

THE STATE OF SOUTH CAROLINA.

MEMORANDUM OF AGREEMENT made and entered into this 11th. day of April A. D. Nineteen hundred and Sixteen (1916) by and between JOHN T. RODDY and ANNIE E. RODDY of the City of Charleston in the State aforesaid, Parties of the First Part, and AGNES RODDY BURBAGE of Greenville in the said State Party of the Second Part, and all of whom are sui juris and all of whom are re presented by Counsel in the preparation and execution of this Agreement.

W I T N E S S E T H.

WHEREAS the late Thomas Roddy, the father of all of the parties hereto, departed this life on or about the _____ day of June 1907, a resident of the City and County of Charleston in the State aforesaid, leaving of full force and unrevoked his last Will and Testament dated the 22nd. day of March 1906 and duly proved in the Probate Court for the County of Charleston in the State aforesaid on the 22nd. day of June, 1907 and now of record in said office in Will Book W. page 288, wherein and whereby the said Testator gave, devised and bequeathed all of his property to his wife Ann Roddy and appointed her and his daughter ANNIE E. RODDY Executrixes and his son JOHN T. RODDY Executor of his Will, the latter alone qualifying on the 24th day of June 1907; a copy of which said last Will and Testament is hereto annexed to this Agreement, marked Exhibit "A", and made part and parcel hereof.

AND WHEREAS the said Ann Roddy, the mother of all of the Parties hereto, being seized and possessed in fee simple of certain premises on Hampton Avenue in the City and County of Greenville in the State aforesaid and hereinafter more fully described, did by her certain Deed under her Hand and Seal dated on the 2nd day of August 1915 and recorded on August 6th 1915 in the R.M.C. O. for Greenville County in Book 32 page 243 and a copy of which said Deed is hereto annexed to this Agreement, marked Exhibit "B", and made part and parcel hereof, convey the same unto the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First Part, in fee simple and as tenants in common, under the following description:

"All that piece, parcel or lot of land with the buildings thereon situate on the North side of Hampton Ave., in the City and County of Greenville in the State aforesaid, having the following metes and bounds as will more fully appear by reference to a Plat recorded in Plat Book "A" page 137 R.M.C. Office Greenville County to wit: Beginning at an oak post on the North side of Hampton Ave. ONE HUNDRED SIXTY-FOUR (164) Feet from Academy Street, thence with Hampton Ave. N. 48 degrees 50" E. FORTY feet to an iron pin (corner Reynolds lot) thence with line of last mentioned lot North 32 degrees 30" E. ONE HUNDRED feet and SIX inches (100' & 6") to oak post in corner of Latimer lot thence with line of last mentioned lot N. 31 degrees E. SIXTY feet (60) to oak post in corner of Whitmire lot (total length of West line ONE HUNDRED and SIXTY feet SIX inches) Thence with line of Whitmire lot S. 50 degrees 30" E. FIFTY-ONE feet and THREE inches to oak post in corner Mims lot thence with line of Mims lot S. 24 degrees 30" W. SIXTY-ONE feet to an iron pin continuing along the line of Mims lot S 42 degrees W. NINETY-NINE feet and SIX inches to an oak post the point of beginning on Hampton Ave. The above described lot being a portion of the property conveyed to M.C. L & I. Company by A. M. Hill.

The above described premises being the same conveyed to me the said ANN RODDY by Mountain City Land & Investment Company by Deed dated 17th of August, 1907 and recorded in the R.M.C.O. for Greenville County, South Carolina, in Book Y.Y.Y., page 414 on August 21st. 1907."

AND WHEREAS the said Ann Roddy departed this life on or about the 24th day of December 1915 leaving of full force and effect her last Will Testament and a Codicil thereto, the former dated July 14th, 1908 and the latter dated the 6th day of August 1915, and both of which were proved in the Probate Court for the County of Charleston in the State aforesaid on the 3rd. day of January 1916 and are of record in said office in Will Book Y. page 153 et seq, wherein and whereby the said Testatrix, among other things, nominated and appointed the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First Part, as Executor and Executrix thereof, both of whom qualified as such on the said 3rd. day of January 1916 and are now the duly qualified legal representatives of the Estate of the said Ann Roddy; copies of which said last Will and Testament and Codicil are hereto annexed to this Agreement, marked Exhibits "C" and "D" respectively, and made part and parcel hereof.

AND WHEREAS the said Ann Roddy in and by the aforesaid Codicil to her last Will and Testament among other things, revoked Items Five, Seven and Eight of her aforesaid last will and Testament, the said Item Eight relating to the said premises on Hampton Avenue in the City and County of Greenville in the State aforesaid, and in Item Three of her aforesaid Codicil the said Testatrix gave and bequeathed unto JOHN T. RODDY and ANNIE E. RODDY, Parties of the First Part, the sum of TWO THOUSAND DOLLARS (\$2,000.00) to be held in trust, the net income of which was to be paid to the said AGNES RODDY BURBAGE, Party of the Second Part, for and during the term of her natural life and upon her death the same or any other property in which the said sum might be invested was to go to the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First part, the said Trustees being given certain powers of sale &c. as will more fully and at large appear upon reference to said Codicil.

AND WHEREAS the said AGNES RODDY BURBAGE, Party of the Second Part, did on or about the 21st. day of January 1916 institute in the Court of Common Pleas for the County of Greenville in the State aforesaid an action against the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First Part, for the purpose of having the aforesaid Deed from the said Ann Roddy in favor of the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First Part, and covering the above described property on Hampton Avenue in the City and County of Greenville in the State aforesaid, declared fraudulent and void as against her that the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First Part, be required in pursuance of an alleged agreement between the said Ann Roddy and AGNES RODDY BURBAGE, Party of the Second Part, to convey to the latter the premises in question; a copy of the Complaint wherein is hereto annexed to this Agreement, marked Exhibit "E", and made part and parcel hereof, and to which said Complaint and the Cause of Action therein set forth, the said JOHN T. RODDY and ANNIE E. RODDY, Parties of the First part, duly served and filed their joint and several Answer in which they denied the said alleged agreement and prayed that the said Complaint be dismissed, a copy of which said Answer is hereto annexed to this Agreement, marked Exhibit "E", and made part and parcel hereof.

see next page.