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SC Court of Appeals

NOTICE OF CROSS APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Dec 21 2023

SC Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

H. Steven DeBerry, IV, Circuit Court Judge

Case No.: 2020-CP-21-01817

Barbara L. Sarb .....Appellant.

v.

Julie W. Phillips and Joseph M. Phillips .....Respondents.

NOTICE OF CROSS APPEAL

Julie and Joseph Phillips appeal the Order of the Honorable H. Steven DeBerry, IV, dated November 21, 2023. Respondents received written notice of entry of this order by notice of electronic filing on November 21, 2023 and received Appellant’s Notice of Appeal on December 15, 2023.

December 19, 2023

s/ Edward A. Love  
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ATTORNEYS FOR RESPONDENTS

ELECTRONICALLY FILED - 2023 Dec 19 10:18 AM - FLORENCE - COMMON PLEAS - CASE#2020CP2101817

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FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Florence  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020-CP-2101817

Barbra Sarb  
PLAINTIFF(S)

Joseph Phillips & Julie Phillips  
DEFENDANT(S)

Submitted by: _____	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_.
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_.
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk : \_\_\_\_\_

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INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Barbra Sarb	Joseph & Julie Phillips	\$ 61,788.84
Joseph & Julie Phillips	Barbra Sarb	\$ 57,703.11
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.  
**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

DeBerry IV  
Circuit Court Judge

2771  
Judge Code

11/21/2023  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**  
\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF FLORENCE

C/A No.: 2020-CP-21-01817

Barbara L. Sarb,

Plaintiff,

vs.

Julie W. Phillips and Joseph M. Phillips,

Defendants,

**ORDER  
ATTORNEY'S FEES  
&  
COURT COSTS**

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**SC Court of Appeals**

Having carefully considered the Motions for Fees and Costs filed by each party in this matter the court makes the following findings and rulings;

Pursuant to Baron Data Sys., Inc. vs. Loter, 297 SC 382, (1989), the court has taken all six factors into consideration. There is no finding that this matter was extremely complex, nor that the trial of the case took an inordinate amount of time to conclude. The professional standing of all attorneys is exceptionally high without question. The fees and costs submitted are reasonable, although some are mandated by contract and some are at the discretion of the court.

The jury award and outcome conformed to and supported the facts of the case in the court's opinion. The court further finds that any further financial burden imposed on either side would be significantly unjust and unfair after hearing the facts and considering the outcome of the case.

Therefore, the court awards the following:

- a. Plaintiff's Fees in the amount of \$55,393.00
- b. Plaintiff's Costs in the amount of \$6,395.84
- c. Defendant's Fees in the amount of \$55, 393.00
- d. Defendant's Costs in the amount of \$2,310.11

**IT IS SO ORDERED.**

\_\_\_\_\_  
The Honorable H. Steven DeBerry, IV

Florence, South Carolina

This \_\_\_ day of \_\_\_\_\_, 2023.





Florence Common Pleas

**Case Caption:** Barbara L Sarb VS Julie W Phillips , defendant, et al

**Case Number:** 2020CP2101817

**Type:** Order/Other

H. Steven DeBerry, IV

Circuit Court Judge 2771

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APPEAL FROM FLORENCE COUNTY  
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H. Steven DeBerry, IV, Circuit Court Judge

Case No.: 2020-CP-21-01817

Barbara L. Sarb .....Appellant.

v.

Julie W. Phillips and Joseph M. Phillips .....Respondents.

PROOF OF DELIVERY

The undersigned hereby certifies that on December 18, 2023, Respondents' Notice of Cross Appeal was served on Appellant by electronic delivery of same to the following address:

Ely O. Grote, S.C. Bar No. 75379  
ely.grote@mccabetrotter.com  
Valerie G. Giovanoli, S.C. Bar No. 102524  
Valerie.Giovanoli@mccabetrotter.com

December 19, 2023

s/ Edward A. Love  
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