

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

UNITED STATES OF AMERICA,) C/A NO.: 4:17-cv-02034-RBH
Plaintiff,)
vs.)
3,726 RENTABLE SQUARE FEET OF)
OFFICE SPACE (3,240 ANSI BOMA OFFICE)
AREA (ABOA USABLE SQUARE FEET OF)
SPACE), more or less, and FIVE PARKING)
SPACES, situated in the City of Myrtle Beach,)
Horry County, South Carolina; Rice REI, LLC,)
et al.,)
Defendant.)

ORDER

Before the Court is Defendant Rice REI, LLC's' Motion For Release of Deposited Funds filed January 19, 2018. Dkt. No. 27.

This is an action by the United States for condemnation of a leasehold interest in real property. Defendant Rice REI, LLC does not dispute that the United States may condemn the property, and the parties agree on the duration and amounts involved.

During the pendency of this action the United States has made leasehold payments by deposit into the Registry Bank Account of the United States District Court, District of South Carolina pursuant to the Order of this Court of August 7, 2017. Dkt. No. 7. It is undisputed that Defendant South State Bank holds a security interest in the property. Defendant Rice REI, LLC now seeks an order of this Court authorizing the payment of all funds and accrued interest deposited to date into the Registry Bank Account directly to the lienholder, Defendant South State Bank. In response to Defendant Rice REI LLC's Motion, the United States asserts that it does not object to the orderly and prompt distribution of the deposit as the Court determines to

be appropriate. Dkt. No. 29. Likewise, Defendant South State Bank consents to the relief requested in Rice REI, LLC's motion. Dkt. No. 39.

Accordingly, Rice REI, LLC's motion for release of deposited funds is **GRANTED** and it is hereby ordered that the Registry Bank Account of the United States Court, District of South Carolina shall pay and distribute to Defendant South State Bank, located at 2440 Morrell Drive, Charleston, SC 29406, all funds deposited into said account pursuant to this Court's order of August 7, 2017, with any accrued interest. Further, any future payments deposited by the United States into the Registry Bank Account shall immediately be paid over to Defendant South State Bank.

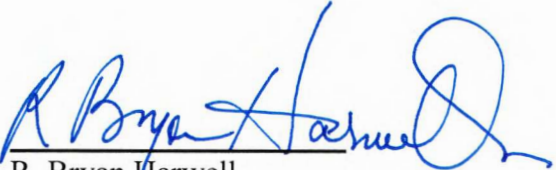
The Court further orders the following conditions:

1. Defendant Rice REI, LLC shall be liable for any valid claims by other interested parties if it is ultimately determined that Defendants are entitled to less than the amount disbursed, and if so, Defendants shall return the difference to the Court with interest;
2. Defendant Rice REI, LLC shall pay when due and discharge in full all taxes, assessments, liens, and encumbrances against the property, if any, in existence as of the date of taking; and
3. The United States shall be held harmless from the claims of any and all parties having liens or encumbrances and other parties who may be entitled to the distributed funds or any part thereof by virtue of any recorded or unrecorded agreement.

Upon disbursement of the funds from the Registry Bank Account, the Clerk's Office is directed to dismiss this action.

IT SO ORDERED.

May 10, 2018
Florence, South Carolina



R. Bryan Harwell
United States District Judge