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Aug 18 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge
Trial Case No.: 2014-CP-26-07617

APPELLATE CASE NO.: 2018-001724

CAPTAINS HARBOUR AND RACQUET CLUB
HOMEOWNERS' ASSOCIATION, INC.

RESPONDENT

v.

JERALD W. JONES,

APPELLANT

APPELLANT'S RETURN IN OPPOSITION TO
RESPONDENT'S MOTION FOR COSTS

John M. Leiter, Esquire
405 79th Avenue North, Suite B
Myrtle Beach, South Carolina 29572
(843) 449-1451
Attorney for Appellant

**APPELLANT'S RETURN IN OPPOSITION TO
RESPONDENT'S MOTION FOR COSTS**

Appellant, Jerald W. Jones, submits his Return in Opposition to the Motion for Costs filed by Respondent, Captains Harbour and Racquet Club, pursuant to Rule 222(d), SCACR; or, in the alternative, Appellant seeks a reduction of the amount of costs to be awarded. In support of this request, the Appellant submits the following.

The judgment, which was the subject of this instant appeal, constituted a lien on Appellant's real property located in Captains Harbour and Racquet Club. On or about January 31, 2022, the Appellant sold his condominium unit. In order to sell the condominium, Appellant had to satisfy the judgment in full. The Appellant paid the judgment, as evidenced by the Settlement Statement attached hereto as Exhibit A and incorporated herein by reference.

The Appellant paid the judgment in full and under the circumstances of this case, Appellant respectfully prays that costs not be assessed against him in this appeal or, in the alternative, that the costs be reduced.

Respectfully submitted,

LAW OFFICES OF JOHN M. LEITER, PA



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ATTORNEY FOR APPELLANT

August 19, 2022
Myrtle Beach, South Carolina

McCutchen Vaught Geddie & Hucks, P.A.
 4610 Oleander Drive
 Suite 203
 Myrtle Beach, SC 29577
 (843) 449-3411

ALTA Combined Settlement Statement

File #:	81892RES	Property	1425 Teague Road	Settlement Date	01/31/2022
Prepared:	01/31/2022		#502	Disbursement Date	01/31/2022
Attorney:	Ryan T. Patterson		Myrtle Beach, SC 29577		
		Buyer	CAPTAIN'S HARBOUR & RAC CLUB PH I UNIT 502		
			Jane Ellen Bentley		
			1196 White Rock Road		
		Seller	Lexington, VA 24450		
			Jerald Jones		
			105 Lac Courte		
		Lender	Myrtle Beach, SC 29579		
			Anderson Brothers Bank		
			2711 Agnes Lane		
			Myrtle Beach, SC 29577		

Seller			Buyer	
Debit	Credit		Debit	Credit
		Primary Charges & Credits		
	\$169,500.00	Sales Price of Property	\$169,500.00	
		Deposit		\$1,500.00
		Loan Amount		\$129,500.00
		Prorations/Adjustments		
\$94.20		County Taxes 01/01/2022 to 01/31/2022		\$94.20
\$0.90		Personal Property Tax 01/01/2022 to 01/31/2022		\$0.90
		Loan Charges		
		Processing Fee to Anderson Brothers Bank	\$450.00	
		Underwriting Fee to Anderson Brothers Bank	\$1,055.00	
		Appraisal Fee to Anderson Brothers Bank (\$525.00 POC by Borrower)		
		Credit Report Fee to Anderson Brothers Bank	\$48.00	
		Flood Certification Fee to Anderson Brothers Bank	\$8.00	
		MERS Fee to Anderson Brothers Bank	\$24.95	
		Tax Service Fee to Anderson Brothers Bank	\$85.00	
		Prepaid Interest (from 01/31/2022 to 02/01/2022)	\$15.08	
		Impounds		
		Homeowner's insurance	\$159.99	
		Property taxes	\$215.00	
		Aggregate adjustment		\$53.71
		Government Recording and Transfer Charges		
\$15.00		Recording Fees	\$25.00	
		---Deed: \$15.00		
		---Mortgage: \$25.00		
\$186.45		Documentary Stamp Tax (County Deed Taxes) to Horry County Register of Deeds		
\$440.70		Documentary Stamp Tax (State Deed Taxes) to Horry County Register of Deeds		
\$4.50		eRecording Fee to MVGH Recording Account	\$4.50	
		Commissions		

Seller			Buyer	
Debit	Credit		Debit	Credit
\$4,237.50		Listing Agent Commission to Century 21 Boling & Associates		
\$4,237.50		Selling Agent Commission to Welcome Home Realty		
		Title Charges		
		Title - Admin Fee to McCutchen Vaught Geddie & Hucks, P.A.	\$125.00	
		Title - Attorney Fee to McCutchen Vaught Geddie & Hucks, P.A.	\$590.00	
		Title - Courier Fee to McCutchen Vaught Geddie & Hucks, P.A.	\$25.00	
		Title - CPL (Lender) to Commonwealth Land Title Insurance Company	\$35.00	
		Title - Lender's Title Policy to Commonwealth Land Title Insurance Company	\$393.00	
		Title - Overnight Fee to McCutchen Vaught Geddie & Hucks, P.A.	\$70.00	
		Title - Title Binder Fee to McCutchen Vaught Geddie & Hucks, P.A.	\$125.00	
		Title - Title Exam Fee to Sherman & Sherman, Inc.	\$278.50	
		Title - Owner's Title Policy to Commonwealth Land Title Insurance Company	\$279.40	
		Miscellaneous Charges		
\$3,000.00		2020 Special Assessment to Captains Harbour HOA		
\$2,000.00		2021 Special Assessment to Captains Harbour HOA		
\$295.00		Additional Atty Fee to release Lien/Judgment to McCutchen Vaught Geddie & Hucks, P.A. 1		
\$955.00		Attorney Fees to Captains Harbour HOA		
		February and March Dues to Captains Harbour HOA	\$550.00	
\$550.00		HOA - Capital Contribution to Captains Harbour HOA		
\$16,321.14		Judgement Payoff to Captains Harbour and Racquet Clut		
\$48.50		Seller - Admin Fee to Corbett Law, PA		
\$350.00		Seller - Attorney Fee to Corbett Law, PA		
\$50.00		Seller - Legal Assistant Fee to Corbett Law, PA		
\$35.00		Seller- Courier Fee to Corbett Law, PA		
		Homeowner's Insurance Premium to Goosehead	\$640.00	
Seller			Buyer	
Debit	Credit		Debit	Credit
\$32,821.39	\$169,500.00	Subtotals	\$174,701.42	\$131,148.81
		Due from Buyer		\$43,552.61
\$136,678.61		Due to Seller		
\$169,500.00	\$169,500.00	Totals	\$174,701.42	\$174,701.42

See signature addendum

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CAPTAINS HARBOUR AND RACQUET CLUB
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RESPONDENT

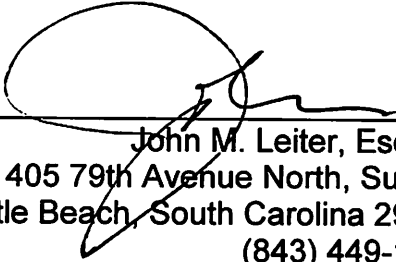
v.

JERALD W. JONES,

APPELLANT

PROOF OF SERVICE

The undersigned certifies that a copy of this Response to Respondent's Motion for Costs was served upon counsel for the Respondent this 18 day of August, 2022.



John M. Leiter, Esquire
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