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1032-310

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
Western Carolina Regional )  
Sewer Authority, )  
Respondent, )  
(Condemnor) )  
vs )  
R. Heyward Ballard, H. Grady )  
Ballard, Chester A. Reece, )  
and Frank Towers Rice, )  
Appellant, )  
(Landowner).

IN THE COURT OF COMMON PLEAS

CONSENT ORDER  
R/W

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This action is one in condemnation under the provisions of Act No. 784, Section 7 of the Acts of the General Assembly for South Carolina for 1926, page 1539, and Section 57-17-310. et. seq. of the Code of Laws of South Carolina, 1976, wherein the Respondent is exercising its right of eminent domain to acquire certain rights of way over other portions of the landowners' property. The rights of way to be acquired are described and identified in the exhibit marked Exhibit "A" which is attached to this Order. The scope and extent of the rights acquired under the rights of way are set forth in that attached exhibit marked Exhibit "B". The rights of way taken relate to that property acquired by the Appellant shown in Deed Book 672 at page 39 and further identified on the Greenville County Tax Maps as Sheet 239.5, Block 1, Lot 13 and Sheet 239.5, Block 1, Lot 6.

It appears to this Court that the parties have mutually consented to the taking of the rights of way identified in the notice and that the landowners have waived a hearing before members of the Western Carolina Regional Sewer Authority as provided by statute, but does expressly reserve the right to a trial, de nova, before a jury for the purpose of determining damages, if any, due to the Appellant for this taking and further appears that the parties hereto have agreed that for all purposes, the date of the taking of the property described shall be the date of this Order.

Now, on a motion of Leo H. Hill of the firm of Hill, Wyatt & Bannister, Attorneys for the Respondent, consented to by the Appellants herein,

IT IS HEREBY ORDERED that the Respondent be and hereby is awarded those rights of way over other portions of the Appellants' property as shown on Exhibit "A"; the extent to which rights of way may be exercised as set forth in Exhibit "B" setting forth the use and purpose of the rights of way and the rights of the landowner.

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