

COUNTY OF CLARENDON )  
 )  
STATE OF SOUTH CAROLINA )      ORDINANCE NO.: 2023-04

AN ORDINANCE TO AUTHORIZE THE TRANSFER OF REAL PROPERTY, WITH IMPROVEMENTS, OWNED BY CLARENDON COUNTY, SOUTH CAROLINA AND IDENTIFIED AS CLARENDON COUNTY TAX MAP PARCEL NOS.: 078-10-03-029-00 and 078-10-03-030-00.

WHEREAS, Clarendon County, South Carolina (hereinafter "County") owns real property, with improvements located thereon, located within Clarendon County, Town of Summerton (hereinafter "Town") and identified as County Tax Map Parcel Nos.: 078-10-03-029-00 and 078-10-03-030-00 (hereinafter "Parcels").

WHEREAS, County received Parcels from the previous owner through a donation as evidenced by a deed recorded in the Office of the Register of Deeds for Clarendon County on July 21, 2020 in Deed Book 1006 at Page 5060 and through an Agreement dated July 21, 2020 and recorded in the Office of the Register of Deeds for Clarendon County in Deed Book 1006 at Page 5065;

WHEREAS, In furtherance of said donation and Agreement, County in collaboration with Town, as evidenced by the Memorandum of Understanding (hereinafter "MOU") entered into between County and Town on September 12, 2022, has constructed a public/municipal park in Summerton, South Carolina on Parcels;

WHEREAS, Pursuant to § 4-9-30 and § 4-9-120 of the Code of Laws of South Carolina 1976, as amended, and the MOU, County intends to transfer Parcels, hereinafter described to Town; and

NOW, THEREFORE, BE IT ORDAINED that Clarendon County Council:

1. Authorizes the transfer of parcels of land, with improvements located thereon, located within Clarendon County, Town of Summerton and identified as follows: Clarendon County TMS# 078-10-03-029-00 and 078-10-03-030-00. For a further description, please see the Plats recorded in the Office of the Register of Deeds for Clarendon County in Plat Book S-46 at Page 563 and Plat Book 13 at Page 108. Further reference can be had to Deed Book 1006 at Page 5060, recorded in the Office of the Register of Deeds for Clarendon County on July 21, 2020. Said Deed is attached hereto and incorporated herein by reference as Exhibit A.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE  
DATE 9/13/23  
Bonnie B. Roberts  
CLERK OF COURT  
CLARENDON COUNTY, SC

2023 SEP 13 AM 9:15  
Bonnie Roberts, Clerk-Clarendon S.C.

2. **Parcels shall be transferred in an "AS IS" condition and be subject to all visible and/or recorded easements, covenants, restrictions, regulations and encumbrances as may be found in the public records of County.**
3. **Town, its successors, agents and/or assigns assumes all responsibility regarding title and agrees to hold County, its successors, agents and/or assigns harmless from all liability relating to the transfer of Parcels by County to Town.**
4. **County Administrator or his designee is hereby authorized to execute all documents, employ and compensate all professionals and make all decisions necessary to effectuate the transfer and closing of the parcels identified herein.**
5. **Consideration for this transfer shall be \$5.00 and Clarendon County's desire for the advancement of recreational and community interests in Summerton, SC through a public/municipal park on the Parcels.**
6. **This Ordinance shall become effective upon the Third and Final Reading.**

ATTEST:

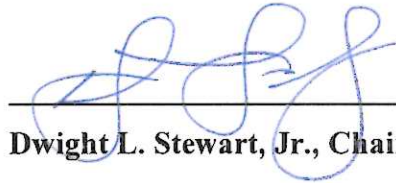


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**Dorothy Levy, Clerk to Council**



**CLARENDON COUNTY COUNCIL**



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**Dwight L. Stewart, Jr., Chairman**

First Reading: July 10, 2023  
Public Hearing: August 14, 2023  
Second Reading: August 14, 2023  
Third Reading and adoption:  
September 11, 2023



Exhibit A

Prepared by and Return to:  
Land Parker Welch LLC  
29 South Mill Street  
Post Office Box 138  
Manning, South Carolina 29102  
Phone: 803.435.8894

INSTRUMENT #:2020000185619 DEED BK:1006  
PG:5060 DOCTYPE:DE 07/21/2020 at 11:26 AM, #  
PAGES 5 REC FEE:\$0.00 COUNTY:\$0.00 STATE:  
\$0.00 Rebecca J Massey CLARENDON COUNTY,  
REGISTER OF DEEDS

State of South Carolina

DEED

County of Clarendon

KNOW ALL MEN BY THESE PRESENTS, THAT, MARY FRANKLIN HARVIN, AS TRUSTEE OF THE MARY FRANKLIN HARVIN LIVING TRUST DATED MARCH 8, 2019, (hereinafter called "Grantor"), for and in consideration of the sum of Five and no/100 (\$5.00) Dollars and in consideration of the Trustee's desire for the advancement of recreational interests in Summerton and for the purpose of constructing and maintaining a public/municipal park on the subject property to the Grantor in hand paid at and before the sealing of these presents, by CLARENDON COUNTY, A BODY POLITIC, 411 Sunset Drive, Manning, South Carolina 29102, (hereinafter called "Grantee") in the State aforesaid, (the receipt of which is hereby acknowledged) has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release, unto CLARENDON COUNTY, A BODY POLITIC, its Successors, Assigns and Administrators, forever, in fee simple, the following described property, to wit:

All that certain piece, parcel or tract of land with improvements thereon, if any, lying, being and situate North of West Main Street, Town of Summerton, Clarendon County, South Carolina, as shown on that certain plat made by DuValle W. Elliott, RLS, dated July 11, 1994 and recorded in the Office of the Register of Deeds for Clarendon County in Plat Book S-46 at Page 563. Pursuant to Section 30-5-250 of the Code of Laws of South Carolina, (1976, as amended) reference to said plat is hereby craved for the metes, bounds, courses and/or distances of the property delineated thereon. Said lot being comprised of Clarendon County Tax Map Parcel Numbers 078-10-03-029-00.

ALSO: All that certain piece, parcel or tract of land, with improvements thereon, if any, lying, being and situate Northwest of the intersection of West Main Street and Church Street in the Town of Summerton, County of Clarendon, State of South Carolina, as shown on that certain plat made by W. B. Sykes, Surveyor, dated September 8, 1956 and recorded in the Office of the Register of Deeds for Clarendon County in Plat Book 13, Page 108. Pursuant to Section 30-5-250 of the Code of Laws of South Carolina, (1976, as amended) reference to said plat is hereby craved for the metes, bounds, courses and/or distances of the property delineated thereon. Said parcel is designated as Clarendon County Tax Map Parcel Number 078-10-03-030-00.

This property being a portion of the property conveyed to Mary Franklin Harvin, as Trustee of the Mary Franklin Harvin Living Trust dated March 8, 2019 by deed of Cheryl B. Dabbs, Elaine Elmore and Mary Franklin Harvin, as Successor Trustees of the Cathy B. Harvin Trust dated July 31, 2008, dated June 10, 2019 and recorded in the Office of the Register of Deeds for Clarendon County in Deed Book 1004, at Page 4899 on June 13, 2019.

*SUBJECT, HOWEVER, TO, the Grantor's right of re-entry in the event that the land ceases to be used as and for a public park, recreation area or garden, then grantor, its successors and assigns, shall have the right to re-enter the premises and, upon exercise of such re-entry, all right, title and interest of grantee in the above-described premises shall cease and revert immediately to grantor, its successors and assigns.*

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

TOGETHER with all singular the Rights, Members, Hereditaments and Appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto CLARENDON COUNTY, A BODY POLITIC, its Successors, Assigns and Administrators, forever, in fee simple.

And the Grantor does hereby bind their Heirs and Assigns, to warrant and forever defend all and singular the premises unto CLARENDON COUNTY, A BODY POLITIC, its Successors, Assigns and Administrators, forever, in fee simple, against their Heirs and Assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY  
SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 16<sup>th</sup> day of July, 2020.

THE MARY FRANKLIN HARVIN LIVING TRUST DATED MARCH 8, 2019

Holly Pool  
Witness #1 signs

By: MF Harvin (LS)  
Mary Franklin Harvin, Trustee

Holly Pool  
Printed Name of Witness #1

[Signature]  
Witness #2 signs

Roabhit Mann  
Printed Name of Witness #2

State of \_\_\_\_\_

County of \_\_\_\_\_

ACKNOWLEDGMENT

I, \_\_\_\_\_, Notary Public for the State of \_\_\_\_\_, do hereby certify that Mary Franklin Harvin as Trustee of the Mary Franklin Harvin Living Trust Dated March 8, 2019, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

NOTARY PUBLIC

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Name of Notary

Notary Public for \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
 County of Nevada } SS.

On 7-16-2020, before me, Ashly McDougall, Notary Public,  
DATE

personally appeared Mary Franklin Harvin, as Trustee, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashly McDougall  
 NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

**OPTIONAL INFORMATION**

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

- CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**
- INDIVIDUAL
  - CORPORATE OFFICER \_\_\_\_\_ TITLE(S)
  - PARTNER(S)
  - ATTORNEY-IN-FACT
  - GUARDIAN/CONSERVATOR
  - SUBSCRIBING WITNESS
  - OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Deed  
 TITLE OR TYPE OF DOCUMENT

2  
 NUMBER OF PAGES

7-16-2020  
 DATE OF DOCUMENT

**SIGNER (PRINCIPAL) IS REPRESENTING:**  
 NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_

**OTHER**

RIGHT THUMBPRINT OF SIGNER

Top of thumbprint here

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CLARENDON )

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 being transferred is located at West Main Street, Summerton, SC 29148, bearing Clarendon County Tax Map Numbers 078-10-03-029-00 and 078-10-03-030-00 by Mary Franklin Harvin as Trustee of the Mary Franklin Harvin Living Trust dated March 8, 2019 to Clarendon County, a Body Politic on July 20, 2020.
3. Check one 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'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 and a stockholder, partnership or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c)  Exempt from the Deed recording fee because (See Information section of Affidavit)":  
(2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts  
(If exempt, please skip items 4-7, and go to item 8 of this Affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check: Yes \_\_\_\_\_ No \_\_\_\_\_

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this Affidavit):
  - (a) \_\_\_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_
5. Check Yes \_\_\_\_\_ or No  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes", the amount of the outstanding balance of this lien or encumbrance is: \$ \_\_\_\_\_.
6. The Deed recording fee is composed as follows:
  - (a) Place the amount listed in item 4 above here: \$0.00
  - (b) Place the amount listed in item 5 above here: \$0.00  
(If no amount is listed, place zero here.)
  - (c) Subtract item 6(b) from item 6(a) and place result here: \$0.00
7. The Deed recording fee is based on the amount listed in item 6(c) above and the deed recording fee due is: \$ \_\_\_\_\_

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

9. 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.

Ricci Land Welch  
Responsible Person Connected with Transaction

SWORN to before me this 20th day of July, 2020.  
Katherine G. Stoudenmire  
Katherine G. Stoudenmire  
Notary Public for South Carolina  
My Commission Expires: 7-26-21

Ricci Land Welch  
Print or Type Name Here