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Apr 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Case Tracking No. 2020-000506

APPEAL FROM GREENVILLE COUNTY COURT OF COMMON PLEAS

Civil Action No. 2019-CP-23-01501

Edward W. Miller, Circuit Court Judge

Raymond A. Wedlake, as Member of
Woodington Homeowners' Association, Inc.

Appellant,

v.

Scott Bashor, William Craigo, Christopher
Edwards, Dennis Esteve and Charles Koshis
in their capacity as Members of the current
Board of Directors of Woodington
Homeowners' Association, Inc. and Doe
Entities 1-10, and John & Jane Does 1-10.

Respondents.

RESPONDENTS' MOTION TO TAX COSTS

NOW COMES the undersigned, for Respondents Scott Bashor, William Craigo, Christopher Edwards, Dennis Esteve and Charles Koshis in their capacity as Members of the current Board of Directors of Woodington Homeowners' Association, Inc., who hereby move to tax cost against the Appellant pursuant to Rule 222 of the South Carolina Appellate Court Rules in the above-captioned matter. On April 27, 2022, the Court of Appeals issued its opinion (Unpublished Opinion No. 2022-UP-183) affirming the order of the trial court. On June 23, 2022, the Court of Appeals denied Appellant's petition for rehearing. On July 26, 2022 Appellant filed a Petition for Writ of Certiorari to the Supreme Court. On April 18, 2023 the

Supreme Court issued an Order denying Appellant’s Petition for Writ of Certiorari. Remittitur was issued by the Court of Appeals on April 19, 2023.

Pursuant to Rule 222(a), SCACR, “Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” The recoverable amounts include an attorney’s fee in an amount set by Order of the Supreme Court.”¹ Rule 222(b), SCACR. Because the judgement of the trial court was affirmed and Appellant’s Petition for Writ of Certiorari was dismissed, costs are taxable against Appellant pursuant to Rule 222, SCACR, the Respondents are entitled to an award of costs. A sworn itemized statement of costs is attached and incorporated herein by reference.

WHEREFORE, Respondents pray that costs and attorney’s fees be taxed against Appellant in the amount of \$2,515.00 as set forth in itemized statement of costs accompanying this motion. The undersigned affirms that the below are the recoverable costs incurred by the Respondents on appeal, and request that such costs be taxed against the Appellant.

Attorneys’ fees allowed by Rule 222, SCACR	\$2,500.00
Purchase of Hearing Transcript	\$15.00

s/ James P. Walsh
James P. Walsh (15180)
s/ Michael J. Murphy
Michael J. Murphy (103084)
Clarkson, Walsh & Coulter, P.A.
P.O. Box 6728
Greenville, SC 29606
(864)232-4400
Attorneys for Respondents

April 27, 2023

¹ Pursuant to SCACR Rule 222, the amount of attorney’s fees allowable is currently \$2,500.00, and only under “the most extraordinary of circumstances” will the Court allow additional costs and fees.

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PROOF OF SERVICE

I certify that I have served the Respondents' Motion to Tax Costs, along with the Respondents' Itemized Statement of Costs by sending a copy electronically and by depositing a copy of it in the United States Mail, on April 28, 2023, addressed to Raymond A. Wedlake, at his address 703 Creekview Drive, Greenville, South Carolina 29607 as follows:

April 28, 2023



Lisa M. Ledbetter, Paralegal
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T: 864.232.4400
Attorneys for Respondents