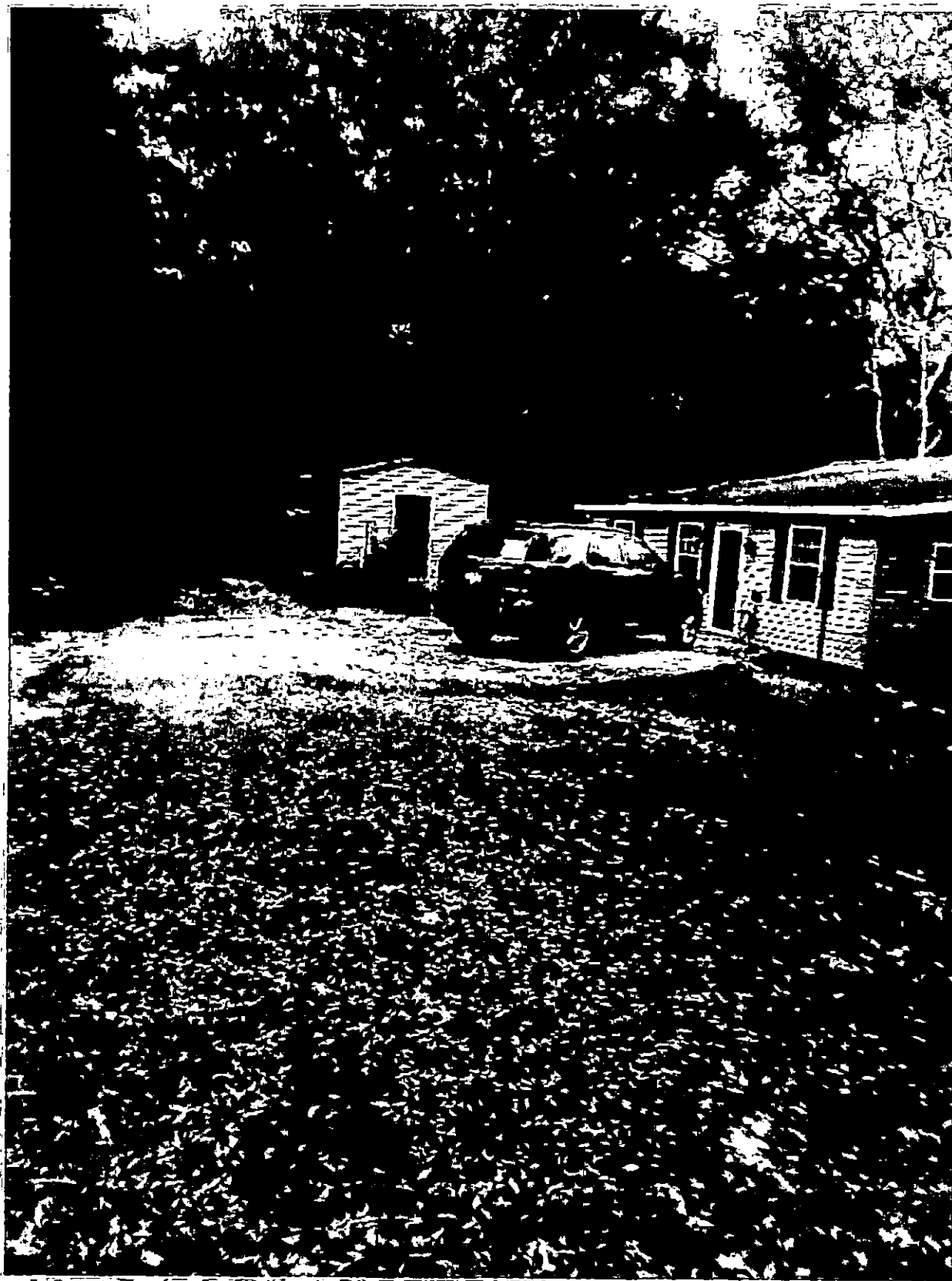




2007

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

508



**Summary**

Parcel ID 163-00-00-018  
 Tax District 01  
 Description1  
 Description2 FORMER CSX RAIL  
 Legal Description  
 Town Code / Neighborhood -/-  
 Approximate Acres 25.2 Acres  
 Record Type  
 Property Address  
 Fire District Monterey Fire Dist (09)

**Owners**

TOWN OF CALHOUN FALLS  
 401 WASHINGTON ST N  
 CALHOUN FALLS SC 29628

**Recorders Index**

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕ |
|------------------|------------------|------------------|------------------|
| 292/852          |                  | 04/12/2012       |                  |

**Sales**

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 04/12/2012 | \$0           | 292/852        | /              |             |            | N         | Other          |             |

**Building Info**

Main Building  
 SqFt 1st Floor 0  
 SqFt 2nd Floor 0  
 SqFt Garage 0

**Map**

No data available for the following modules: Valuation.

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**Schneider**  
 GEOSPATIAL

Version 2.3.3

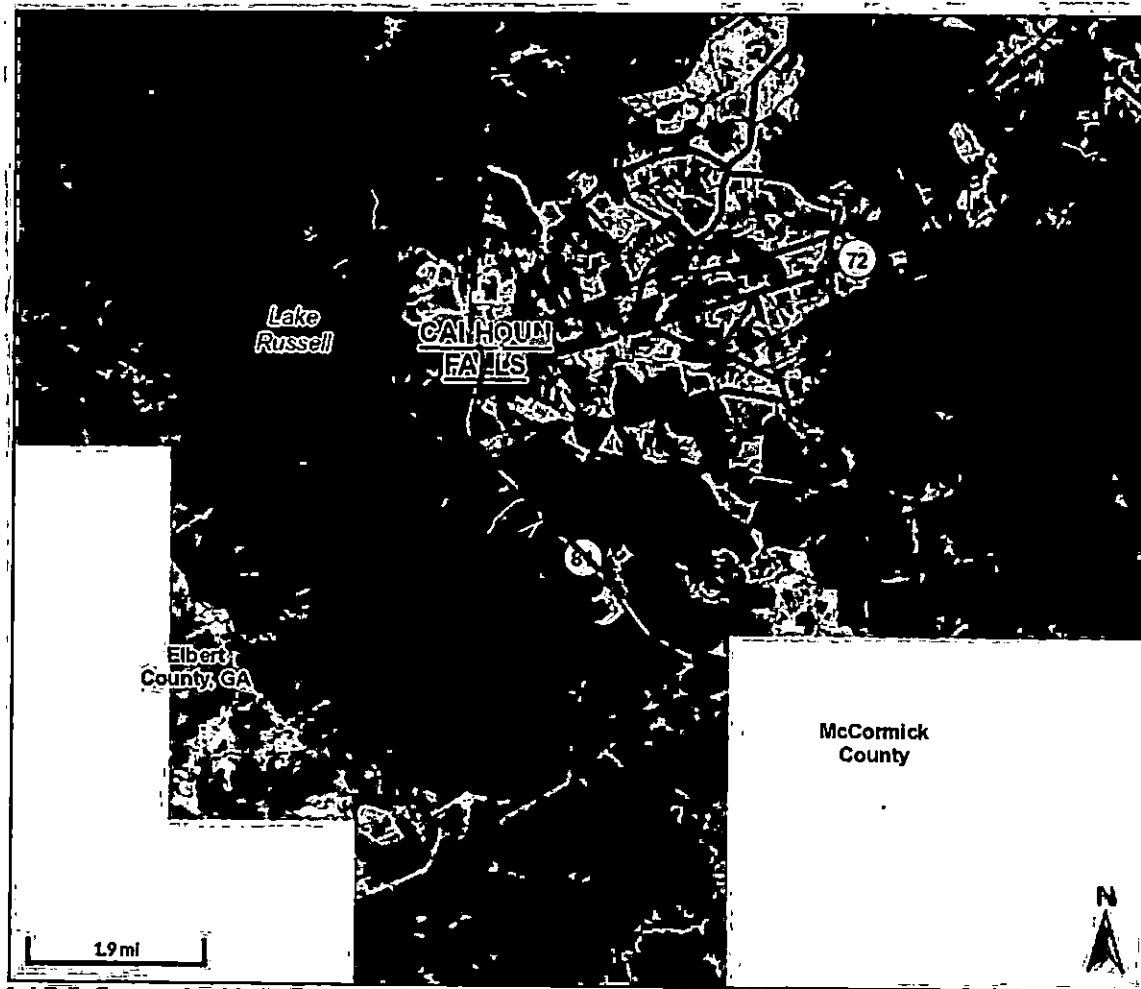
**EXHIBIT 13-A**

208



qPublic.net™

Abbeville County, SC



Overview



Legend

Yearly Sales

- 2014
- 2015
- 2016
- 2017
- 2018
- 2019

- Lake Russell
- Lake Secession

Railroad

Corp Limits

Road Centerlines

<all other values>

City

County

Federal/ Forestry

Private

State/ DOT

Adjoining Counties

Parcel ID 163-00-00-018

Sec/Twp/Rng n/a

Property Address

District 01

Brief Tax Description n/a

(Note: Not to be used on legal documents)

Alternate ID 163-00-00-018

Class n/a

Approximate Acres 25.2

Owner Address TOWN OF CALHOUN FALLS  
401 WASHINGTON ST N  
CALHOUN FALLS SC 29628

Date created: 9/6/2019

Last Data Uploaded: 9/6/2019 12:07:52 AM

Developed by Schneider  
GEOSPATIAL

EXHIBIT 13-A



### Summary

Parcel ID 174-00-00-021  
 Tax District 01  
 Description1 1-4W-181R  
 Description2 HWY 81 S  
 Legal Description  
 Town Code / Neighborhood ~Agriculture 6-51 Acres  
 Approximate Acres 7 Acres  
 Record Type Agriculture  
 Property Address HWY 81 S  
 Fire District Monterey Fire Dist (09)

### Owners

MYERS ANNIE H  
 13 ANGEL LN  
 CALHOUN FALLS SC 29628

### Valuation

Land Market Value \$28,000  
 Improvement Market Value \$0  
 Total Market Value \$28,000  
 Taxable Value \$987  
 Total Assessed Value \$40

### Recorders Index

| Deed Book/Page | Plat Book/Page | Deed Ref. Date | Previous Owner |
|----------------|----------------|----------------|----------------|
| 184/359        | 34/250         | 01/27/1994     |                |

### Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 01/27/1994 | \$0           | 184 / 359      | 34 / 250       |             |            |           |                |             |

### Building Info

Main Building  
 SqFt 1st Floor 0  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | -          | 43613       |          |

### Map

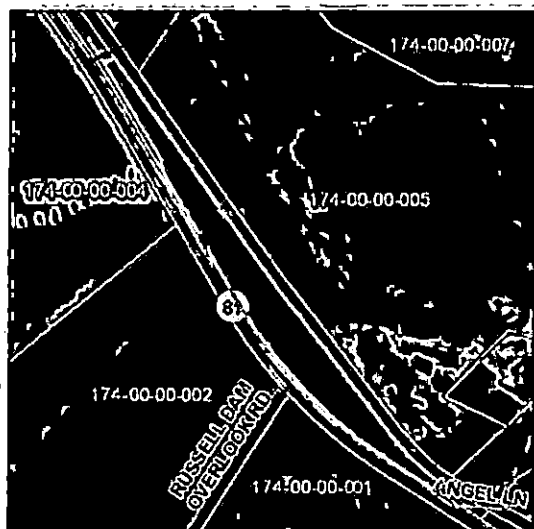


EXHIBIT 13-A

210

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**EXHIBIT 13-A**

**211**



**Overview**



**Legend**

- Parcel Numbers
- Parcel
- Yearly Sales
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- Lake Russell
- Lake Seccession
- Railroad
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/ DOT
- Adjoining Counties

|                              |                                           |                          |               |                      |                        |
|------------------------------|-------------------------------------------|--------------------------|---------------|----------------------|------------------------|
| <b>Parcel ID</b>             | 174-00-00-021                             | <b>Alternate ID</b>      | 174-00-00-021 | <b>Owner Address</b> | MYERS ANNIE H          |
| <b>Sec/Twp/Rng</b>           | n/a                                       | <b>Class</b>             | n/a           |                      | 13 ANGEL LN            |
| <b>Property Address</b>      | HWY 81 S                                  | <b>Approximate Acres</b> | 7             |                      | CALHOUN FALLS SC 29628 |
| <b>District</b>              | 01                                        |                          |               |                      |                        |
| <b>Brief Tax Description</b> | 1-4W-181R                                 |                          |               |                      |                        |
|                              | (Note: Not to be used on legal documents) |                          |               |                      |                        |

Date created: 9/6/2019  
Last Data Uploaded: 9/6/2019 12:07:52 AM

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GEOSPATIAL

**EXHIBIT 13-A**



# Abbeville County, SC

## Summary

Parcel ID 174-00-00-005  
 Tax District 01  
 Description1 1-4W-161L  
 Description2  
 Legal Description OFF HWY 81  
 Town Code / Neighborhood ~Residential >51 Acres  
 Approximate Acres 56 Acres  
 Record Type Residential and Agriculture  
 Property Address 13 ANGEL LN  
 Fire District Monterey Fire Dist (09)

## Owners

MYERS ANNIE LOUISE  
 13 ANGEL LN  
 CALHOUN FALLS SC 29628

## Valuation

Land Market Value \$115,000  
 Improvement Market Value \$143,600  
 Total Market Value \$258,600  
 Taxable Value \$73,040  
 Total Assessed Value \$2,920

## Recorders Index

| Deed Book/Page | Plat Book/Page | Deed Ref. Date | Previous Owner               |
|----------------|----------------|----------------|------------------------------|
| 94/456         | 32/152         | 05/31/1958     | WILLIS EUGENIA ODESSA HODGES |
| 90//598        | 32/152         | 06/15/1957     | HILLEY BEATRICE A ET AL      |

## Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name                  | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|------------------------------|------------|-----------|----------------|-------------|
| 05/31/1958 | \$0           | 94 / 456       | 32 / 152       | WILLIS EUGENIA ODESSA HODGES |            |           |                |             |

## Building Info

Main Building  
 SqFt 1st Floor 2660  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1964       | 2660        | 36540    |
| R           |            |             | 43607    |

## Map

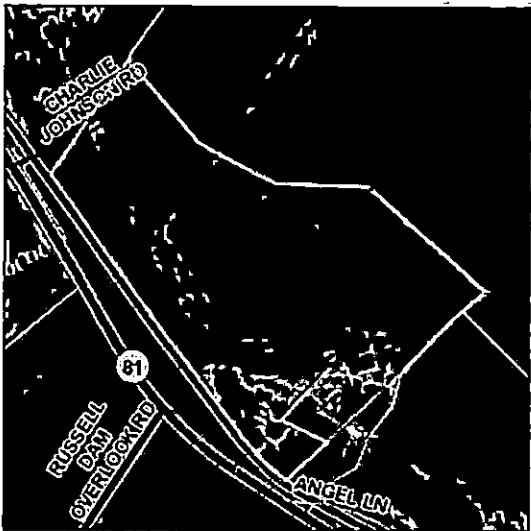


EXHIBIT 13-A

213

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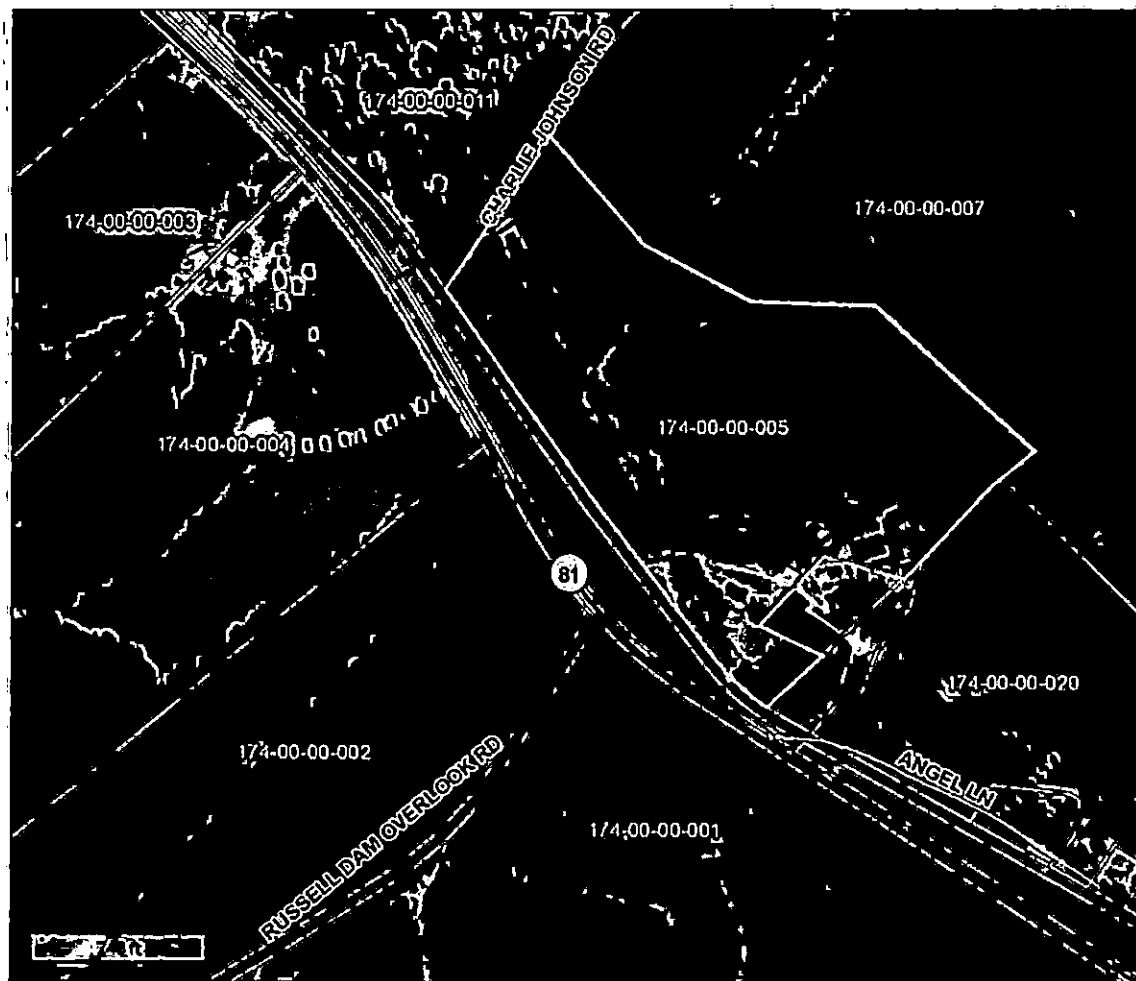


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Version 2.3.3

**EXHIBIT 13-A**

**214**



#### Overview



#### Legend

- Parcel Numbers
- Parcel
- Yearly Sales
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- Lake Russell
- Lake Secession
- Railroad
- Site Address
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/ DOT
- Adjoining Counties

|                       |                                           |                   |               |               |                        |
|-----------------------|-------------------------------------------|-------------------|---------------|---------------|------------------------|
| Parcel ID             | 174-00-00-005                             | Alternate ID      | 174-00-00-005 | Owner Address | MYERS ANNIE LOUISE     |
| Sec/Twp/Rng           | n/a                                       | Class             | n/a           |               | 13 ANGEL LN            |
| Property Address      | 13 ANGEL LN                               | Approximate Acres | 56            |               | CALHOUN FALLS SC 29628 |
| District              | 01                                        |                   |               |               |                        |
| Brief Tax Description | 1-4W-161L                                 |                   |               |               |                        |
|                       | (Note: Not to be used on legal documents) |                   |               |               |                        |

Date created: 9/6/2019  
Last Data Uploaded: 9/6/2019 12:07:52 AM

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EXHIBIT 13-A



### Summary

Parcel ID 174-00-00-024  
 Tax District 01  
 Description1 PARENT 174-00-00-020  
 Description2 CF  
 Legal Description TRACT 1  
 Town Code / Neighborhood -/Residential 1-5 Acres  
 Approximate Acres 1.7 Acres  
 Record Type Residential  
 Property Address HWY 81 S  
 Fire District Monterey Fire Dist (09)

### Owners

NOBLES BILLY & ELAINE-  
 17 ANGEL LN  
 CALHOUN FALLS SC 29628

### Valuation

Land Market Value \$6,800  
 Improvement Market Value \$0  
 Total Market Value \$6,800  
 Taxable Value \$6,800  
 Total Assessed Value \$410

### Recorders Index

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕      |
|------------------|------------------|------------------|-----------------------|
| 274/516          | 66/83            | 10/23/2008       | HOZEY JUDY DALE ET AL |
| 273/125          | 66/83            | 08/18/2008       |                       |

### Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name           | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-----------------------|------------|-----------|----------------|-------------|
| 10/23/2008 | \$0           | 274 / 516      | 66 / 83        | HOZEY JUDY DALE ET AL |            | N         | Other          |             |

### Building Info

Main Building  
 SqFt 1st Floor 0  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | -          | 36396       |          |

### Map

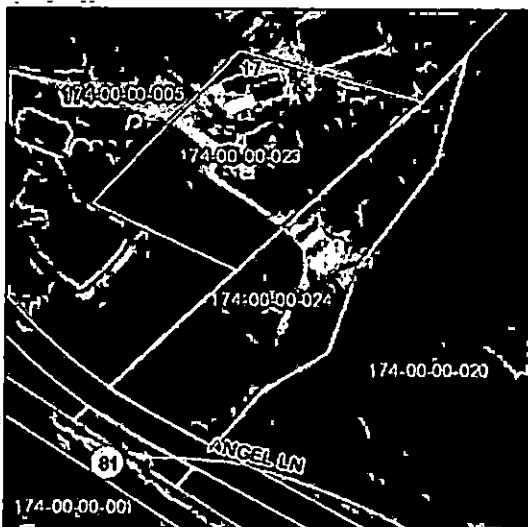


EXHIBIT 13-A

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**EXHIBIT 13-A**

**217**



**Overview**



**Legend**

- Parcel Numbers
- Parcel
- Yearly Sales
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- Lake Russell
- Lake Secession
- Railroad
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/ DOT
- Adjoining Counties

|                       |                                                                   |                   |               |               |                        |
|-----------------------|-------------------------------------------------------------------|-------------------|---------------|---------------|------------------------|
| Parcel ID             | 174-00-00-024                                                     | Alternate ID      | 174-00-00-024 | Owner Address | NOBLES BILLY & ELAINE  |
| Sec/Twp/Rng           | n/a                                                               | Class             | n/a           |               | 17 ANGEL LN            |
| Property Address      | HWY 81S                                                           | Approximate Acres | 1.7           |               | CALHOUN FALLS SC 29628 |
| District              | 01                                                                |                   |               |               |                        |
| Brief Tax Description | PARENT 174-00-00-020<br>(Note: Not to be used on legal documents) |                   |               |               |                        |

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**EXHIBIT 13-A**

### Summary

Parcel ID 174-00-00-022  
 Tax District 01  
 Description1 5-4W-162L  
 Description2 143 ANGEL LANE  
 Legal Description -  
 Town Code / Neighborhood -/Residential 1-5 Acres  
 Approximate Acres 0.65 Acres  
 Record Type Residential  
 Property Address 143 ANGEL LN  
 Fire District Monterey Fire Dist (09)

### Owners

WILLIS JAMES L  
 143 ANGEL LN  
 CALHOUN FALLS SC 29628

### Valuation

Land Market Value \$3,500  
 Improvement Market Value \$105,500  
 Total Market Value \$109,000  
 Taxable Value \$109,000  
 Total Assessed Value \$4,360

### Recorders Index

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕ |
|------------------|------------------|------------------|------------------|
| 203/299          | 44/60            | 12/03/1997       |                  |

### Sales

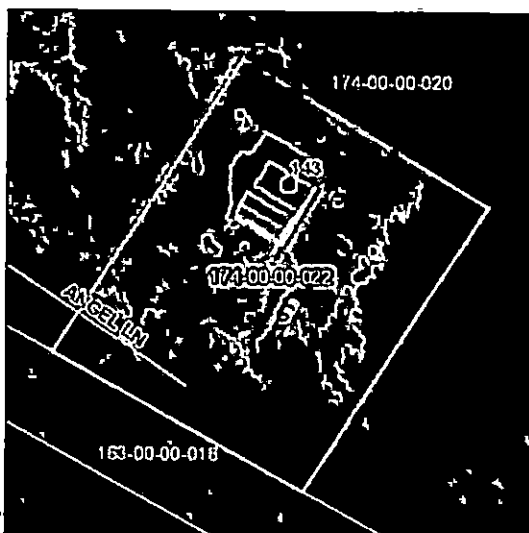
| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 12/03/1997 | \$0           | 203/299        | 44/60          |             |            |           |                |             |

### Building Info

Main Building  
 SqFt 1st Floor 1740  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1996       | 1740        | 36354    |

### Map


**EXHIBIT 13-A**

# 219

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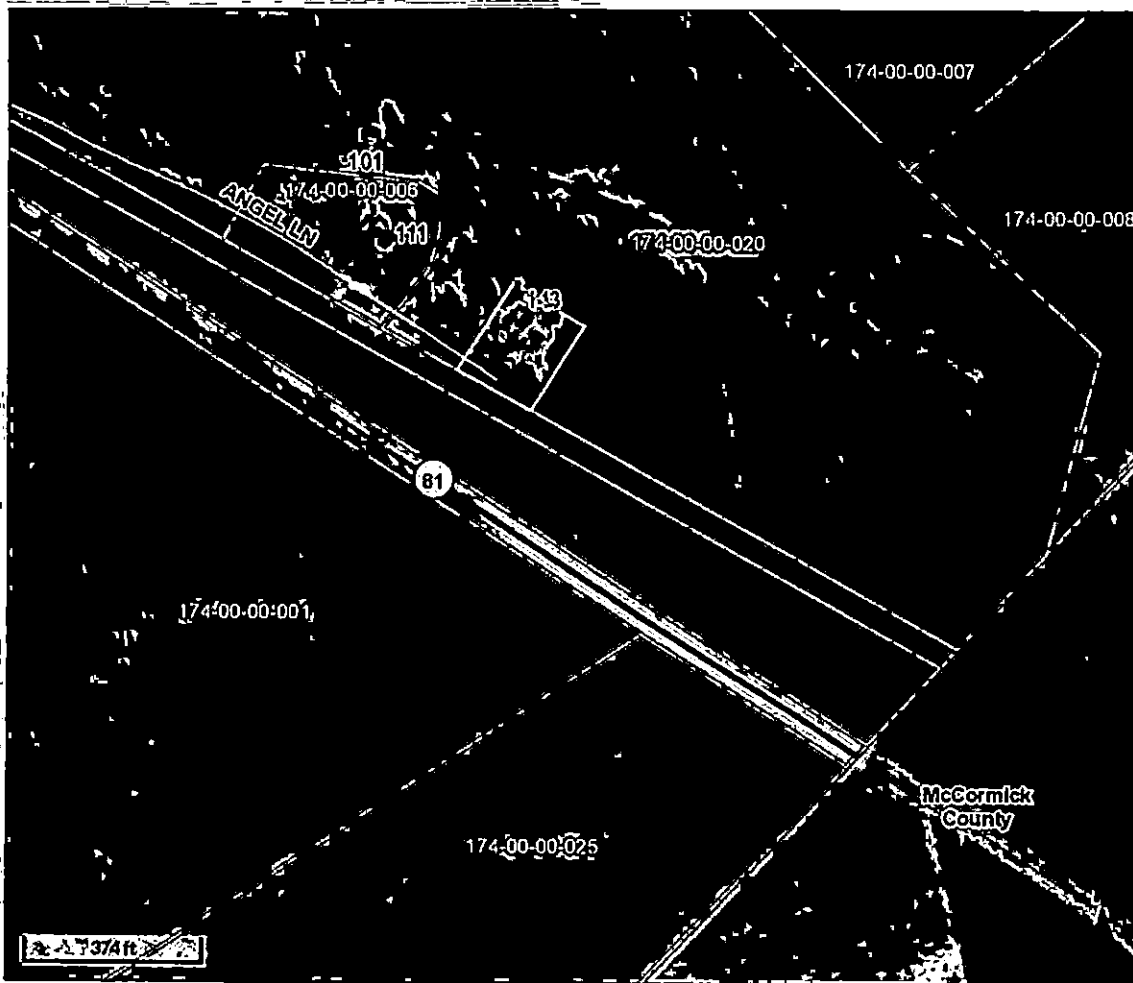


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**EXHIBIT 13-A**

**220**



#### Overview



#### Legend

- Parcel Numbers
  - Parcel
- Yearly Sales
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- LakeRussell
- Lake Secession
- Railroad
- Site Address
- Corp Limits
- Road Centerlines
  - <all other values>
  - City
  - County
  - Federal/ Forestry
  - Private
  - State/DOT
- Adjoining Counties

|                       |                                           |                   |               |               |                        |
|-----------------------|-------------------------------------------|-------------------|---------------|---------------|------------------------|
| Parcel ID             | 174-00-00-022                             | Alternate ID      | 174-00-00-022 | Owner Address | WILLIS JAMES L         |
| Sec/Twp/Rng           | n/a                                       | Class             | n/a           |               | 143 ANGEL LN           |
| Property Address      | 143 ANGEL LN                              | Approximate Acres | 0.65          |               | CALHOUN FALLS SC 29628 |
| District              | 01                                        |                   |               |               |                        |
| Brief Tax Description | 5-4W-162L                                 |                   |               |               |                        |
|                       | (Note: Not to be used on legal documents) |                   |               |               |                        |

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EXHIBIT 13-A



## Summary

Parcel ID 174-00-00-003  
 Tax District 01  
 Description1 7-4W-182R  
 Description2 HIGHWAY 81  
 Legal Description PB 18/107; PLAT 51-58  
 Town Code / Neighborhood -/Residential >51 Acres  
 Approximate Acres 58 Acres  
 Record Type Residential and Agriculture  
 Property Address 1340 HWY 81 S  
 Fire District Monterey Fire Dist (09)

## Owners

MASON JAMES A & LUCILLE M  
 1340 HWY 81 S  
 CALHOUN FALLS SC 29628

## Valuation

Land Market Value \$119,000  
 Improvement Market Value \$9,800  
 Total Market Value \$128,800  
 Taxable Value \$26,635  
 Total Assessed Value \$1,360

## Recorders Index

| Deed Book/Page | Plat Book/Page | Deed Ref. Date | Previous Owner |
|----------------|----------------|----------------|----------------|
| 205/123        | 32/13          | 04/02/1998     |                |

## Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 04/02/1998 | \$0           | 205 / 123      | 32 / 13        |             |            |           |                |             |

## Building Info

Main Building  
 SqFt 1st Floor 832  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1906       | 832         | 36358    |
| R           |            |             | 43605    |

## Map



EXHIBIT 13-A

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**EXHIBIT 13-A**

**223**



Overview



Legend

- Parcel Numbers
- Parcel
- Yearly Sales
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- Lake Russell
- Lake Secession
- Railroad
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/Forestry
- Private
- State/DOT
- Adjoining Counties

Parcel ID 174-00-00-003  
Sec/Twp/Rng n/a  
Property Address 1340 HWY 81 S  
District 01  
Brief Tax Description 7-4W-182R

Alternate ID 174-00-00-003  
Class n/a  
Approximate Acres 58

Owner Address MASON JAMES A & LUCILLE M  
1340 HWY 81 S  
CALHOUN FALLS SC 29628

(Note: Not to be used on legal documents)

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### Summary

Parcel ID ~~174-00-00-004~~  
 Tax District 01  
 Description1 9-4W-182R  
 Description2  
 Legal Description  
 Town Code / Neighborhood -/Residential >51 Acres  
 Approximate Acres 80 Acres  
 Record Type Residential and Agriculture  
 Property Address 1340 HWY 81 S  
 Fire District Monterey Fire Dist (09)

### Owners

MASON, JAMES A & LUCILLE M  
 1340 HWY 81 S  
 CALHOUN FALLS SC 29628

### Valuation

Land Market Value \$163,000  
 Improvement Market Value \$298,300  
 Total Market Value \$461,300  
 Taxable Value \$316,001  
 Total Assessed Value \$12,640

### Recorders Index

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕ |
|------------------|------------------|------------------|------------------|
| 205/127          | 51/58            | 04/02/1998       |                  |

### Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 04/02/1998 | \$0           | 205 / 127      | 51 / 58        |             |            |           |                |             |

### Building Info

Main Building  
 SqFt 1st Floor 3653  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 2000       | 3653        | 36356    |
| R           | -          | -           | 43606    |

### Map


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**EXHIBIT 13-A**

**226**



#### Overview



#### Legend

- Parcel Numbers
  - Parcel
- Yearly Sales
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- Lake Russell
- Lake Secession
- Railroad
- Corp Limits
- Road Centerlines
  - <all other values>
  - City
  - County
  - Federal/ Forestry
  - Private
  - State/DOT
- Adjoining Counties

|                       |                                           |                   |               |               |                           |
|-----------------------|-------------------------------------------|-------------------|---------------|---------------|---------------------------|
| Parcel ID             | 174-00-00-004                             | Alternate ID      | 174-00-00-004 | Owner Address | MASON JAMES A & LUCILLE M |
| Sec/Twp/Rng           | n/a                                       | Class             | n/a           |               | 1340 HWY 81 S             |
| Property Address      | 1340 HWY 81 S                             | Approximate Acres | 80            |               | CALHOUN FALLS SC 29628    |
| District              | 01                                        |                   |               |               |                           |
| Brief Tax Description | 9-4W-182R                                 |                   |               |               |                           |
|                       | (Note: Not to be used on legal documents) |                   |               |               |                           |

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EXHIBIT 13-A



## Summary

Parcel ID 174-00-00-011  
 Tax District 01  
 Description1 3-4W-182R  
 Description2 CF  
 Legal Description SEE ALSO DB 304-353;  
 Town Code / Neighborhood -/Residential >51 Acres  
 Approximate Acres 127 Acres  
 Record Type Residential and Agriculture  
 Property Address 1337 HWY 81 S  
 Fire District Monterey Fire Dist (09)

## Owners

ATKINSON SARAH B L E  
 1337 HWY 81 S  
 CALHOUN FALLS SC 29628

## Valuation

Land Market Value \$257,000  
 Improvement Market Value \$97,900  
 Total Market Value \$354,900  
 Taxable Value \$128,268  
 Total Assessed Value \$5,140

## Recorders Index

| Deed Book/Page | Plat Book/Page | Deed Ref. Date | Previous Owner         |
|----------------|----------------|----------------|------------------------|
| 135/632        | N/A/000        | 12/23/1982     | ATKINSON W D & SARAH B |

## Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name            | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|------------------------|------------|-----------|----------------|-------------|
| 12/23/1982 | \$0           | 135 / 632      | N/A / 000      | ATKINSON W D & SARAH B |            |           |                |             |

## Building Info

Main Building  
 SqFt 1st Floor 2016  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1965       | 2016        | 36703    |
| R           | -          | -           | 43610    |

## Map



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**EXHIBIT 13-A**

**229**



Overview



Legend

- Parcel Numbers
- Parcel
- Yearly Sales
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- Lake Russell
- Lake Seccession
- Railroad
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/ DOT
- Adjoining Counties

Parcel ID 174-00-00-011  
Sec/Twp/Rng n/a  
Property Address 1337 HWY 81 S  
District 01  
Brief Tax Description 3-4W-182R

Alternate ID 174-00-00-011  
Class n/a  
Approximate Acres 127

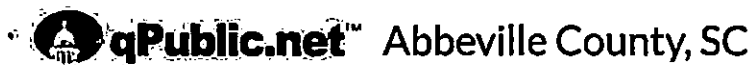
Owner Address ATKINSON SARAH B L E  
1337 HWY 81 S  
CALHOUN FALLS SC 29628

(Note: Not to be used on legal documents)

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EXHIBIT 13-A



### Summary

Parcel ID 163-07-01-018\*  
 Tax District 03  
 Description1 C-3-65L  
 Description2  
 Legal Description  
 Town Code / Neighborhood Calhoun Falls/-  
 Approximate Acres 0.55 Acres  
 Record Type Residential  
 Property Address 313 CALHOUN SHORES PKY S  
 Fire District Calhoun Falls Fire Dist (12)

### Owners

SMITH WILLIE CLYDE  
 313 HIGHWAY 81 SOUTH  
 CALHOUN FALLS SC 29628

### Valuation

Land Market Value \$1,500  
 Improvement Market Value \$14,300  
 Total Market Value \$15,800  
 Taxable Value \$15,800  
 Total Assessed Value \$630

### Recorders Index

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕ |
|------------------|------------------|------------------|------------------|
| 103/124          |                  | 07/11/1964       |                  |

### Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 07/11/1964 | \$0           | 103 / 124      |                |             |            |           |                |             |

### Building Info

Main Building  
 SqFt 1st Floor 1294  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1960       | 1294        | 36906    |

### Map

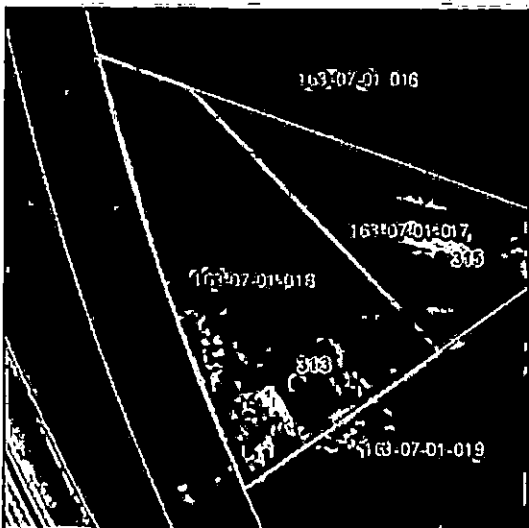


EXHIBIT 13-A

231

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**EXHIBIT 13-A**

**232**



**Overview**



**Legend**

- Parcel Numbers
- Parcel
- Yearly Sales
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- Lake Russell
- Lake Secession
- Railroad
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/DOT
- Adjoining Counties

|                       |                                           |                   |               |               |                        |
|-----------------------|-------------------------------------------|-------------------|---------------|---------------|------------------------|
| Parcel ID             | 163-07-01-018                             | Alternate ID      | 163-07-01-018 | Owner Address | SMITH WILLIE CLYDE     |
| Sec/Twp/Rng           | n/a                                       | Class             | n/a           |               | 313 HIGHWAY 81 SOUTH   |
| Property Address      | 313 CALHOUN SHORES PKY S                  | Approximate Acres | 0.55          |               | CALHOUN FALLS SC 29628 |
| District              | 03                                        |                   |               |               |                        |
| Brief Tax Description | C-3-65L                                   |                   |               |               |                        |
|                       | (Note: Not to be used on legal documents) |                   |               |               |                        |

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**EXHIBIT 13-A**



# Abbeville County, SC

## Summary

Parcel ID 163-00-00-004  
 Tax District 01  
 Description1 1-4W-183L  
 Description2  
 Legal Description SEE ALSO DB 280/101&105  
 Town Code / Neighborhood -/Residential > 51 Acres  
 Approximate Acres 196 Acres  
 Record Type Residential and Agriculture  
 Property Address 417 HWY 81 S  
 Fire District Monterey Fire Dist (09)

## Owners

SAWNEY CREEK FARMS LLC  
 109 HILLCREST AVE  
 CLEMSON SC 29631

## Valuation

Land Market Value \$395,000  
 Improvement Market Value \$95,800  
 Total Market Value \$490,800  
 Taxable Value \$122,600  
 Total Assessed Value \$6,920

## Recorders Index

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕          |
|------------------|------------------|------------------|---------------------------|
| 280/123          | N/A/000          | 10/28/2009       | PETTIGREW GAINES C ESTATE |
| 121/208          | N/A/000          | 08/08/1977       |                           |

## Sales

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name               | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|---------------------------|------------|-----------|----------------|-------------|
| 10/28/2009 | \$0           | 280 / 123      | N/A / 000      | PETTIGREW GAINES C ESTATE |            | N         | Family         |             |

## Building Info

Main Building  
 SqFt 1st Floor 2529  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1925       | 2529        | 36528    |
| R           | -          |             | 44202    |

## Map

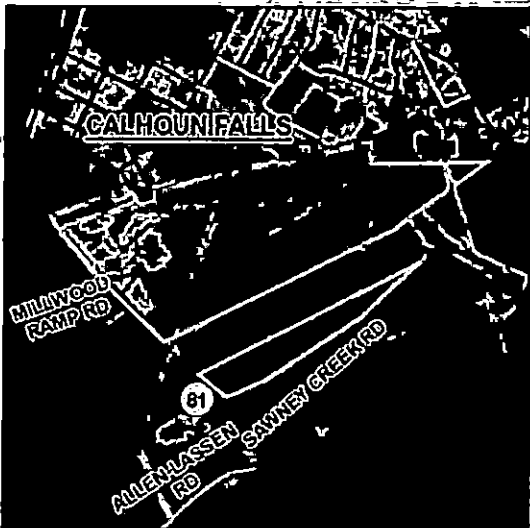


EXHIBIT 13-A

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**EXHIBIT 13-A**

**235**



#### Overview



#### Legend

- Parcel
- Yearly Sales**
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- Lake Russell
- Lake Secession
- Railroad
- Corp Limits
- Road Centerlines**
  - <all other values>
  - City
  - County
  - Federal/ Forestry
  - Private
  - State/ DOT
  - Adjoining Counties

Parcel ID 163-00-00-004

Sec/Twp/Rng n/a

Property Address 417 HWY 81 S

District 01

Brief Tax Description 1-4W-183L

(Note: Not to be used on legal documents)

Alternate ID 163-00-00-004

Class n/a

Approximate Acres 196

Owner Address SAWNEY CREEK FARMS LLC

109 HILLCREST AVE

CLEMSON SC 29631

Date created: 9/6/2019

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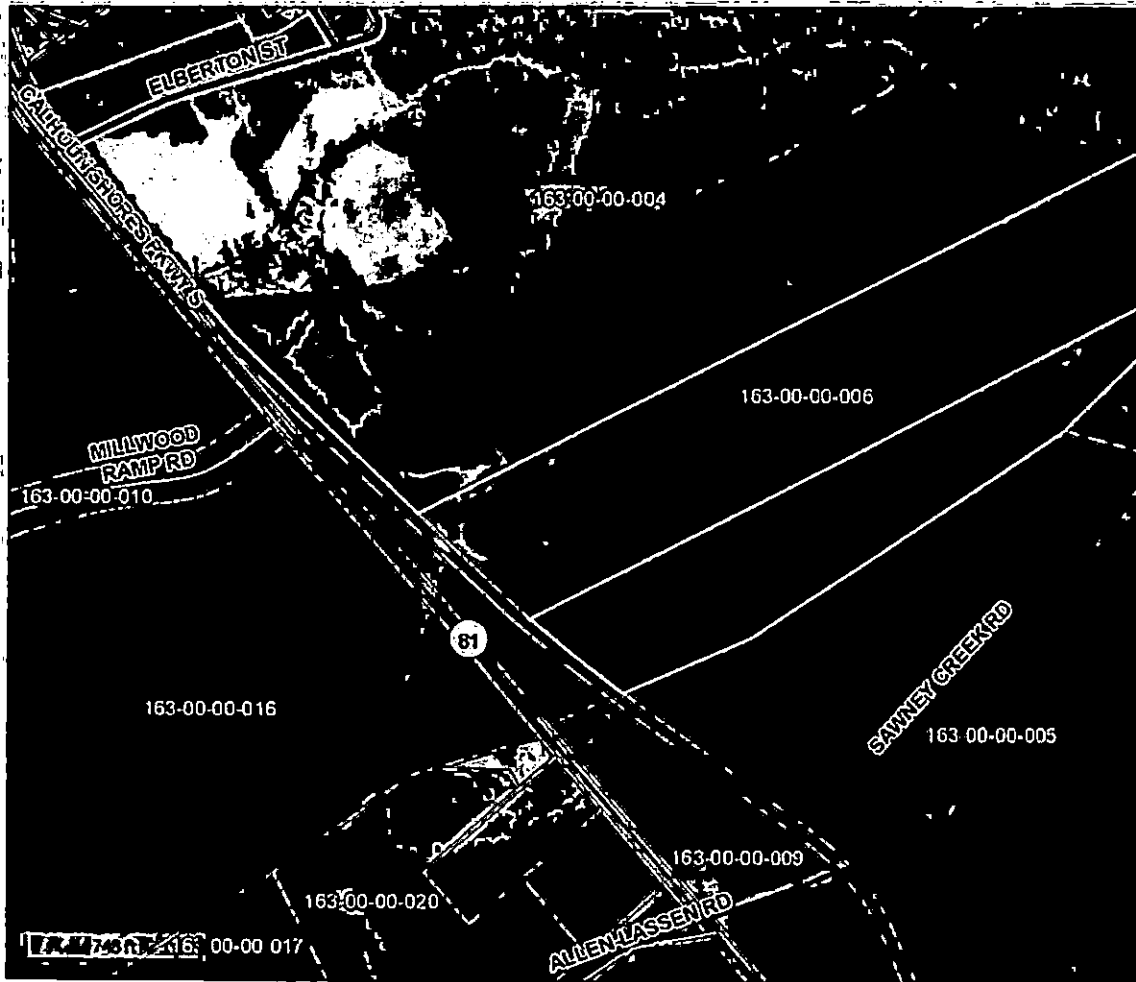
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**EXHIBIT 13-A**



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Abbeville County, SC



#### Overview



#### Legend

- Parcel Numbers
  - Parcel
- Yearly Sales
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- Lake Russell
- Lake Secession
- Railroad
- Site Address
- Corp Limits
- Road Centerlines
  - <all other values>
  - City
  - County
  - Federal/ Forestry
  - Private
  - State/DOT
- Adjoining Counties

Parcel ID 163-00-00-004  
Sec/Twp/Rng n/a  
Property Address 417 HWY 81 S  
District 01  
Brief Tax Description 1-4W-183L  
(Note: Not to be used on legal documents)

Alternate ID 163-00-00-004  
Class n/a  
Approximate Acres 196

Owner Address SAWNEY CREEK FARMS LLC  
109 HILLCREST AVE  
CLEMSON SC 29631

Date created: 9/6/2019  
Last Data Uploaded: 9/6/2019 12:07:52 AM

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EXHIBIT 13-A

**Summary**

Parcel ID 154-13-02-006  
 Tax District 03  
 Description1 K-25-66L  
 Description2  
 Legal Description SHERARD PARK LOT 4  
 Town Code / Neighborhood Calhoun Falls/-  
 Approximate Acres 0.8 Acres  
 Record Type Residential  
 Property Address 102 SHERARD ST  
 Fire District Calhoun Falls Fire Dist (12)

**Owners**

BROADWELL G L YOE HURT  
 102 SHERARD ST  
 CALHOUN FALLS SC 29628

**Valuation**

Land Market Value \$4,000  
 Improvement Market Value \$68,700  
 Total Market Value \$72,700  
 Taxable Value \$72,700  
 Total Assessed Value \$2,910

**Recorders Index**

| Deed Book/Page ↕ | Plat Book/Page ↕ | Deed Ref. Date ↕ | Previous Owner ↕ |
|------------------|------------------|------------------|------------------|
| 167/272          | 10/222           | 06/22/1990       |                  |

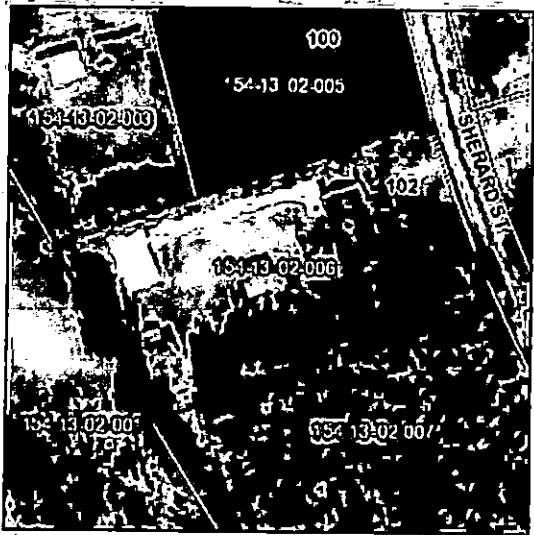
**Sales**

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------|------------|-----------|----------------|-------------|
| 06/22/1990 | \$0           | 167 / 272      | 10 / 222       |             |            |           |                |             |

**Building Info**

Main Building  
 SqFt 1st Floor 0  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           | 1963       | 1275        | 37277    |

**Map****EXHIBIT 13-A**



Overview



# Legend

- Parcel Numbers
  - Parcel
- Yearly Sales
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- Lake Russell
- Lake Secession
- Railroad
- Site Address
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/DOT
- Adjoining Counties

|                       |                                           |                   |               |               |                        |
|-----------------------|-------------------------------------------|-------------------|---------------|---------------|------------------------|
| Parcel ID             | 154-13-02-006                             | Alternate ID      | 154-13-02-006 | Owner Address | BROADWELL CLYDE H JR   |
| Sec/Twp/Rng           | n/a                                       | Class             | n/a           |               | 102 SHERARD ST         |
| Property Address      | 102 SHERARD ST                            | Approximate Acres | 0.8           |               | CALHOUN FALLS SC 29628 |
| District              | 03                                        |                   |               |               |                        |
| Brief Tax Description | K-25-66L                                  |                   |               |               |                        |
|                       | (Note: Not to be used on legal documents) |                   |               |               |                        |

Date created: 9/11/2019  
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EXHIBIT 13-A

**Summary**

Parcel ID 163-00-00-006  
 Tax District 01  
 Description1 2-4W-183L  
 Description2  
 Legal Description ALSO DB 280/99,109,115,119 OFF HWY 81 S  
 Town Code / Neighborhood -/Agriculture 6-51 Acres  
 Approximate Acres 47 Acres  
 Record Type Agriculture  
 Property Address HWY 81 S  
 Fire District Monterey Fire Dist (09)

**Owners**

SAWNEY CREEK FARMS LLC  
 109 HILLCREST AVE  
 CLEMSON SC 29631

**Valuation**

Land Market Value \$117,500  
 Improvement Market Value \$0  
 Total Market Value \$117,500  
 Taxable Value \$5,532  
 Total Assessed Value \$220

**Recorders Index**

| Deed Book/Page | Plat Book/Page | Deed Ref. Date | Previous Owner                |
|----------------|----------------|----------------|-------------------------------|
| 280/123        | 52/116         | 10/28/2009     | PETTIGREW GAINES C & JEANETTE |
| 0220/0487      | 52/116         | 11/20/2000     | JACKSON ZELLA C               |

**Sales**

| Sale Date  | Consideration | Deed Book/Page | Plat Book/Page | Seller Name                   | Buyer Name | True Sale | True Sale Code | Sale Reason |
|------------|---------------|----------------|----------------|-------------------------------|------------|-----------|----------------|-------------|
| 10/28/2009 | \$0           | 280 / 123      | 52 / 116       | PETTIGREW GAINES C & JEANETTE |            | N         | Family         |             |

**Building Info**

Main Building  
 SqFt 1st Floor 0  
 SqFt 2nd Floor 0  
 SqFt Garage 0

| Res/Comm/Ag | Year Built | Total Sq Ft | Sequence |
|-------------|------------|-------------|----------|
| R           |            | 36696       |          |

**Map****EXHIBIT 13-A****240**

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Version 2.3.3

**EXHIBIT 13-A**

**241**



#### Overview

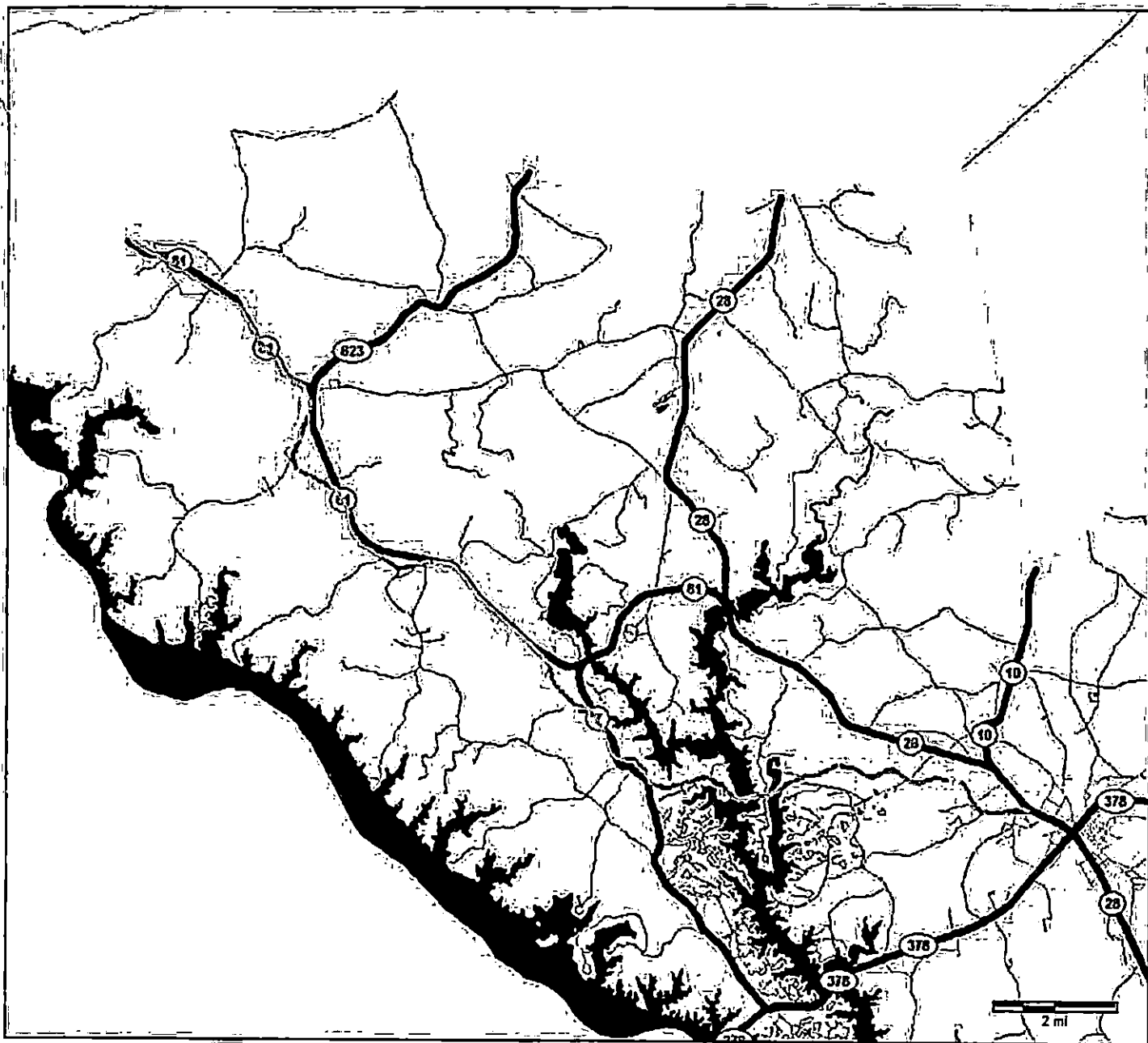


#### Legend

- Parcel Numbers
- Parcel
- Yearly Sales
  - 2014
  - 2015
  - 2016
  - 2017
  - 2018
  - 2019
- Lake Russell
- Lake Secession
- Railroad
- Corp Limits
- Road Centerlines
- <all other values>
- City
- County
- Federal/ Forestry
- Private
- State/DOT
- Adjoining Counties

Date created: 9/6/2019  
Last Data Uploaded: 9/6/2019 12:07:52 AM

Developed by Schneider  
GEOSPATIAL



|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type notes here | <div style="display: flex; justify-content: space-between;"> <div>           Printed<br/>09/06/2019         </div> <div style="font-size: 0.8em;">           The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.         </div> </div> |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

098-00-00-028.

General  
Assessment  
Structure

Owner and General Parcel Information

|                      |                                    |
|----------------------|------------------------------------|
| <b>Property Card</b> | <a href="#">Show Property Card</a> |
| <b>Map Number</b>    | 098-00-00-028.                     |
| <b>Owner Name</b>    | SAVANNAH VALLEY TRAILS INC         |

243

EXHIBIT 13-B

|                              |                             |
|------------------------------|-----------------------------|
| <b>Mailing Address1</b>      | C/O BRADLEY ALLEN-TREASURER |
| <b>Mailing Address2</b>      | PO BOX 556                  |
| <b>Mailing Address3</b>      | MCCORMICK S C               |
| <b>Mailing ZipCode</b>       | 29835                       |
| <b>Physical Address</b>      | 0                           |
| <b>Legal Description1</b>    |                             |
| <b>Legal Description2</b>    |                             |
| <b>Total Acreage</b>         | 189.07                      |
| <b>Deed Book</b>             | 244                         |
| <b>Deed Page</b>             | 57                          |
| <b>Plat Book</b>             |                             |
| <b>Plat Page</b>             |                             |
| <b>Description Location</b>  | ABANDON RIGHT-OF-WAY        |
| <b>Description Location2</b> |                             |
| <b>Sale Price</b>            | \$10.00                     |
| <b>Sale Date</b>             | 2012/06/28                  |

#### Assessment Information

|                                  |        |
|----------------------------------|--------|
| <b>Building Market Appraisal</b> | 0      |
| <b>Land Market Appraisal</b>     | 0      |
| <b>Total Market Appraisal</b>    | 0      |
| <b>Total Number Acres</b>        | 189.07 |
| <b>Total Number Buldings</b>     | 0      |
| <b>Total Number Lots</b>         | 0      |

#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 0    |
| <b>Square Foot First Floor</b>  | 0    |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 0    |
| <b>Workmanship</b>              |      |



|                 |                       |                                                                                                                                                                                                                                                                                                                                                        |
|-----------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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034-00-00-014.

General  
Assessment  
Structure

Owner and General Parcel Information

|               |                        |
|---------------|------------------------|
| Property Card | Show Property Card     |
| Map Number    | 034-00-00-014.         |
| Owner Name    | TUBERVILLE JAMES ALLEN |

245

EXHIBIT 13-B

|                              |                    |
|------------------------------|--------------------|
| <b>Mailing Address1</b>      |                    |
| <b>Mailing Address2</b>      | 816 HILLSIDE DRIVE |
| <b>Mailing Address3</b>      | NORTH AUGUSTA SC   |
| <b>Mailing ZipCode</b>       | 29841              |
| <b>Physical Address</b>      | 0                  |
| <b>Legal Description1</b>    |                    |
| <b>Legal Description2</b>    |                    |
| <b>Total Acreage</b>         | 65.90              |
| <b>Deed Book</b>             | 185                |
| <b>Deed Page</b>             | 78                 |
| <b>Plat Book</b>             |                    |
| <b>Plat Page</b>             |                    |
| <b>Description Location</b>  | WEST OF SC HWY 81  |
| <b>Description Location2</b> |                    |
| <b>Sale Price</b>            | \$1.00             |
| <b>Sale Date</b>             | 2004/07/06         |

#### Assessment Information

|                                  |        |
|----------------------------------|--------|
| <b>Building Market Appraisal</b> | 0      |
| <b>Land Market Appraisal</b>     | 0      |
| <b>Total Market Appraisal</b>    | 105440 |
| <b>Total Number Acres</b>        | 65.90  |
| <b>Total Number Buildings</b>    | 0      |
| <b>Total Number Lots</b>         | 0      |

#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 0    |
| <b>Square Foot First Floor</b>  | 0    |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 0    |
| <b>Workmanship</b>              |      |



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**045-00-00-012.**

General  
Assessment  
Structure

Owner and General Parcel Information

|                      |                                    |
|----------------------|------------------------------------|
| <b>Property Card</b> | <a href="#">Show Property Card</a> |
| <b>Map Number</b>    | 045-00-00-012.                     |
| <b>Owner Name</b>    | BURTON DEAN                        |

247

**EXHIBIT 13-B**

|                              |                  |
|------------------------------|------------------|
| <b>Mailing Address1</b>      |                  |
| <b>Mailing Address2</b>      | 214 AMETHYST WAY |
| <b>Mailing Address3</b>      | SENECA SC        |
| <b>Mailing ZipCode</b>       | 29672            |
| <b>Physical Address</b>      | 0                |
| <b>Legal Description1</b>    |                  |
| <b>Legal Description2</b>    |                  |
| <b>Total Acreage</b>         | 100.01           |
| <b>Deed Book</b>             | 250              |
| <b>Deed Page</b>             | 72               |
| <b>Plat Book</b>             | 11               |
| <b>Plat Page</b>             | 82               |
| <b>Description Location</b>  | HWY 135          |
| <b>Description Location2</b> |                  |
| <b>Sale Price</b>            | \$160,006.00     |
| <b>Sale Date</b>             | 2013/08/12       |

## Assessment Information

|                                  |        |
|----------------------------------|--------|
| <b>Building Market Appraisal</b> | 0      |
| <b>Land Market Appraisal</b>     | 0      |
| <b>Total Market Appraisal</b>    | 160016 |
| <b>Total Number Acres</b>        | 100.01 |
| <b>Total Number Buildings</b>    | 0      |
| <b>Total Number Lots</b>         | 0      |

## Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 0    |
| <b>Square Foot First Floor</b>  | 0    |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 0    |
| <b>Workmanship</b>              |      |



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|              |           |
|--------------|-----------|
| Road Name    | MOSS AVE  |
| City         | MCCORMICK |
| Surface Type | SURFACE   |

45063roads.tml



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**025-02-01-022.**

General  
Assessment  
Structure

Owner and General Parcel Information

|                      |                                    |
|----------------------|------------------------------------|
| <b>Property Card</b> | <a href="#">Show Property Card</a> |
| <b>Map Number</b>    | 025-02-01-022.                     |
| <b>Owner Name</b>    | NEW ROBERT W & MINNIE O            |

**250**

**EXHIBIT 13-B**

|                              |              |
|------------------------------|--------------|
| <b>Mailing Address1</b>      |              |
| <b>Mailing Address2</b>      | PO BOX 176   |
| <b>Mailing Address3</b>      | MT CARMEL SC |
| <b>Mailing ZipCode</b>       | 29840        |
| <b>Physical Address</b>      | 0            |
| <b>Legal Description1</b>    |              |
| <b>Legal Description2</b>    |              |
| <b>Total Acreage</b>         | 0.00         |
| <b>Deed Book</b>             | 43           |
| <b>Deed Page</b>             | 15           |
| <b>Plat Book</b>             |              |
| <b>Plat Page</b>             |              |
| <b>Description Location</b>  | HWY 91       |
| <b>Description Location2</b> | 1.25 ACRES   |
| <b>Sale Price</b>            | \$0.00       |
| <b>Sale Date</b>             | 1900/01/01   |

#### Assessment Information

|                                  |       |
|----------------------------------|-------|
| <b>Building Market Appraisal</b> | 79570 |
| <b>Land Market Appraisal</b>     | 0     |
| <b>Total Market Appraisal</b>    | 84570 |
| <b>Total Number Acres</b>        | 0.00  |
| <b>Total Number Buldings</b>     | 1     |
| <b>Total Number Lots</b>         | 1     |

#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 420  |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 2057 |
| <b>Square Foot First Floor</b>  | 2057 |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 1977 |
| <b>Workmanship</b>              |      |



|                 |                       |                                                                                                                                                                                                                                                                                                                                                        |
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025-02-01-026.

General  
Assessment  
Structure

Owner and General Parcel Information

|               |                         |
|---------------|-------------------------|
| Property Card | Show Property Card      |
| Map Number    | 025-02-01-026.          |
| Owner Name    | NEW ROBERT W & MINNIE O |

252

EXHIBIT 13-B

|                              |              |
|------------------------------|--------------|
| <b>Mailing Address1</b>      |              |
| <b>Mailing Address2</b>      | PO BOX 176   |
| <b>Mailing Address3</b>      | MT CARMEL SC |
| <b>Mailing ZipCode</b>       | 29840        |
| <b>Physical Address</b>      | 0            |
| <b>Legal Description1</b>    |              |
| <b>Legal Description2</b>    |              |
| <b>Total Acreage</b>         | 2.06         |
| <b>Deed Book</b>             | 41           |
| <b>Deed Page</b>             | 63           |
| <b>Plat Book</b>             |              |
| <b>Plat Page</b>             |              |
| <b>Description Location</b>  | HWY 91       |
| <b>Description Location2</b> |              |
| <b>Sale Price</b>            | \$0.00       |
| <b>Sale Date</b>             | 1900/01/01   |

#### Assessment Information

|                                  |      |
|----------------------------------|------|
| <b>Building Market Appraisal</b> | 0    |
| <b>Land Market Appraisal</b>     | 0    |
| <b>Total Market Appraisal</b>    | 6180 |
| <b>Total Number Acres</b>        | 2.06 |
| <b>Total Number Buldings</b>     | 0    |
| <b>Total Number Lots</b>         | 0    |

#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 0    |
| <b>Square Foot First Floor</b>  | 0    |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 0    |
| <b>Workmanship</b>              |      |



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024-06-01-031.

General  
Assessment  
Structure

## Owner and General Parcel Information

|                      |                                    |
|----------------------|------------------------------------|
| <b>Property Card</b> | <a href="#">Show Property Card</a> |
| <b>Map Number</b>    | 024-06-01-031.                     |
| <b>Owner Name</b>    | NEW MINNIE O                       |

254

EXHIBIT 13-B

|                              |              |
|------------------------------|--------------|
| <b>Mailing Address1</b>      |              |
| <b>Mailing Address2</b>      | PO BOX 176   |
| <b>Mailing Address3</b>      | MT CARMEL SC |
| <b>Mailing ZipCode</b>       | 29840        |
| <b>Physical Address</b>      | 0            |
| <b>Legal Description1</b>    |              |
| <b>Legal Description2</b>    |              |
| <b>Total Acreage</b>         | 34.50        |
| <b>Deed Book</b>             | 153          |
| <b>Deed Page</b>             | 79           |
| <b>Plat Book</b>             |              |
| <b>Plat Page</b>             |              |
| <b>Description Location</b>  | HWY 91.      |
| <b>Description Location2</b> |              |
| <b>Sale Price</b>            | \$5.00       |
| <b>Sale Date</b>             | 2000/10/03   |

#### Assessment Information

|                                  |       |
|----------------------------------|-------|
| <b>Building Market Appraisal</b> | 0     |
| <b>Land Market Appraisal</b>     | 2500  |
| <b>Total Market Appraisal</b>    | 79800 |
| <b>Total Number Acres</b>        | 34.50 |
| <b>Total Number Buldings</b>     | 0     |
| <b>Total Number Lots</b>         | 0     |

#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0.   |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 0    |
| <b>Square Foot First Floor</b>  | 0    |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 0    |
| <b>Workmanship</b>              |      |



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**056-00-00-008.**

General  
Assessment  
Structure

**Owner and General Parcel Information**

|                      |                                    |
|----------------------|------------------------------------|
| <b>Property Card</b> | <a href="#">Show Property Card</a> |
| <b>Map Number</b>    | 056-00-00-008.                     |
| <b>Owner Name</b>    | ANDERS WALTER L & MARY C           |

**256**

**EXHIBIT 13-B**

|                              |                       |
|------------------------------|-----------------------|
| <b>Mailing Address1</b>      |                       |
| <b>Mailing Address2</b>      | 703 CHESTNUT RIDGE RD |
| <b>Mailing Address3</b>      | MARIETTA SC           |
| <b>Mailing ZipCode</b>       | 29661                 |
| <b>Physical Address</b>      | 0                     |
| <b>Legal Description1</b>    |                       |
| <b>Legal Description2</b>    |                       |
| <b>Total Acreage</b>         | 1.61                  |
| <b>Deed Book</b>             | 232                   |
| <b>Deed Page</b>             | 120                   |
| <b>Plat Book</b>             | 20                    |
| <b>Plat Page</b>             | 262                   |
| <b>Description Location</b>  | HWY 196 WILLINGTON    |
| <b>Description Location2</b> |                       |
| <b>Sale Price</b>            | \$10.00               |
| <b>Sale Date</b>             | 2010/08/20            |

#### Assessment Information

|                                  |       |
|----------------------------------|-------|
| <b>Building Market Appraisal</b> | 20000 |
| <b>Land Market Appraisal</b>     | 5600  |
| <b>Total Market Appraisal</b>    | 25600 |
| <b>Total Number Acres</b>        | 1.61  |
| <b>Total Number Buldings</b>     | 3     |
| <b>Total Number Lots</b>         | 0     |

#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 0    |
| <b>Square Foot First Floor</b>  | 0    |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 0    |
| <b>Workmanship</b>              |      |



|                 |                       |                                                                                                                                                                                                                                                                                                                                                        |
|-----------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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|-----------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

056-00-00-011.

General  
Assessment  
Structure

Owner and General Parcel Information

|                      |                                    |
|----------------------|------------------------------------|
| <b>Property Card</b> | <a href="#">Show Property Card</a> |
| <b>Map Number</b>    | 056-00-00-011.                     |
| <b>Owner Name</b>    | MARTIN HOMER                       |

258

EXHIBIT 13-B

|                              |                 |
|------------------------------|-----------------|
| <b>Mailing Address1</b>      |                 |
| <b>Mailing Address2</b>      | 170 MOSS AVENUE |
| <b>Mailing Address3</b>      | MCCORMICK, SC   |
| <b>Mailing ZipCode</b>       | 29835           |
| <b>Physical Address</b>      | 0               |
| <b>Legal Description1</b>    |                 |
| <b>Legal Description2</b>    |                 |
| <b>Total Acreage</b>         | 0.00            |
| <b>Deed Book</b>             | 319             |
| <b>Deed Page</b>             | 15              |
| <b>Plat Book</b>             | 8               |
| <b>Plat Page</b>             | 157             |
| <b>Description Location</b>  | HWY 196         |
| <b>Description Location2</b> | 1.64 ACRES      |
| <b>Sale Price</b>            | \$0.00          |
| <b>Sale Date</b>             | 2019/07/16      |

#### Assessment Information

|                                  |       |
|----------------------------------|-------|
| <b>Building Market Appraisal</b> | 57150 |
| <b>Land Market Appraisal</b>     | 0     |
| <b>Total Market Appraisal</b>    | 62850 |
| <b>Total Number Acres</b>        | 0.00  |
| <b>Total Number Buldings</b>     | 1     |
| <b>Total Number Lots</b>         | 1     |

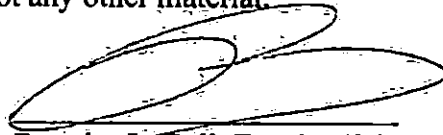
#### Structure Information

|                                 |      |
|---------------------------------|------|
| <b>Number Of Baths</b>          | 0.00 |
| <b>Number Of Bedrooms</b>       | 0    |
| <b>Number Of Stories</b>        | 0.00 |
| <b>Square Foot Basement</b>     | 0    |
| <b>Square Foot Carport</b>      | 0    |
| <b>Square Foot Garage</b>       | 0    |
| <b>Square Foot Storage</b>      | 0    |
| <b>Square Foot Total</b>        | 1708 |
| <b>Square Foot First Floor</b>  | 1708 |
| <b>Square Foot Second Floor</b> | 0    |
| <b>Year Built</b>               | 1987 |
| <b>Workmanship</b>              |      |

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 6, 2020

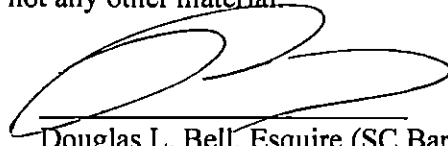
A handwritten signature in black ink, appearing to read 'Douglas L. Bell', written over a horizontal line.

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Certificate of Counsel

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