

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

RESOLUTION NO. 771

MEMORANDUM OF AGREEMENT AND ROAD ACCEPTANCE

Lowe 5 LLC
GRANTOR

County of Darlington
GRANTEE

WHEREAS, Lowe 5 LLC desire to dedicate certain roads herein below described to County of Darlington; and

WHEREAS, the County of Darlington is willing to accept the grant of those roads as set out herein; now therefore,

KNOW ALL MEN BY THESE PRESENTS, that Lowe 5 LLC in the State aforesaid, for in consideration of the mutual covenants herein described, do hereby agree to the following:

This is to certify that Darlington County has accepted in part the roads, streets, and drainage system in Summerville SD Ph III as shown and indicated on the Plat of Summerville SD Ph III recorded in the Office of the Clerk of Court for Darlington County in Plat Book 218 at page(s) 946, and as provided for in the deed and/or Right-of-Way Agreement, a copy of which is attached hereto. More specifically those streets accepted are as follows:

Lullwater Drive

This listing of streets includes only those streets paved as of the date of this Memorandum of Agreement and does not include any unpaved streets in Summerville SD Ph III as referenced. All other streets in subject subdivision may be accepted after compliance with Darlington County Ordinance Appendix A- Development Standards Article 5, and issuance of a separate Letter of Acceptance after final inspection.

As a general condition of acceptance for maintenance, the developer agrees to include as a condition of sale, protective restriction to insure that any damage to the drainage system, roadway, pavement, and appurtenances thereto shall be the legal and finding liability of the purchaser and/or his agents, or the developer will remain responsible for all such damages to the aforementioned items until all lots shall be sold or development is completed, whichever is the later.

In addition to the above, Darlington County will not responsible for any driveway connections installed by the owners or contractors where pipe with a diameter of 15 inches or less used, where materials are not South Carolina Highway Department Standard Specifications for highway construction approved, where improperly sized pipe is used, or where concrete or asphalt driveway swales are constructed without prior written approval.

Any such installations which have to be removed to correct drainage problems will not be the responsible of Darlington County for replacement of pavement.

The Grantor further certifies that these streets are free from all encumbrances or liens.

SPECIAL CONDITIONS

Provided further that the Grantor herein understands and acknowledges that there will be no responsibility on the party of the County of Darlington for drainage of the property adjoining said street or road herein conveyed, nor will the County of Darlington be responsible for any water standing or flowing onto adjoining property or damage therefrom which arises out of or is caused by the original design or construction of said street or road.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this

2nd day of January, 2023 2024

Signed, Sealed, and Delivered
in the Presence of:

DARLINGTON COUNTY

[Signature]
1st WITNESS

By: Bobby Hudson
County Council Chairman

Stephane Shaw
2nd WITNESS

Attest: [Signature]
Clerk to Council

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

AFFIDAVIT OR PROBATE

Personally appeared before me the undersigned witness and made oath that (s)he saw the within named Grantee by Bobby Hudson COUNTY COUNCIL CHAIRMAN, sign, seal and as his/her act or deed, deliver the within MEMORANDUM OF AGREEMENT AND ROAD ACCEPTANCE and that she/he with the other witness subscribed above witness the execution thereof.

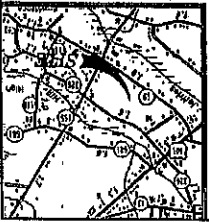
[Signature]

WITNESS - CANNOT BE NOTARY

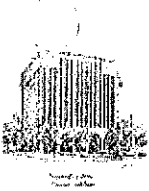
Sworn to before me this 2nd day of January, 2023 2024

[Signature]
Notary Public for South Carolina

My Commission Expires: 06/18/2025



Darlington County Recording Page



Darlington Clerk of Court / ROD

Scott B. Suggs

Darlington County Courthouse

1 Public Square - Room B-4

Darlington, SC 29532

(843) 398-4330

: **1112**

: **8336**



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Index Type : AGREEMENT

Type of Instrument : AGREEMENT

Type of Transaction: Agreement

First PARTY 1

LOWE 5 LLC

First PARTY 2

COUNTY OF DARLINGTON

Received From :
COUNTY OF DARLINGTON

Return To :
COUNTY OF DARLINGTON

The attached document including this Cover Page was recorded in the County Recorder's office of
Darlington County, South Carolina

Printed on: Tuesday, January 9, 2024 10:34 am

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ESCROW AGREEMENT
SUMMERVILLE SD PH 3

WHEREAS, on or about the 30th day of October, 2023, Lowe 5 LLC ("Owner") and
Darlington County ("County") entered into an agreement, and

WHEREAS, the parties have agreed to escrow certain monies and the parties desire to reduce
their agreement to writing.

WITNESSETH:

NOW, KNOW ALL MEN BY THESE PRESENTS that the Owner and the County agrees as follows:

1. That the real property Owner may record all documents relative to Summerville SD Phase 3
in Darlington County, South Carolina.
2. That the sum of \$7,786.00 (see Exhibit "A") shall be deposited with Darlington County to be held
in escrow for the following reasons:

The Owner has developed a Subdivision known as Summerville SD Phase 3 in Darlington
County, South Carolina and the County is giving approval of this subdivision subject to certain erosion
control measures taken by the Owner. Specifically, the Owner agrees to plant and maintain grass on
certain areas within the subdivision as required by the County and in the event these measures are
successfully completed within twelve (12) months from the date of signing this agreement, the County
will release the Owner from the terms of this agreement.

3. Upon completion of the item set forth under paragraph 2 above and inspection of the same by the
County, the County by and through its administration shall give written authorization to release to the
Owner the applicable monies held in escrow.

4. In the event that the item set forth under paragraph 2 above is not completed to the County's
satisfaction within 12 months from the date of this agreement, the County shall immediately provide
written notice of the same to the Owner and the monies held in escrow shall be distributed to the County.
The County shall then use said monies to establish a permanent stand of grass in the required areas.

5. Both parties agree to "hold harmless" the Escrow Agent, Darlington County for responsibilities of
escrowing of such monies.

Escrow Deposit
Released in Full
in the amount of


County Administrator


Witness

01/04/2024
Date

Signed, Sealed and Delivered
In the Presence of:

[Signature]
WITNESS

[Signature]
WITNESS

Lowe 5, LLC

By: [Signature]

Its: MANAGER

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

AFFIDAVIT OF PROBATE

Personally, appeared before me the undersigned and made oath that (s)he saw the within named David A. Lowe Sr sign, seal, and as his act and deed, deliver the within Escrow Agreement and that (s)he with the other witness subscribed herein witness the execution thereof.

[Signature]
WITNESS

SWORN TO before me this 6th
day of November, 2023

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 9-18-28

Sandra Bishop
WITNESS
Stephanie Shaw
WITNESS

DARLINGTON COUNTY

By: Bobby Hudson
Chairman of County Council

Attest: [Signature]
County Administrator

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

AFFIDAVIT OF PROBATE

Personally, appeared before me the undersigned and made oath that (s)he saw the within named Bobby Hudson sign, seal, and as his act and deed, deliver the within Escrow Agreement and that (s)he with the other witness subscribed herein witness the execution thereof.

Stephanie Shaw
WITNESS

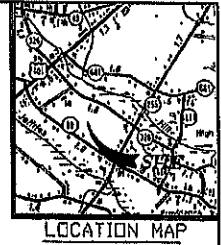
SWORN TO before me this 2nd
day of January, 2023 2024

Pamela E. Newton
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: December 6, 2032

TRINITY COLLEGIATE SCHOOL
 TM: 129-00-01-009
 D.B. 0150 PG. 253

LOWE S LLC
 REMAINDER OF
 TM: 149-00-01-159



LOWE S LLC
 REMAINDER OF
 TM: 149-00-01-159

SWIDE PUBLIC SERVICE AUTHORITY
 TM: 149-00-01-159

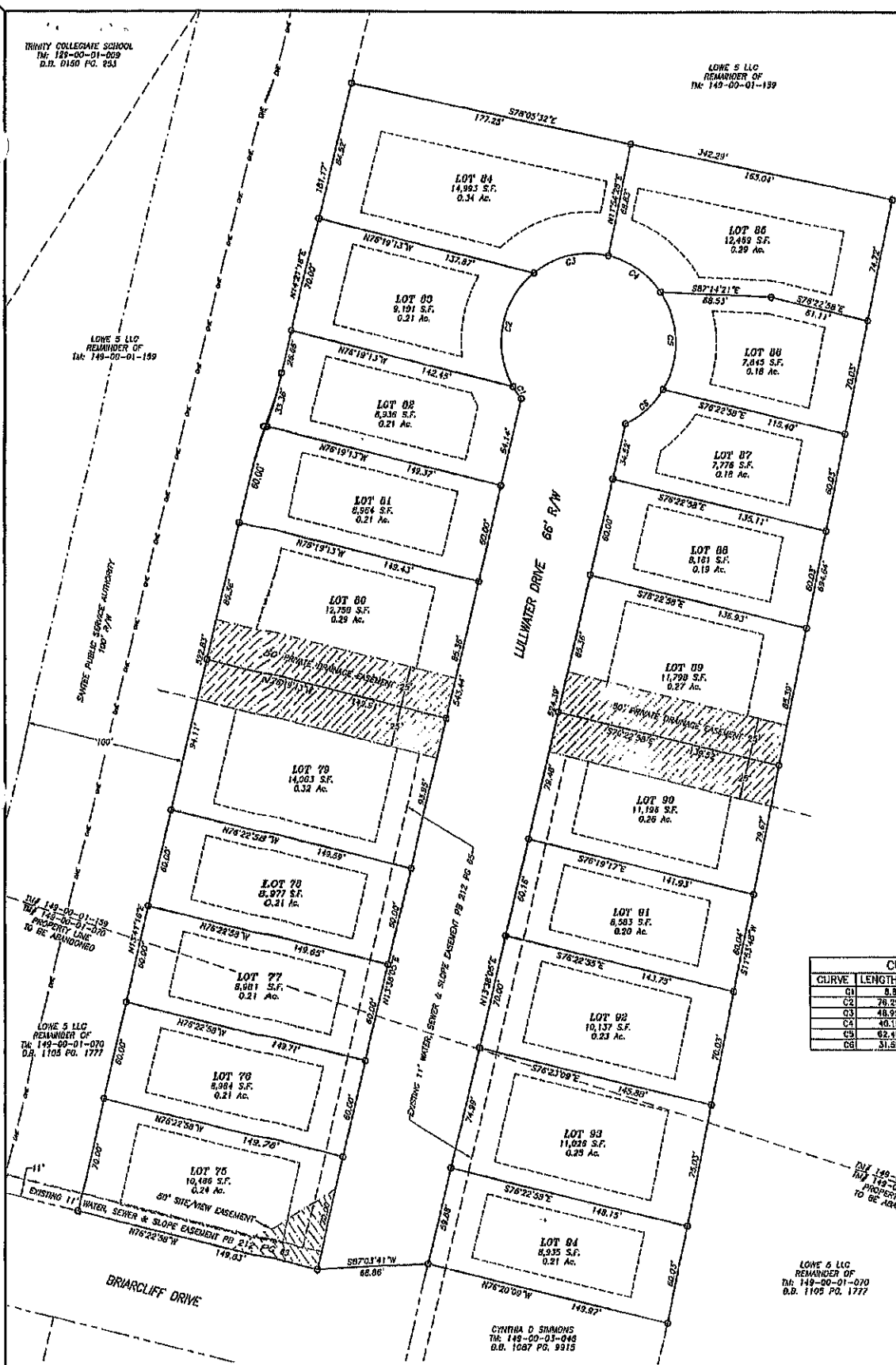
LOWE S LLC
 REMAINDER OF
 TM: 149-00-01-159

TM: 149-00-01-159
 TM: 149-00-01-070
 PROPERTY LINE
 TO BE ABANDONED

LOWE S LLC
 REMAINDER OF
 TM: 149-00-01-070
 D.B. 1105 PG. 1777

TM: 149-00-01-159
 TM: 149-00-01-070
 PROPERTY LINE
 TO BE ABANDONED

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	8.81	84.00	8.80	N34°32'00"W
C2	78.23	54.00	78.10	N10°38'45"E
C3	48.92	54.00	47.86	N72°02'12"E
C4	40.19	54.00	39.37	S58°41'18"E
C5	62.19	54.00	59.09	S01°30'42"E
C6	31.59	54.00	31.14	S49°41'28"E



SETBACKS
 FRONT - 25'
 REAR - 25'
 SIDES - 10'

LOWE S LLC
 REMAINDER OF
 TM: 149-00-01-070
 D.B. 1105 PG. 1777

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY ENCLOSED HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE USUAL SURVEYING PRACTICE FOR THE PURPOSE OF LAND SURVEYS IN SOUTH CAROLINA, AND I HAVE COMPLIED WITH ALL THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO ENCUMBRANCES, PROJECTIONS, OR ERECTIONS AFFECTING THE PROPERTY LINES SHOWN HEREON. ALSO, I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP DATED 1983, AND I HAVE FOUND THE SURVEYED PROPERTY TO BE IN FLOOD ZONE X.

NOTE: THIS PROPERTY IS SUBJECT OF ANY AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS, RECORDED OR UNRECORDED, THAT MAY APPLY UNLESS NOTED HEREON. THIS MAP DOES NOT ADDRESS ENVIRONMENTAL CONCERNS OR SUBSURFACE INVESTIGATION.

DARLINGTON COUNTY SOUTH CAROLINA

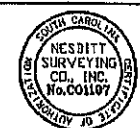
PLAT
SUMMERVILLE - PHASE 3
 A 60 LOT SUBDIVISION LOCATED SOUTH OF THE CITY OF DARLINGTON

DEVELOPED BY
LOWE S, LLC
 507 W CHEVIE ST.
 FLORENCE, SC 29501



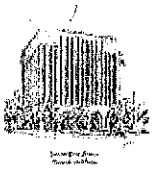
NESBITT SURVEYING CO., INC.
 440 ALLIGATOR ROAD
 DUNCANVILLE, SC 29161
 PHONE (843) 348-3302
 FAX (843) 348-5902
 email: devinda@nesbittsurveying.com
 SCALE 1" = 40 FT

JONATHAN W. NESBITT
 PLS. NO. 24770



DATE: NOVEMBER 6, 2023
 JOB: 231127PH2
 TM: 149-00-01-159
 TM: 149-00-01-070
 TM: 149-00-01-159
 DRAWN BY: DON W. LAMIER

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Darlington Clerk of Court / ROD

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