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Apr 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

Case Tracking No. 2021-000511

APPEAL FROM GREENVILLE COUNTY MAGISTRATE COURT

Civil Action No. 2020-CV-23-10201384

Laura M. Saunders, Magistrate Court Judge

Appellant,

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

v.

Board of Directors of Woodington
Homeowners' Association, Inc., comprised
of Mona Craigo, Edward Decker and Sandra
Lacroix at the time of filing, and McCabe
Trotter & Beverly, P.C. and State Farm Fire
and Casualty Company.

Respondents.

**RESPONDENTS' BOARD OF DIRECTORS OF WOODINGTON HOMEOWNERS'
ASSOCIATION, INC., COMPRISED OF MONA CRAIGO, EDWARD DECKER and
SANDRA LACROIX AT THE TIME OF FILING, MOTION TO TAX COSTS**

NOW COMES the undersigned, for Respondents Board of Directors of Woodington Homeowners' Association, Inc., comprised of Mona Craigo, Edward Decker and Sandra Lacroix at the time of filing ("The Board"), 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 On April 27, 2022, the Court of Appeals issued its opinion (Unpublished Opinion No. 2022-UP-184) affirming the order of the trial court. On June 23, 2022, the Court of Appeals denied Appellant's petition for rehearing. On July 21, 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."² 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 Board is entitled to an award of costs. A sworn itemized statement of costs is attached and incorporated herein by reference.

WHEREFORE, The Board prays that costs and attorney's fees be taxed against Appellant in the amount of \$2,659.25 as set forth in itemized statement of costs accompanying this motion. The undersigned affirms that the below are the recoverable costs incurred by these 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	\$159.25

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

² 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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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM GREENVILLE COUNTY MAGISTRATE COURT
Magistrate's Court
The Honorable Laura M. Saunders, Magistrate Judge

Appellate Case No. 2021-000511
Civil Action No. 2020-CV-23-0201384

Raymond A. Wedlake, as Member of
Woodington Homeowners' Association, Inc.,
and on behalf of other similarly situated
Members of Woodington Homeowners'
Association, Inc.

Appellants,

v.

Board of Directors of Woodington
Homeowners' Association, Inc., comprised
of Mona Craigo, Edward Decker, and Sandra
Lacroix at the time of filing, and McCabe,
Trotter & Beverly, P.C. and State Farm Fire
and Casualty Company.

Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents' Board of Directors of Woodington Homeowners' Association, Inc., Comprised of Mona Craigo, Edward Decker and Sandra Lacroix At The Time of Filing, Motion to Tax Costs, along with the Respondents' Board of Directors of Woodington Homeowners' Association, Inc., Comprised of Mona Craigo, Edward Decker and Sandra Lacroix At The Time of Filing, 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 as follows:

Via US Mail and email

Raymond A. Wedlake
703 Creekview Drive
Greenville, SC 29607
wedlakera@mail.com

Via email

Stephanie Trotter Kellahan, Esq.
AIS Email: stephanie.kellahan@mccabetrotter.com
**Attorneys for Respondent McCabe Trotter
And Beverly, PC**

Via email

Jennifer E. Johnsen, Esq.

AIS email: Jjohnsen@gwblawfirm.com

Attorneys for Respondent, State Farm Fire and
Casualty Company

April 28, 2023
Greenville, South Carolina



Lisa M. Ledbetter

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The Board