

Fidelity Federal Savings and Loan Association with a balance then of Two Hundred Twenty Seven Thousand and 00/100 Dollars (\$227,000.00). This contract was duly ratified and approved by the Board of Directors of Westminster Company. Pursuant to the contract a deed was executed by Phillips Development Corp. and delivered to Westminster Company on September 14, 1973, whereby Phillips Development Corp. purportedly conveyed all of the lots it then owned in Idlewild Subdivision. Said deed affirmatively stated that there were a total of 103 lots conveyed. This deed was duly and properly recorded in the R.M.C. Office for Greenville County on September 17, 1973 in Deed Book 984 at Page 112. Westminster Company executed a Modification and Assumption Agreement whereby they agreed to assume the loan held by Fidelity Federal Savings and Loan Association on the subject lots. This Modification and Assumption Agreement was likewise recorded in the R.M.C. Office for Greenville County in Mortgage Book _____ at Page _____ on September 19, 1976.

Subsequently, it came to the attention of the Plaintiff that through a scrivener's error, Lot 48 of Idlewild Subdivision had been erroneously and mistakenly omitted from the description of the property contained in the said deed. This action is brought to reform the deed so as to properly reflect the actual and real intention of the parties by including Lot 48 in the description of the deed from the date of the deed's execution, September 14, 1973.

From all of the testimony and evidence submitted, I find that it was the clear and obvious intention of the parties to the transaction that Lot 48 of Idlewild Subdivision be included in the conveyance from Phillips Development Corp. to Westminster Company. I find that the omission from the deed was simply a scrivener's error and that the full and complete consideration for the deed was paid. In order to carry out the true and correct intention of the parties, this deed should be reformed as of the date of the execution of the deed. I further find that said reformation of

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