

CYNTHIA B FORTE  
BERKELEY COUNTY  
REGISTER OF DEEDS

Po Box 6122 ~ Moncks Corner, SC 29461 (843) 719-4084

\*\*\* THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE \*\*\*



Instrument #:	2019039481		
Receipt Number:	145429	Return To:	HOLLOWAY LAW OFFICES LLC
Recorded As:	DEED		1712 ST JULIANS PLACE SUITE 101
Recorded On:	October 30, 2019		COLUMBIA, SC, 29204
Recorded At:	10:36:09 AM	Received From:	HOLLOWAY LAW OFFICES LLC
Recorded By:	DONNA SMITH	Parties:	
Book/Page:	RB 3175: 734 - 743		Direct- RILEY TRACT LLC
Total Pages:	10		Indirect- KAY L COLVIN TRUST

\*\*\* EXAMINED AND CHARGED AS FOLLOWS \*\*\*

Recording Fee: \$15.00  
Exempt  
Tax Charge: \$0.00



RECEIVED

OCT 30, 2019

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

*Cynthia B. Forte*  
Cynthia B Forte - Register of Deeds

Prepared by:  
Holloway Law Offices, LLC  
1712 St. Julian Place, Suite 101  
Columbia, South Carolina 29204  
CLH File No. L-6363-19 Colvin

**NO TITLE SEARCH CONDUCTED BY PREPARING ATTORNEY**

<b>STATE OF SOUTH CAROLINA</b>	)	
	)	
<b>COUNTY OF BERKELEY</b>	)	<b>LIMITED WARRANTY DEED</b>

**KNOW ALL MEN BY THESE PRESENTS**, that Riley Tract, LLC, (hereinafter called "Grantor"), in consideration of **Five and No/100 Dollars (\$5.00) and no other consideration**, to the Grantor in hand paid at and before the sealing of these presents, by **William J. Colvin, III, Ann C. Payne, Kay L. Colvin as Trustee of the Kay L. Colvin Trust dated May 26, 1987 as restated February 23, 2017, and Becky C. Barrett, as Trustee of the Becky C. Barrett Family Trust dated April 30, 1985, as subsequently amended and restated** (hereinafter called Grantees) in the State aforesaid, the receipt of which 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 and conditions ("Exceptions") set forth below, **unto Grantees, as Tenants in Common**, their heirs, successors, and assigns, subject to the Exceptions, in fee simple, the following described property to-wit:

See attached Exhibit A for Legal Description

Exceptions: restrictions, reservations, zoning ordinances, encroachments and easements that may appear of record on the referenced plats or appearing on the premises.

**Berkeley County Tax Map Number:** 175-00-02-047 and 175-00-02-114

**Property Address:** 396.88 +/- tract and 13.18 +/- acre tract north of Interstate 26 in the Lebanon area, Berkeley County, South Carolina

**Grantee's Address:** PO Box 368, Jackson, AL 36545

**TOGETHER** with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

**TO HAVE AND TO HOLD**, all and singular the said premises before mentioned unto the said Grantees, Grantee's heirs and assigns forever.

Doc: 2019039481  
Total Pages: 10

AND the Grantor does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantees and the Grantees' heirs, successors, and assigns, against the Grantor and the Grantor's successors and assigns and every person claiming by or through Grantor, but not otherwise.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantees.

WITNESS the Grantor's hand and seal this 22<sup>nd</sup> day of October, 2019.

**SIGNED, SEALED AND DELIVERED**

in the presence of:

Angie Williams  
Witness

Christopher A. Williams  
Witness

Riley Tract, LLC

William J. Colvin, III (SEAL)  
BY: William J. Colvin, III  
ITS: Manager

STATE OF ALABAMA  
COUNTY OF CLARKE

**ACKNOWLEDGEMENT**

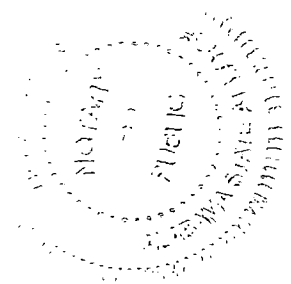
I, Michael Lewis, the undersigned Notary Public for the State of Alabama, do hereby certify that William J. Colvin, III as **Manager of Riley Tract, LLC**, Grantor, personally appeared before me this day and acknowledged the due execution of the Title to Real Estate on behalf of the Grantor.

Subscribed to and sworn before me this  
22<sup>nd</sup> day of October, 2019.

Michael Lewis (L.S.)  
Notary Public for Alabama

My commission expires: My Commission Expires  
12/05/2019

(Notary Seal)



## **EXHIBIT A LEGAL DESCRIPTION**

### **PARCEL 1**

All that certain piece, parcel or tract of land situate, lying and being in St. James Goose Creek Parish, Berkeley County, South Carolina, measuring and containing three hundred twenty-five (325) acres, more or less, and being bounded on the north by lands now or formerly of F. W. Hill and West Virginia Pulp & Paper Company; on the east by lands now or formerly of West Virginia Pulp & Paper Company; on the south by lands now or formerly of the West Virginia Pulp & Paper Company and B. W. Rogers; and on west by lands now or formerly of J. T. Riley and of the Estate of Warren; the same being more fully shown and delineated on that certain map thereof made by N. J. Smith, Surveyor, dated March, 1951.

Together with all the Grantor's right, title and interest in and to the permanent right-of-way for ingress and egress more fully described in the deed of J. T. Riley to W. J. Colvin, Jr., dated June 12, 1951, recorded in the Office of the Register of Deeds for Berkeley County in Deed Book A-89 at Page 41, and recorded in the Office of the Register of Deeds for Dorchester County in Deed Book 101 at Page 51.

### **PARCEL 2**

All that certain piece, parcel or tract of land situate, lying and being in Berkeley County, State of South Carolina, containing twenty-one and eight-tenths (21.8) acres, more or less, as shown on a plat made by Neely J. Smith, RLS, dated January, 1953, said plat by reference being made a part hereof, said tract being bounded on the north by lands now or formerly of Cephus Pringle and Adeline Pringle; on the east by lands now or formerly of Dan Rivers; and on the west by lands now or formerly of Mose Pringle.

### **PARCEL 3**

All that certain piece, parcel or tract of land situate, lying and being in Berkeley County, South Carolina, measuring and containing thirty-two and two-tenths (32.2) acres, more or less, butting and bounding on the northeast by lands now or formerly of Waring; on the southwest by lands now or formerly of W. J. Colvin, Jr.; and on the northwest by lands now or formerly of W. J. Colvin, W. J. Colvin's road, and lands now or formerly of W. J. Colvin; the same being more fully shown by plat thereof made by N. J. Smith, Registered Surveyor, dated January, 1959, and recorded in Plat Book L at Page 150.

### **PARCEL 4**

All that certain piece, parcel or tract of land situate, lying and being in St. James Goose Creek Parish, Berkeley County, South Carolina, measuring and containing eight-five and six-tenths (85.6) acres, more or less, and being bounded on the north and northeast by lands now or formerly of W. J. Colvin, Jr.; on the southeast by lands now or formerly of the Estate of Waring and also an old tram road separating the said lands from lands now or formerly of Jerry T. Riley; and on the west by lands now of formerly of N. J. Smith, of Gaddis, Mary Capers, and Kline Pringle, together with a perpetual easement over the old tram road on the southeastern boundary.

The lands herein above described being more fully set forth and delineated on a certain map thereof made by N. J. Smith, Registered Land Surveyor, dated February, 1952.

**PARCEL 5**

All that parcel of land bearing TMS# 175-00-02-04 (formerly), Berkeley County, South Carolina, and bounded on all sides by the lands now or formerly of Ann C. Payne, William J. Colvin, Kay L. Colvin, and Becky C. Jackson, such land lying east of Highway 27 and Gaddis Road and north of Interstate 26 in the Pringletown Community, Berkeley County, South Carolina, containing fifteen (15) acres, more or less, listed in the tax records of Berkeley County, South Carolina. Said parcel of land, being the same conveyed from Emma Somerson to Charlotte Waring on the 4<sup>th</sup> day of November, 1904, and being further described within said deed as that parcel of land containing fifteen (15) acres known as the "John Ballentine Tract" bounded north by lands now or formerly of John S. Ballentine; east and south by lands now or formerly of B. L. Wiggins; and west by lands now or formerly of Derry Sanders, and recorded in the records of Berkeley County, SC in Book A-21 at Page 187.

**LESS AND EXCEPTING:**

A portion of TMS# 175-00-02-047 conveyed to Camp Hall Economic Development Corporation by Deed of Riley Tract, LLC dated April 6, 2016, and recorded April 8, 2016, in Book 2149 at Page 336, and described as follows:

All that certain piece, parcel or tract of land, situate, lying and being in the Lebanon Community, Berkeley County, South Carolina, measuring and containing five and one one-hundredth (5.01) acres, more or less, as more particularly shown and delineated on a plat entitled "PLAT OF THE ADJUSTMENT OF PROPERTY LINES BETWEEN A 44.27 AC. TRACT OWNED BY CAMP HALL ECONOMIC DEVELOPMENT CORPORATION & A 435.71 +/- AC. TRACT OWNED BY RILEY TRACT, LLC TO CREATE A 49.28 AC. TRACT OWNED BY CAMP HALL ECONOMIC DEVELOPMENT CORPORATION & A 430.70 +/- AC. TRACT OWNED BY RILEY TRACT, LLC" dated January 12, 2016, last revised April 6, 2016 by F. Elliott Quinn, III PLS No. 10292 of Thomas & Hutton Engineering Co. and recorded in the Office of the Register of Deeds for Berkeley County in Plat Cabinet CAB S, Slide 32(i). Said parcel of land having such size, shape, buttings and boundings as will, by reference to the said plat, more fully appear and said plat is made a part and parcel of this description by reference thereto.

**AND LESS AND EXCEPTING**

Parcels H, J-1, J-2, and J-3 conveyed to Norfolk Southern Railway Company by Deed of Riley Tract, LLC dated September 15, 2017, and recorded September 28, 2017, in Book 2574 at Page 1, and described as follows:

**PARCEL H**

All that certain piece, parcel or tract of land situate in Berkeley County, South Carolina and shown as Parcel H on a plat by Thomas & Hutton dated March 20, 2017, last revised July 25, 2017, entitled "PLAT OF PROPERTY TO BE ACQUIRED BY NORFOLK SOUTHERN RAILWAY COMPANY FROM RILEY TRACT LLC 5.77 AC. PARCEL 'H' 27.41 AC. PARCEL J-1 22.30 AC. PARCEL J-2 AND A 3.91 AC. PARCEL J-3 FOR A TOTAL OF 39.39 AC. TO BE ACQUIRED" recorded in the Berkeley County Register of Deeds Office in Plat Cabinet CAB S, Slide 347(q) and 348(q). Said property being more fully described as follows:

Commencing at a buggy axle found at the common corner between Lorine Pringle (Deceased) (Deed Book 1034 at Page 122, TMS 175-00-02-005) and Riley Tract, LLC (Deed Book 2140 at Page 001, TMS 175-00-02-047); thence S70°48'46"E for a distance of 136.75 feet to an iron rebar and cap set having SC State Plane Coordinates (NAD83/2011) of N 474,114.61 and E 2,213,300.93, said point being the true Point of Beginning:

thence N45°16'03"E a distance of 254.44 feet to an iron rebar and cap set;

thence S44°43'57"E a distance of 60.00 feet to an iron rebar and cap set;

thence N45°16'03"E a distance of 732.73 feet to an iron rebar and cap set having SC State Plane Coordinates (NAD83/2011) of N 474,766.76 and E 2,214,044.44;

thence S01°43'37"E a distance of 216.08 feet to an iron rebar and cap set;

thence with the arc of a curve turning to the left, having an arc length of 220.25 feet, a radius of 2,711.50 feet, a chord length of 220.19 feet; and a chord bearing S04°03'14"E to an iron rebar and cap set;

thence S45°16'03"W a distance of 507.83 feet to a 1" iron pipe;

thence N70°48'46"W a distance of 144.74 feet to a SCPSA Disk stamped "CA-50-E";

thence N70°48'46"W a distance of 238.91 feet to the Point of Beginning, all as more fully shown and depicted on said referenced plat.

Said parcel containing 5.77 acres, more or less.

### **PARCEL J-1**

All that piece, parcel or tract of land situate in Berkeley County, South Carolina and shown as Parcel J-1 on a plat by Thomas & Hutton dated March 20, 2017, last revised July 25, 2017, entitled "PLAT OF PROPERTY TO BE ACQUIRED BY NORFOLK SOUTHERN RAILWAY COMPANY FROM RILEY TRACT LLC 5.77 AC. PARCEL 'H' 27.41 AC. PARCEL J-1 22.30 AC. PARCEL J-2 AND A 3.91 AC. PARCEL J-3 FOR A TOTAL OF 39.39 AC. TO BE ACQUIRED" recorded in the Berkeley County Register of Deeds Office in Plat Cabinet CAB S, Slide 347(q) and 348(q). Said property being more fully described as follows:

Commencing at a Mag Nail set at the approximate intersection of the centerline of Gaddis Road and the centerline of Angie Drive; thence N05°45'38"W a distance of 416.86 feet to an iron rebar and cap set having SC State Plane Coordinates (NAD83/2011) of N 474,376.28 and E 2,214,112.09, said point of the true Point of Beginning:

thence with the arc of a curve turning to the right, having an arc length of 176.39 feet, a radius of 2,661.50 feet, a chord length of 176.36 feet, and a chord bearing N03°37'32"W to and iron rebar and cap set;

thence N01°43'37"W a distance of 559.53 feet to an rebar and cap set:

thence with the arc of a curve turning to the left, having an arc length of 39.32 feet, a radius of 741.20 feet, a chord length of 39.31 feet and a chord bearing of N03°14'47"W to an iron rebar and cap set;

thence N73°14'30"E a distance of 873.97 feet to an old axle found:

thence N27°14'35"W a distance of 119.30 feet to an iron rebar and cap set;

thence with the arc of a curve turning to the right, having an arc length of 174.48 feet, a radius of 1,000.00 feet, a chord length of 174.48 feet, and a chord bearing of N68°24'14"E to an iron rebar and cap set;

thence N73°24'31"E a distance of 1,040.48 feet to an iron rebar and cap set;

thence S65°40'30"E a distance of 76.34 feet to an iron rebar and cap set;

thence S65°40'30"E a distance of 147.00 feet to an iron rebar and cap set;

thence S63°16'02"E a distance of 55.90 feet to an iron rebar and cap set;

thence with the arc of a curve turning to the left, having an arc length of 196.36 feet, a radius of 2,000.00 feet, a chord length of 196.28 feet, and a chord bearing of S76°13'17"W to an iron rebar and cap set;

thence S73°24'31"W a distance of 38.88 feet to an iron rebar and cap set;  
 thence S23°09'41"W a distance of 279.73 feet to an iron rebar and cap set;  
 thence S73°24'31"W a distance of 344.77 feet to an iron rebar and cap set;  
 thence S42°51'15"W a distance of 998.11 feet to an iron rebar and cap set;  
 thence N36°55'04"W a distance of 209.25 feet to an iron rebar found;  
 thence S69°28'47"W a distance of 361.81 feet to an iron rebar found;  
 thence S69°30'41"W a distance of 145.70 feet to a 3" open pipe found;  
 thence S45°03'48"W a distance of 142.06 feet to an iron rebar found; and  
 thence S45°28'20"W a distance of 176.22 feet to the Point of Beginning, all as more fully shown and  
 depicted on said referenced plat.  
 Said parcel containing 27.41 acres, more or less.

### **PARCEL J-2**

All that piece, parcel or tract of land situate in Berkeley County, South Carolina and shown as Parcel J-2 on  
 a plat by Thomas & Hutton dated March 20, 2017, last revised July 25, 2017, entitled "PLAT OF  
 PROPERTY TO BE ACQUIRED BY NORFOLK SOUTHERN RAILWAY COMPANY FROM RILEY  
 TRACT LLC 5.77 AC. PARCEL 'H' 27.41 AC. PARCEL J-1 22.30 AC. PARCEL J-2 AND A 3.91 AC.  
 PARCEL J-3 FOR A TOTAL OF 39.39 AC. TO BE ACQUIRED" recorded in the Berkeley County  
 Register of Deeds Office in Plat Cabinet CAB S, Slide 347(q) and 348(q). Said property being more fully  
 described as follows:

Commencing at a found 1" crimp top pipe being the easternmost corner of TMS 175-00-02-048 (formerly  
 known as the "John Ballentine Tract") and being the common corner between Riley Tract, LLC (Deed Book  
 2140 at Page 001, TMS 175-00-02-047) and Riley Tract, LLC (Deed Book 11106 at Page 131, TMS  
 175-00-02-048); thence S37°58'16"W a distance of 402.27 feet to an iron rebar and cap set having SC State  
 Plane Coordinates (NAD83/2011) of N 475,937.06 and E 2,216,898.72, said point being the true Point of  
 Beginning;  
 thence N85°20'12"W a distance of 103.59 feet to an iron rebar and cap set;  
 thence with the arc of a curve turning left, having an arc length of 536.04 feet, a radius of 1,445.00 feet, a  
 chord length of 532.97 feet, and a chord bearing of S84°02'09"W to an iron rebar and cap set;  
 thence S73°24'31"W a distance of 179.85 feet to an iron rebar and cap set having SC State Plane Coordinate  
 (NAD83-2011) of N 475,838.75 and E 2,216,093.03;  
 thence S65°40'30"E a distance of 147.00 feet to an iron rebar and cap set;  
 thence S63°16'02"E a distance of 55.90 feet to an iron rebar and cap set;  
 thence with the arc of a curve turning to the right, having an arc length of 506.15 feet; a radius of 2,000.00  
 feet, a chord length of 504.80 feet, and a chord bearing N86°17'02"E to an iron rebar and cap set; and  
 thence N37°58'16"E a distance of 191.91 feet to the Point of Beginning, all as more fully shown and  
 depicted on said referenced plat.  
 Said parcel containing 2.30 acres, more or less.

### **PARCEL J-3**

All that piece, parcel or tract of land situate in Berkeley County, South Carolina and shown as Parcel J-3 on  
 a plat by Thomas & Hutton dated March 20, 2017, and last revised July 25, 2017, entitled "PLAT OF  
 PROPERTY TO BE ACQUIRED BY NORFOLK SOUTHERN RAILWAY COMPANY FROM RILEY  
 TRACT LLC 5.77 AC. PARCEL 'H' 27.41 AC. PARCEL J-1 22.30 AC. PARCEL J-2 AND A 3.91 AC.

PARCEL J-3 FOR A TOTAL OF 39.39 AC. TO BE ACQUIRED" recorded in the Berkeley County Register of Deeds Office in Plat Cabinet CAB S, Slide 347(q) and 348(q). Said property being more fully described as follows:

Commencing at a #5 rebar found at the common corner between Riley Tract, LLC (Deed Book 2140 at Page 001, TMS 175-00-02-047) and South Carolina Public Service Authority (Plat Book O at Page 371-P, TMS 157-00-00-003); thence S01°18'14"W a distance of 823.03 feet to an iron rebar and cap set having SC State Plane Coordinates (NAD83/2011) of N 475,855.21 and E 2,217,902.14, said point being the true Point of Beginning:

thence S01°18'14"W a distance of 160.28 feet to an iron rebar and cap set;

N85°20'12"W a distance of 1,082.12 feet to an iron rebar and cap set;

thence with the arc of a curve turning to the left, having an arc length of 39.42 feet, a radius of 2,000.00 feet, a chord length of 39.42 feet, and a chord bearing of N85°54'05"W to an iron rebar and cap set;

thence N37°58'16"E a distance of 191.91 feet to an iron rebar and cap set having SC State Plane Coordinates (NAD83/2011) of N 475,937.06 and E 2,216,898.72; and

thence S85°20'12"E a distance of 1,006.75 feet to the Point of Beginning, all as more fully shown and depicted on said referenced plat.

Said parcel containing 3.91 acres, more or less.

#### DERIVATION

These being the remainder of properties conveyed to the Grantor as follows:

- Limited Warranty Deed of Becky Colvin Barrett n/k/a Becky Barret Jackson to Riley Tract, LLC dated October 2, 2014, and recorded December 4, 2014, in Book 11106 at Page 110, Berkeley County records;
- Limited Warranty Deed of Kay L. Colvin to Riley Tract, LLC dated September 23, 2014, and recorded December 4, 2014, in Book 11106 at Page 117, Berkeley County records;
- Limited Warranty Deed of William J. Colvin, III to Riley Tract, LLC dated October 10, 2014, and recorded December 4, 2014, in Book 11106 at Page 131, Berkeley County records; and
- Limited Warranty Deed of Ann Colvin Hobbs n/k/a Ann Payne to Riley Tract, LLC dated September 30, 2014, and recorded December 4, 2014, in Book 1106 at page 124, Berkeley County records; and Book 2140 at pages 1 and 10.



STATE OF SOUTH CAROLINA

## AFFIDAVIT OF CONSIDERATION

COUNTY OF BERKELEY

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

1. I have read the information on the back of this affidavit and I understand such information.
2. The property being transferred is located at **396.88 +/- acre tract and 13.18 +/- acre tract north of Interstate 26, in the Lebanon area**, bearing **Berkeley County Tax Map Numbers 175-00-02-047 and 175-00-02-114**, was transferred by **Riley Tract, LLC** to **William J. Colvin, III, Ann C. Payne, Kay L. Colvin, and Becky B. Jackson** on **October 22, 2019**.
3. Check one of the following: The deed is
  - (a) \_\_\_\_\_ Subject to the deed recording fee as a transfer for 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)   X   Exempt from the deed recording fee because (See Information section of affidavit):   4

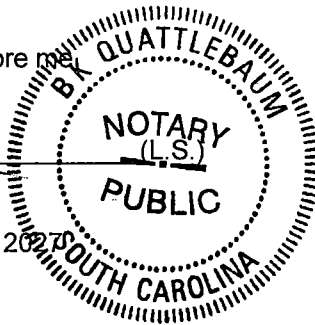
(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

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) \_\_\_\_\_ The fee is computed on the consideration paid, or to be paid, in money or money's worth in the amount of \$ \_\_\_\_\_
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty that 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: \$ \_\_\_\_\_
  - (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 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: **ZERO.**
8. As required by Code Section, 12-24-70, I state that I am a responsible person who was connected with the transaction as: **Attorney for the Selling Party**
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.

Carl L. Holloway, Jr.  
Attorney

SWORN AND SUBSCRIBED to before me  
this 22<sup>nd</sup> day of October, 2019.

B. K. Quattlebaum  
Notary Public for South Carolina  
My Commission Expires: March 31, 2020



#### INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity that may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and,
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.
- (13) transferring realty subject to a mortgage to the mortgagee whether by deed in lieu of foreclosure executed by the mortgagee or deed pursuant to foreclosure proceedings.
- (14) Transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivision to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operated or to take functional control of electric transmission assets as defined in the Federal Power Act.