

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Ex Parte:
The Housing Authority of the
City of Columbia, S. C.

In re:
Condemnation of lands of
Amy Sumter.

ORDER

ROBINSON & ROBINSON
907 CENTRAL UNION BUILDING
COLUMBIA, S. C.

WATERMILL
MISS

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS.

Ex Parte:)
The Housing Authority of)
the City of Columbia, S.C.)

In re:)
Condemnation of Lands of)
Amy Sumter.)

ORDER

On July 7, 1939, The Housing Authority of the City of Columbia, S.C. petitioned this Court for the appointment of a Condemnation Board, reciting that it was preparing to erect in the City of Columbia, S.C. a housing project pursuant to the provisions of Act No. 783 of South Carolina, Statutes of 1934, and that property belonging to Amy Sumter, fully described in that petition, was necessary for carrying out this public purpose. Thereupon this Court, by its order of July 7, 1939, appointed Evans Elliott, Chas. D. Arthur and George Collins as a Board of Condemnation pursuant to that statute. Notice of the resolution and of this order and of a proposed meeting of the Condemnation Board was given to Amy Sumter, to the City Sheriff of the City of Columbia, S.C., and to the Tax Collector for Richland County, as will be shown by the affidavits of service endorsed on the back of the original petition, order and notice.

Thereafter a hearing was had before the Condemnation Board, pursuant to notice, on the 19th day of July, 1939, at which time Amy Sumter appeared and testimony was taken as to the value, after which the Board, by its finding of July 26, 1939, found that the fair value of the property to be taken was Twelve Hundred (\$1200.00) Dollars, notice of which was given to The Housing Authority of the City of Columbia,

and to C. T. Graydon, Esq., Attorney for Amy Sumter,

Thereafter, Amy Sumter, through her attorney, C. T. Graydon, Esq., filed notice of intention to appeal to the Circuit Court for Richland County for trial de novo, alleging that the award was inadequate.

On the 11th day of September, 1939, The Housing Authority of the City of Columbia, S.C., as will appear from the receipt of the Hon. C. E. Hinnant, Clerk of this Court, deposited with this Court the sum of Twelve Hundred and Seventy-two (\$1272.00) Dollars, representing the condemnation award of Twelve Hundred (\$1200.00) Dollars, with interest at six (6%) per cent for one year, as provided by statute, and on the same day gave notice to counsel for Amy Sumter of the said deposit and of the fact that pursuant to the statute title to the property at the time of the deposit passed to The Housing Authority of the City of Columbia, S.C. with the right on the part of that Authority to immediate possession.

In the same instrument The Housing Authority of the City of Columbia, S.C. gave notice that it would apply to this Court at the time set out in the notice for an order confirming its title to this property, and directing the Clerk of Court to execute a proper deed to The Housing Authority of the City of Columbia, S.C., as evidence of its title, vesting in it all of the rights of Amy Sumter and all other persons having any interest in the said property.

Now, therefore, after hearing, it is

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SDB

ORDERED AND ADJUDGED:

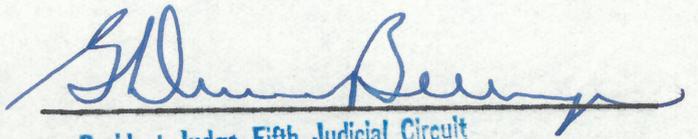
1. That the title to The Housing Authority of the City of Columbia, S.C. in and to the following described property:

All that piece, parcel or lot of land situate in the Eastern part of the City of Columbia, in the County of Richland, State of South Carolina, on the Western side of Dial Street, being practically rectangular in shape, measuring on its eastern side 52 feet, 5 inches, more or less; on its southern side 280.8 feet, more or less; ~~and~~ on its Western side 57.3 feet, more or less, and on its Northern side 272.8 feet, more or less. Being bounded on the North by property of Taggart and others; on the East by Dial Street; South by property of Fannie Clifton, and West by property of the Smith estate, together with all right, title and interest of Amy Sumter, if any, in and to Dial Street.

be and hereby is confirmed.

2. That the rights of Amy Sumter and of all other parties having any interest in the property hereinabove described have attached to the money deposited in the hands of the Clerk of this Court in accordance with their respective interests as of the date of said deposit.

3. That the Clerk of this Court do forthwith execute to The Housing Authority of the City of Columbia, S.C. his deed transferring the property hereinabove described to The Housing Authority of the City of Columbia, S.C., in fee simple, and that the rights of Amy Sumter and of any and all other persons claiming any interest, lien or right in this property/^{be}and hereby are forever barred.


Resident Judge, Fifth Judicial Circuit

September 16 1939.

STATE OF SOUTH CAROLINA,)
COUNTY OF RICHLAND.)

James F. Dreher being first duly sworn, says: That he served within Notice and Receipt on Amy Sumter by leaving a copy thereof with her attorney, C. T. Graydon, said copy having been left at his office with Miss Ola Burns, his Secretary, on the 11th day of September, 1939, and that deponent is not a party to this action.

Sworn to before me this the)
12th day of September, 1939.)

Wm. A. Little
Notary Public for S.C. (I.S.)

James F. Dreher

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Ex Parte:
The Housing Authority of the
City of Columbia, S. C.

In re:
Condemnation of lands of Amy
Sumter.

NOTICE AND RECEIPT

ROBINSON & ROBINSON
907 CENTRAL UNION BUILDING
COLUMBIA, S. C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS.

Ex Parte:)
The Housing Authority of the)
City of Columbia, S.C.)

In re:)
Condemnation of lands of)
Amy Sumter.)

NOTICE

To C. T. Graydon, Esq., Attorney for Amy Sumter:

You will please take notice that The Housing Authority of the City of Columbia, S.C. has this day deposited with the Hon. C. E. Hinnant, Clerk of the Court of Common Pleas for Richland County, South Carolina, the sum of Twelve Hundred and Seventy-two (\$1272.00) Dollars, which is the total of the award of the Condemnation Board of Twelve Hundred (\$1200.00) Dollars, plus one year's interest at the legal rate of six (6%) per cent.

This deposit is made pursuant to authority of law, particularly Section 9 of Act No. 783 of the Acts of 1934, XXXVIII Stat. 1374-1376.

You will further take notice that pursuant to this deposit under the provisions of this statute title to the property described in the condemnation Petition dated July 7, 1939, has passed to The Housing Authority of the City of Columbia, S.C., with the right on the part of the Authority to enter immediately upon the property and to appropriate and demolish any structures thereon and proceed with the construction of the project.

You will further take notice that The Housing Authority of the City of Columbia, S.C. will apply to the Honorable S. Duncan Bellinger, Resident (Presiding) Judge of the Court of Common Pleas for Richland County, on the 16th

day of September 1939, at 10.00 o'clock A M., for an order confirming the title to this property in The Housing Authority of the City of Columbia, S.C., and for an order directing the Clerk of this Court to execute to The Housing Authority of the City of Columbia, S.C. a deed to this property as evidence of title.

Robison + Robison
Attorneys for The Housing Authority of the City of Columbia, S.C.

September 1th 1939.

Served July 28, 1939

State of South Carolina

COUNTY OF RICHLAND

COURT OF COMMON PLEAS

EX PARTE:

THE HOUSING AUTHORITY OF THE
CITY OF COLUMBIA, S. C.

IN RE:

CONDEMNATION OF LANDS OF AMY
SUMTER.

NOTICE OF APPEAL

C. T. GRAYDON

ATTORNEY

COLUMBIA, S. C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS.

Ex Parte:)

The Housing Authority of)
the City of Columbia, S.C.)

In Re;)

Condemnation of lands of)
Amy Sumter.)

NOTICE OF APPEAL

TO ROBINSON & ROBINSON, Attorneys for The Housing Authority of
the City of Columbia, S. C.:

YOU WILL PLEASE TAKE NOTICE that the above named
Amy Sumter intends to appeal and hereby does appeal to the Court
of Common Pleas for Richland County as provided in said Act from
the award of the Board of Condemnation as provided by Act No. 783,
1934 laws, upon the following grounds, to wit:

(1) That the Act of the General Assembly, No. 783,
1934 laws, is unconstitutional insofar as it attempts to give
the right of eminent domain to The Housing Authority of Columbia
and is, therefore, null and void as being contrary to the provi-
sion in the Constitution, the finding of the right of eminent
domain and also the provision in the Constitution preventing the
taking of private property without due process of law.

(2) That the Housing Act above referred to is uncon-
stitutional in that The Housing Authority of the City of Columbia
is not such a public matter or thing as the Constitution allows
and permits to have the right of eminent domain thereunder.

(3) That the right of eminent domain is expressly
limited and defined in the Constitution of South Carolina and
that the Act above referred to is in controvention to the terms
of the Constitution and beyond the power and authority conferred
therein and is, therefore, unconstitutional, null and void.

(4) That the said award was grossly inadequate and improper and does not constitute a fair valuation of the property or matters considered.

(5) That the award does not take into consideration the fact that the landowner has to move and secure other property and the amount it would take to properly move from one place to another.

(6) That the said award does not take into consideration the improvements on the property such as trees, the possibility developed, and various other factors which are an essential part of said value.

(7) That the Board of Condemnation did not take into consideration that said property is in Hampton Street and, therefore, the same could not be condemned without the consent of the City of Columbia and without the consent of the Legislature of South Carolina.

(8) That the award was grossly inadequate, illegal, and improper.

C. T. GRAYDON,
Attorney for Amy Sumter

Columbia, S. C.

July 27, 1939.

Served July 28, 1937

State of South Carolina

COUNTY OF RICHLAND

COURT OF COMMON PLEAS

EX PARTE:

THE HOUSING AUTHORITY OF THE
CITY OF COLUMBIA, S. C.

IN RE:

CONDEMNATION OF LANDS OF AMY
SUMTER

NOTICE

C. T. GRAYDON

ATTORNEY

COLUMBIA, S. C.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Ex Parte:

The Housing Authority of
the City of Columbia, S.C.

In Re:

Condemnation of lands of
Amy Sumter.

NOTICE

TO ROBINSON & ROBINSON, Attorneys for The Housing Authority of
the City of Columbia, S. C.:

YOU WILL PLEASE TAKE NOTICE, in accordance
with Act No. 783, 1934, (expressly reserving the right to attack
the constitutionality of the Act and not waiving anything
thereunder) that Amy Sumter, the landlwner here above named,
hereby demands, in writing, as provided by the procedure in
said Act, a trial by jury de novo in the Court of Common Pleas
in accordance with law.

Columbia, S. C.

July 27, 1939.

C. T. GRAYDON,
Attorney for Amy Sumter

Service Accepted July 26, 1939.

Robison + Robison
Atty. for the Housing Authority

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
COURT OF COMMON PLEAS

Ex Parte:
The Housing Authority of
the City of Columbia, S.C.

In re:
Condemnation of lands of
Amy Sumter.

FINDINGS OF CONDEMNATION
BOARD

STATE OF SOUTH CAROLINA,)
COUNTY OF RICHLAND)

Jas. F. Dreher being first duly sworn says: That he served the within Findings of Condemnation Board on Clint T. Graydon, Esq., Attorney for Amy Sumter, by leaving a copy thereof in his office in Columbia, S.C. on the 26th day of July, 1939, and that deponent is not a party to this action.

Sworn to before me this the)
26 day of July, 1939.)

James F. Dreher

Elizabeth C. Williams (I.S.)
Notary Public for S.C.



JUL 27 1939
9661 & 7M

RECEIVED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS.

Ex Parte:

The Housing Authority of the
City of Columbia, S.C.

FINDINGS OF CONDEMNATION
BOARD.

In re:

Condemnation of lands of Amy
Sumter.

We, the undersigned, having been appointed a Board of Condemnation by order of Honorable G. Duncan Bellinger, dated July 7, 1939, have heard testimony in the above entitled matter and find that the true value of the property described in the petition is Twelve Hundred Dollars (\$ 1200.00)Dollars. The interest which is to be acquired by the Housing Authority of the City of Columbia in this property is a fee simple title and the price to be paid therefor shall be Twelve Hundred Dollars (\$ 1200.00) Dollars.

Geo. P. ...
Chas. D. Arthur -
Condemnation Board.

July 26, 1939.

State of South Carolina

COUNTY OF Richland

H.E. Watts

being duly sworn, says that he served the Notice, Order and Petition in this action on the defendant by delivering to Albert Heyward City Sheriff

and leaving with him copy of the same at Columbia SC Richland County, on the 7 day of July

A. D. 1937, and that deponent is not a party in this action. H.E. Watts

Sworn to before me this 8 day of July, A. D. 1937

W. B. Smith (L. S.)
W.P. 90 SC Magistrate

City Sheriff

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
COURT OF COMMON PLEAS.

Ex Parte:
The Housing Authority of
the City of Columbia, S.C.

In re:
Condemnation of Lands of
Amy Sumter.

NOTICE, ORDER AND PETITION

1409 Dial St

ROBINSON & ROBINSON
907 CENTRAL UNION BUILDING
COLUMBIA, S. C.

State of South Carolina

COUNTY OF Richland

H.E. Watts

being duly sworn, says that he served the Notice order and Petition Summons and Complaint in this action on the defendant by delivering to Amy Sumter 1409 Dial St

and leaving with her copy of the same at Columbia SC Richland County, on the 7 day of July

A. D. 1937, and that deponent is not a party in this action. H.E. Watts

Sworn to before me this 8 day of July, A. D. 1937

W. B. Smith (L. S.)
W.P. 90 SC Magistrate

State of South Carolina

COUNTY OF Richland

H.E. Watts

being duly sworn, says that he served the Notice order and Petition Summons and Complaint in this action on the defendant by delivering to A. L. Jones est Tax Collector

and leaving with him copy of the same at Court House Richland County, on the 7 day of July

A. D. 1937, and that deponent is not a party in this action. H.E. Watts

Sworn to before me this 8 day of July, A. D. 1937

W. B. Smith (L. S.)
W.P. 90 SC Magistrate

STATE OF SOUTH CAROLINA,)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS.

Ex Parte:

The Housing Authority of
the City of Columbia, S.C.

In re:

Condemnation of Lands of
Amy Sumter.

NOTICE

To Amy Sumter, Owner, The City Sheriff of the City of Columbia
and the Tax Collector for Richland County:

You will please take notice that The Housing
Authority of the City of Columbia, S.C. has passed a resolution
setting forth its intention to appropriate the property des-
cribed in the attached petition and pursuant to this resolution
a Board of Condemnation has been appointed by order of Honorable
G. Duncan Bellinger, dated July 7th 1939, a copy of which
order is attached hereto.

You will further take notice that this Condemnation
Board will meet Wednesday, July 19- 1939, at
10:30 o'clock A. M., in the Circuit Court Room in the Richland
County Court House for the purpose of hearing testimony as to the
value of this property.

Robison & Robison
Attorneys for The Housing
Authority of the City of
Columbia, S.C.

July 7 1939.

July 7 1939.

STATE OF SOUTH CAROLINA
STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE COURT OF COMMON PLEAS

Ex Parte:

The Housing Authority of
the City of Columbia, S.C.

PETITION FOR APPOINTMENT
OF CONDEMNATION BOARD.

In re:

Condemnation of Lands of
Amy Sumter.

ORDER

It appearing to this Court from the attached petition that The Housing Authority of the City of Columbia, S.C. has been unable to purchase the property described therein by direct negotiations, it is hereby

ORDERED, ADJUDGED AND DECREED:

That Evans Elliott, Chas. W. Arthur

and George Collins

be and they hereby are designated and appointed as a Board of Condemnation pursuant to Act 783 of the Statutes of 1934 and subsequent amendments thereto.

IT IS FURTHER ORDERED That a copy of this Order, together with a notice of the time and place of the sitting of the Board be served upon all persons having an interest in the property described in the petition as shown by the records of Richland County, at least ten days prior to the date of the meeting of the Board.

Sh. L. Beery
Presiding Judge Fifth Judicial
Circuit.

July 7th 1939.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Ex Parte:

The Housing Authority of
the City of Columbia, S.C.

PETITION FOR APPOINTMENT
OF CONDEMNATION BOARD.

In re:

Condemnation of Lands of
Amy Sumter.

The Housing Authority of the City of Columbia,
S.C. would respectfully show to this Court:

1. That it is preparing to erect in the City of
Columbia, S.C. two low cost housing projects pursuant to the
provisions of Act 783 of the South Carolina Statutes of 1934
and subsequent amendments, and the authority granted there-
under, and in co-operation with the United States Housing
Authority. That your petitioner has attempted to purchase
the land directly but has failed to agree upon a price with
the owner of the piece of property hereinbelow described and
desires to exercise its power of eminent domain.

2. That a resolution has been passed by your
petitioner setting forth its intention to appropriate the
property appearing on the records of Richland County as the
property of Amy Sumter, described as follows:

All that piece, parcel or lot of land situate in the
Eastern part of the City of Columbia, in the County
of Richland, State of South Carolina, on the western
side of Dial Street, being practically rectangular in
shape, measuring on its eastern side 52 feet, 5 inches,
more or less; on its southern side \pm 280.8 feet, more
or less; on its western side 57.3 feet, more or less,
and on its northern side 272.8 feet, more or less.

Being bounded on the North by property of Taggart and others; on the East by Dial Street; South by property of Fannie Clifton, and West by property of the Smith estate, together with all right, title and interest of Amy Sumter, if any, in and to Dial Street.

WHEREFORE your petitioner prays that this Court do issue its order designating and appointing three persons to serve as a Board of Condemnation pursuant to Act No.783 of the Statutes of 1934, and subsequent amendments thereto.

Robison & Robison
Attorneys for Petitioner.

July 7th, 1939.