

**RECEIVED**

**Apr 19 2024**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

**The Honorable Marvin H. Dukes, III  
Beaufort County  
Trial Court Case No. 2016-CP-07-02712**

---

**APPELLATE CASE NO. 2020-000617**

---

**Beachwalk Hotel & Condominium Association, Inc.  
and Beachwalk Hilton Head, LLC**

**Appellants,**

**vs.**

**The Town of Hilton Head Island and/or The Town  
of Hilton Head Island Board of Zoning Appeals and  
SDC Properties, Inc.**

**Respondents.**

---

**MOTION FOR COSTS ON APPEAL (RULE 222)**

---

Pursuant to Rule 222, SCACR, Respondent SDC Properties, Inc. hereby moves this Court grant this respondent all its costs on appeal. The grounds for this motion are as follows:

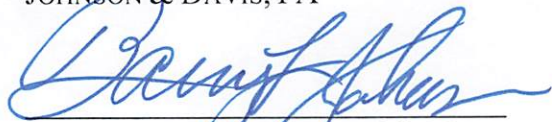
1. On July 20, 2023 this Court filed its order denying the Appellants, Beachwalk Hotel & Condominium Association, Inc., and Beachwalk Hilton Head, LLC's petition for rehearing.
2. On August 18, 2023, Appellants filed their petition for a writ of certiorari.
3. On April 16, 2024, the South Carolina Supreme Court filed its order denying the Appellants' petition for a writ of certiorari.

4. This Court filed its remittitur on April 17, 2024.
5. Because the Appellants' petition for a writ of certiorari was denied by the South Carolina Supreme Court, then, on information and belief, Respondent SDC Properties, Inc., is entitled to recover the following, if incurred:
  - a. (1) the filing fee paid under Rule 203(d); and
  - b. (2) the cost of the court reporter's transcript; and
  - c. (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal; and
  - d. (4) the cost of printing the Record on Appeal under Rule 209; and
  - e. (5) the cost of printing the party's final brief(s) under Rule 210; and
  - f. In addition, the party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court (such amount being \$2,500).
6. Respondent, SDC Properties, Inc.'s sworn, itemized statement of costs incurred, as described in Paragraph 4 above, is attached hereto as **Exhibit "A"**.
7. It has been less than fifteen (15) days since this Court filed the April 17, 2024 remittitur.
8. If a petition for a writ of certiorari is sought under Rule 242, the Court of Appeals shall tax costs only in those cases in which, as here, the petition for a writ of certiorari is denied. Rule 222, SCACR.

For the foregoing reasons, Respondent SDC Properties, Inc., respectfully request that this Court grant this motion and issue an order requiring that the Appellants promptly pay to Respondent SDC Properties, Inc., all costs listed in **Exhibit "A"**.

Bluffton, SC  
April 19<sup>th</sup>, 2024

JOHNSON & DAVIS, PA



Barry L. Johnson, Fed Ct Id #2185  
The Victoria Building, Suite 200  
10 Pinckney Colony Road  
Bluffton, SC 29909  
(843) 815-7121  
Barry@jd-pa.com

*Attorneys for Respondent  
SDC Properties, Inc.*

**RECEIVED**

**Apr 19 2024**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

**The Honorable Marvin H. Dukes, III  
Beaufort County  
Trial Court Case No. 2016-CP-07-02712**

---

**APPELLATE CASE NO. 2020-000617**

---

**Beachwalk Hotel & Condominium Association, Inc.  
and Beachwalk Hilton Head, LLC**

**Appellants,**

**vs.**

**The Town of Hilton Head Island and/or The Town  
of Hilton Head Island Board of Zoning Appeals and  
SDC Properties, Inc.**

**Respondents.**

---

**PROOF OF SERVICE**

---

I, Gay E. Reed, of the law firm of JOHNSON & DAVIS, PA, hereby certify that this law firm represents the Respondent SDC Properties, Inc. in the above-captioned matter and that on the April 19, 2024, in Bluffton, South Carolina, I served a copy of the Motion for Costs on Appeal (Rule 222) on the following persons via electronic transmission, as follows:

Brian Earl Hulbert, Esquire  
[hulbertbk@hargray.com](mailto:hulbertbk@hargray.com)

Kathleen McDaniel, Esquire  
[kmcdaniel@burnettshutt.law](mailto:kmcdaniel@burnettshutt.law)

Gregory M. Alford, Esquire  
[gregg@alfordlawsc.com](mailto:gregg@alfordlawsc.com)

*Attorney for Appellants Beachwalk  
Hotel & Condominium Association, Inc.  
and Beachwalk Hilton Head, LLC*

*Attorneys for the Town of Hilton  
Head Island and/or Town of Hilton  
Head Island Board of Zoning Appeals*

  
\_\_\_\_\_  
Gay E. Reed, Legal Assistant