

RECEIVED

Feb 21 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Marvin H. Dukes, III, Master in Equity and Special Circuit Court Judge

Appellate Case No. 2020-001275

Westbury Park Residential Association, Inc.,.....Respondent,

v.

Estate at Westbury Owners Association, Inc.,.....Appellant.

RESPONDENT’S MOTION FOR COSTS

Pursuant to Rule 222, SCACR, Respondent Westbury Park Residential Association, Inc., moves the Court for an order awarding costs against Appellant. This motion is based on the Court’s January 24, 2024 opinion dismissing the appeal. This Court issued the remittitur on February 9, 2024, and this motion is timely filed under Rule 222(d).

Under Rule 222(a), unless otherwise ordered or agreed, “costs **shall** be taxed against the appellant when the appeal is dismissed.” (emphasis added). The parties did not have an agreement about costs. A detailed, sworn, itemized statement of costs is attached. The Respondent respectfully requests that this Court award \$2,500.00 pursuant to Rule 222, SCACR.

February 21, 2024

Respectfully submitted,

s/Kathleen C. Barnes

Kathleen Chewning Barnes, SC Bar No. 78854

BARNES LAW FIRM, LLC

P.O. Box 897

Hampton, SC 29924

803-943-4529

SHELTON LAW FIRM, LLC

Benjamin T. Shelton, SC Bar No. 77207

P.O. Box 21069

Hilton Head Island, SC 29925-1069

843-802-0087

Attorneys for Respondent

RECEIVED

Feb 21 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Marvin H. Dukes, III, Master in Equity and Special Circuit Court Judge

Appellate Case No. 2020-001275

Westbury Park Residential Association, Inc.,.....Respondent,

v.

Estate at Westbury Owners Association, Inc.,.....Appellant.

PROOF OF SERVICE

The undersigned certifies that a copy of the Respondent's motion for costs and itemized statement of costs have been served upon counsel for Appellant via electronic mail at the email addresses stated in the Attorney Information System as set forth below on February 21, 2024.

FORD WALLACE THOMSON LLC

Ian S. Ford

Ian.Ford@FordWallace.com

Ainsley F. Tillman

Ainsley.Tillman@FordWallace.com

BROMLEY LAW FIRM LLC

Evan K. Bromley

evan@bromleylawfirm.com

February 21, 2024

s/Kathleen C. Barnes

Kathleen Chewing Barnes, SC Bar No. 78854

Barnes Law Firm LLC

P.O. Box 897

Hampton, SC 29924

803-943-4529

Kathleen C. Barnes
kbarnes@barneslawfirmssc.com



William F. Barnes III
wbarnes@barneslawfirmssc.com

RECEIVED
Feb 21 2024
SC Court of Appeals

February 21, 2024

Via E-Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court for the Court of Appeals
ctappfilings@sccourts.org

Re: *Westbury Park Residential Association, Inc. v. Estate at Westbury Owners Association, Inc.*
Appellate Case No. 2020-001275

Dear Mrs. Kitchings:

Attached for electronic filing and service please find:

- (1) Respondent's Motion for Costs,
- (2) Itemized Statement of Costs, and
- (3) Proof of Service.

Please file the documents and return one file-stamped copy to me via email. By electronic copy of this letter, I am serving all counsel of record with a copy of the same. The \$50.00 filing fee for the motion will be mailed within five days.

With kind regards, I am,

s/Kathleen C. Barnes

Enclosures

cc: Ian S. Ford
Ainsley F. Tillman
Evan K. Bromley
Benjamin T. Shelton