

**Berkeley County  
Cynthia B. Forte  
Register of Deeds  
Moncks Corner 294616120**

00028673 Vol: 7621 Pg: 295



53 2008 00028673

**Instrument Number:** 2008- 00028673**Recorded On:** October 27, 2008As  
Deed**Parties:** PARKS OF BERKELEY LLC

To

MWV-PARKS OF BERKELEY LLC

**Billable Pages:** 5**Recorded By:** NELSON, MULLINS RILEY & SCARBOROUGH LLP**Num Of Pages:** 10**Comment:****\*\* Examined and Charged as Follows: \*\***

Deed 15.00

**Recording Charge:** 15.00

	Tax Amount	Consideration Amount	RS#/CS#		
Deed Tax	37,455.10	10,122,846.00	D 6375	Deed County Tax	11,135.30
				Deed State Tax	26,319.80
<b>Tax Charge:</b>	<b>37,455.10</b>				

RECEIVED

Oct 27, 2008

ASSESSOR  
BERKELEY COUNTY SC  
JANET B. JUROSKO  
AUDITOR BERKELEY COUNTY SC

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Berkeley County, SC

**File Information:****Record and Return To:**

Document Number: 2008- 00028673

NELSON, MULLINS RILEY &amp; SCARBOROUGH LLP

Receipt Number: 201569

P O BOX 1806

Recorded Date/Time: October 27, 2008 03:00:35P

CHARLESTON SC 29402-1806

Book-Vol/Pg: Bk-R VI-7621 Pg-295

Cashier / Station: R McMakin / Cash Super Station 5



*Cynthia B. Forte*

Cynthia B Forte - Register of Deeds

**NELSON MULLINS  
P O BOX 1806  
CHARLESTON, SC 29402**

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Prepared by: Parker Poe Adams & Bernstein LLP  
Three Wachovia Center  
401 South Tryon St.  
Suite 3000  
Charlotte, NC 28202

Return to: MWV-Parks of Berkeley, LLC  
Attn: James Hill  
180 Westvaco Road  
Summerville, SC 29483

**STATE OF SOUTH CAROLINA )  
:  
COUNTY OF BERKELEY )**

**SPECIAL WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS** that

**THE PARKS OF BERKELEY, LLC**, a Delaware limited liability company ("**Grantor**"), whose address is 400 South Tryon Street, Suite 1300, Charlotte, NC 28285-0107, in consideration of the sum of Ten Million One Hundred Twenty-Two Thousand Eight Hundred Forty-Six and No/100 Dollars (\$10,122,846.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations, covenants, conditions and other exceptions set forth below, unto **MWV-PARKS OF BERKELEY, LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 180 Westvaco Road, Summerville, South Carolina 29483, and Grantee's successors and assigns, all that certain tract of land described in **Exhibit A** attached hereto ("**Property**").

The Property is conveyed subject to the following easements, restrictions, reservations, covenants, conditions and other exceptions (collectively, "**Exceptions**"):

- (1) ad valorem taxes for the year 2009 and subsequent years;
- (2) Matters affecting title to the Property as shown on the as shown on plats recorded in Plat Cabinet Q, Pages 352A through 352D and Plat Cabinet M, Page 196A in the Office of the Register of Deeds of Berkeley County, South Carolina ("**Registry**"), excluding the "Fertilization Study" as depicted on that plat recorded in Plat Cabinet Q, Page 352C;
- (3) The Parks of Berkeley Development Agreement dated April 3, 2006 and recorded in Book 5549, Page 1 in the Registry as amended by Addendum to Development Agreement dated July 7, 2006 and recorded in Book 5775, Page 271 in the Registry, by Amendment to Development Agreement dated November 28, 2006 and recorded in Book 6161, Page 25 in the Registry, and by Second Amendment

to Development Agreement dated August 6, 2008 and recorded in Book 7504, Page 302 in the Registry;

- (4) Declaration of Restrictive Covenants dated August 18, 2005 and recorded in Book 5235, Page 75 in the Registry;
- (5) Easement Agreement dated December 21, 2007 and recorded in Book 7124, Page 210 in the Registry;
- (6) Indenture dated May 16, 2007 and recorded in Book 6586, Page 269 in the Registry;
- (7) Right-of-Way Easement dated January 9, 2007 and recorded in Book 6547, Page 16 in the Registry;
- (8) 100' Right-of-Way Power Line Easement granted South Carolina Public Service Authority by instrument dated September 17, 1982 and recorded in Book C152, page 60 in the Registry;
- (9) Power Line Easement granted by instrument dated March 7, 1984 and recorded in Book C167, page 278 in the Registry;
- (10) Easement granted by instrument dated May 4, 1992 and recorded in Book 124, page 312 in the Registry;
- (11) Drainage Agreement recorded in Book 234, page 180 in the Registry;
- (12) Grant of Perpetual Easement recorded in Book 343, page 280 in the Registry;
- (13) Easement to Berkeley Electric Cooperative as shown on that certain plat recorded in Plat Book M at page 162D in the Registry;
- (14) Grant of Perpetual Easement dated April 28, 1997, and recorded in Book 1102 at Page 77, in the Registry (as to Lot C only);
- (15) Title to that portion of the Property within the bounds of any public roads or highways, including, among others, Sheep Island Road;
- (16) Rights of others in and to the use of any drains or ditches located over, across, in or under the Property and rights to enter upon the Property to maintain the same;
- (17) Riparian rights incident to the Property; and
- (18) All zoning, subdivision, land use and other laws, regulations or ordinances applicable to the Property.

**TOGETHER WITH**, subject to the Exceptions, all and singular the rights, members, hereditaments and appurtenances to the Property belonging, or in anywise incident or appertaining.

**TO HAVE AND TO HOLD**, subject to the Exceptions, all and singular the Property, unto the said Grantee and Grantee's heirs, successors and assigns forever.

Subject to the Exceptions, Grantor covenants to warrant specially the title to the Property against the lawful claims of any person claiming from, through or under it.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this 24<sup>th</sup> day of October, 2008.

Signed, Sealed and Delivered in the Presence of:

**THE PARKS OF BERKELEY, LLC,**  
a Delaware limited liability company

*Jane Y. Boucump*  
Print Name: Jane Y. Boucump  
Witness #1

By: *James M. Short, Jr.*  
James M. Short, Jr.  
President

*Susan Higgins*  
Print Name: Susan Higgins  
Witness #2

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

Personally appeared before me the undersigned witness who being duly sworn deposes and says that he/she saw the within named James M. Short, Jr., President of **THE PARKS OF BERKELEY, LLC**, a Delaware limited liability company, sign, and as its act and deed deliver the foregoing instrument for the uses and purposes therein mentioned, and that he/she, together with *Susan Higgins* (witness #2), the other witness subscribed above, witnessed the execution thereof.

*Jane Y. Boucump*  
(Witness #1 sign here)

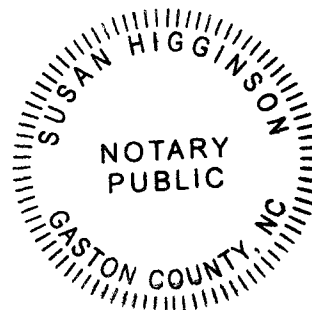
Sworn to and subscribed before me this the 24<sup>th</sup> day of October, 2008.

*Susan Higgins*  
Notary Public

Notary Public for Gaston Co, North Carolina

My Commission Expires: March 27, 2011

[NOTARIAL STAMP-SEAL]



**EXHIBIT A**

All references to recording information shall refer to documents that were recorded in the Office of the Register of Deeds for the county in which the Property is located.

**NEW TRACT "1" - (1,149.651 Acres)**

ALL that certain piece, parcel or tract of land, together with any improvements thereon, and being shown as "NEW TRACT "1" PARKS AT BERKELEY - PHASE I PORTION OF TMS NO. 221-00-00-048 1,149.651 ACRES" on a plat entitled, "SUBDIVISION PLAT SHOWING THE SUBDIVISION OF A PORTION OF TMS NO. 221-00-00-048 AND TMS NO. 221-00-00-096, AND THE ABANDONMENT OF THE PROPERTY LINES BETWEEN TMS NO. 221-00-00-096, TMS NO. 221-00-00-040, & TMS NO. 221-00-00-048 TO CREATE NEW TRACT "1" - THE PARKS OF BERKELEY PHASE 1-CONTAINING 1,149.651 ACRES OWNED BY MEADWESTVACO FORESTRY, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND TO BE CONVEYED TO THE PARKS OF BERKELEY, LLC. PARTIALLY LOCATED IN THE TOWN OF SUMMERVILLE BERKELEY COUNTY SOUTH CAROLINA" prepared by GPA Professional Land Surveyors dated February 15, 2005, and last revised March 15, 2005 and recorded in Plat Cabinet Q at Pages 352A through 352D, in the ROD Office for Berkeley County; South Carolina, and being more particularly described as follows:

Beginning at a 3/4" open iron pipe being located on the northern right of way of Rose Drive (66' right of way) being a common corner of New Tract "1" and now or formerly Elizabeth W. Brown property, said pipe being the POINT OF BEGINNING. Thence leaving said right of way of Rose Drive and with the common line of Elizabeth W. Brown property N54°31'25"W, a distance of 486.80 feet to a 1/2" open pipe; said pipe being a common corner of said New Tract "1", the Elizabeth W. Brown property and the Meadwestvaco Forestry, LLC property; thence with the new property line of New Tract 1 and the Meadwestvaco Forestry, LLC property the following (5) calls; thence N26°35'52"W, a distance of 1,331.82 feet to a 5/8" pin; thence N52°12'03"W, a distance of 1,225.15 feet to a 5/8" pin; thence N12°22'27"W a distance of 843.33 feet to a 5/8" pin; thence N77°00'33"W, a distance of 1,490.03 feet to a 5/8" pin; thence N76°08'10"W, a distance of 1,196.41 feet to a PK Nail; said pin being located in the centerline of Sheep Island Road and being located on a curve; non tangent curve to the left, of which the radius point lies N71°57'50"W, a radial distance of 1,432.55 feet; thence northerly along the arc, through a central angle of 07°10'32", a distance of 179.41 feet to a PK Nail; thence continuing with said centerline of Sheep Island Road (33' dirt road - ingress egress easement) N10°51'38"E, a distance of 1,992.36 feet to a point located in the centerline of Sheep Island Road (33' dirt road - ingress egress easement); thence N78°55'39"W, a distance of 16.50 feet to a 5/8" iron pin; said pin being a common corner of New Tract "1" and now or formerly the Whitfield Company property; thence with the line of the Whitfield Company and the western line of Sheep Island Road (33' dirt road - ingress, egress easement) the following call; thence N11°04'21"E, a distance of 9,219.98 feet to a 5/8" iron pin; thence leaving the western line of Sheep Island Road (33' dirt road - ingress, egress easement) and with a new property line of New Tract "2" and New Tract "1" the following call; thence S54°04'30"E, a distance of 5,893.80 feet to a 1/2" iron pin; said pin being a common corner of New Tract "1", New Tract "2" and now or formerly

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George Herrin property; thence with the common line of the George Herrin property the following (2) calls; thence S22°15'28"W, a distance of 5,280.46 feet to a 1" iron pipe; thence S53°48'28"E, a distance of 600.40 feet to an axle; said axle being located in a creek; said creek being the property line; thence with the centerline of creek being the property line and being referenced by a line, said reference line described as follows; thence S42°48'54"W, a distance of 288.45 feet to a point; thence S56°35'00"W a distance of 312.69 feet to a point; thence S40°06'27"W, a distance of 504.42 feet to a point; thence S48°06'04"W, a distance of 160.95 feet to a point; thence S35°59'02"W, a distance of 230.94 feet to point; thence S26°45'01"W, a distance of 225.72 feet to a point; thence S20°09'29"W, a distance of 241.53 feet to a point; thence S30°46'11"W, a distance of 167.88 feet to a point; thence S20°38'04"W, a distance of 248.90 feet to a point; thence S20°17'56"W, a distance of 388.62 feet to a point; thence S18°18'35"E, a distance of 1,337.31 feet to a concrete monument; thence leaving centerline of creek and with the line of now or formerly Barbara Perdue, Diane Lynn Hill, John W. Vogler, James B. King, Jr. property the following call: thence S35°48'21"E, a distance of 140.66 feet to a 5/8" iron pin; said pin being a common corner of New Tract "1", now or formerly Meadwestvaco Forestry, LLC property; thence with the line of now or formerly Meadwestvaco Forestry, LLC property the following (5) calls; thence S37°54'45"W, a distance of 727.09 feet to a concrete monument; thence S28°11'14"E, a distance of 182.78 feet to a 5/8" iron pin; thence S30°33'14"E, a distance of 1,121.24 feet to a 2" open pipe; thence N42°27'55"E, a distance of 250.16 feet to a 5/8" pin; thence S60°07'26"E, a distance of 306.96 feet to a 5/8" pin; said pin being on the line of New Tract "1" and now or formerly the Joseph Bennett property; thence with the Joseph Bennett property; thence S59°43'36"E, a distance of 124.09 feet to a 5/8" iron pin; said pin being located on the northern right of way of Rose Drive; thence with the northern right of way of Rose Drive (66' right of way) the following (2) calls; thence S26°20'10"W, a distance of 821.49 feet to a 1" iron pipe; thence S28°17'20"W, a distance of 75.84 feet to a 3/4" iron pipe being the POINT OF BEGINNING.

Containing 50,091,164.47 square feet or 1,149.651 acres, more or less. As shown on a plat prepared by David L Gray PLS SC#12839. GPA Professional Land Surveyors, dated Feb. 15, 2005 and recorded in Berkeley County ROD Office.

Together with all rights of the Grantors pursuant to the terms of that certain Drainage Easement between John F. Murphree and Eleanor Dion Fairey, Thomas Raymond Dion, Mary Dion Georgion, William Humphreys Dion and TRMWEE, Inc. dated August 12, 1992, and recorded February 5, 1993, in Book 234 at Page 180, in the ROD Office for Berkeley County, South Carolina.

New Tract "1" containing all or a portion of SW 1065, SW 1052, SW 884 E, CTN 126 A, CTN 59, CTN 27 P 17 29, CTN 191.

Being the same property conveyed to Grantor herein by deed of MeadWestvaco Forestry, LLC dated March 24, 2005 and recorded March 30, 2005 in Book 4603, Page 263 in the Office of the Register of Deeds, Berkeley County, South Carolina.

TMS Numbers: 221-00-00-133 and 221-00-00-141

**LOT "C" – (3.063 Acres):**

ALL that certain piece, parcel or lot of land, with any buildings and improvements thereon, and being in the Second Goose Creek Tax District, County of Berkeley, State of South Carolina and being shown as "LOT C 133408 SF 3.063 Ac" on a plat entitled "SUBDIVISION SURVEY OF 6.12 ACRES OWNED BY MARIAN B. ATTAWAY ET AL LOT B IS ABOUT TO BE CONVEYED TO THE ESTATE OF MARION B. ATTAWAY LOT C IS ABOUT TO BE CONVEYED TO CARL BROWN 2ND GOOSE CREEK PARISH, BERKELEY COUNTY, SOUTH CAROLINA" prepared by Ashley Surveying, Inc., dated August 22, 1996 and recorded in Plat Cabinet M, Page 196-A, ROD Office for Berkeley County, S.C.

Being the same property conveyed to Grantor herein by deed of Elizabeth W. Brown dated March 31, 2005 and recorded April 1, 2005 in Book 4610, Page 173 in the Office of the Register of Deeds, Berkeley County, South Carolina.

TMS Number: 221-00-00-087



STATE OF NORTH CAROLINA )  
COUNTY OF MECKLENBURG )

# AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says;

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located in Berkeley County, bearing Berkeley County Tax Map Numbers 221-00-00-133, 221-00-00-141 and 221-00-00-087, was transferred by The Parks of Berkeley, LLC to MWV-Parks of Berkeley, LLC on October \_\_\_\_\_, 2008.
3. Check one of the following: The deed is
  - (a)     X     subject to the deed recording fee as a transfer consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c) \_\_\_\_\_ exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_  
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

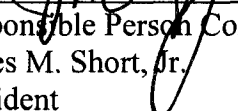
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):
- (a)           X      The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of **\$10,122,846.00.**
- (b)      \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \_\_\_\_\_.
- (c)      \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \_\_\_\_\_.
5. Check Yes \_\_\_\_\_ or No    X    to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.
6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: \$ 10,122,846.00
- (b) Place the amount listed in item 5 above here: \_\_\_\_\_  
(If no amount is listed, place zero here.)
- (c) Subtract Line 6(b) from Line 6(a) and place result \$ 10,122,846.00  
here:

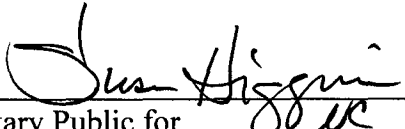
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$37,455.10.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Authorized Agent for The Parks of Berkeley, LLC.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

  
\_\_\_\_\_  
Responsible Person Connected with the Transaction  
James M. Short, Jr.  
President

SWORN to before me this 24<sup>th</sup> day of  
October, 2008.

  
\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: March 27, 2011

