

The South Carolina Court of Appeals

LB PARK, LLC, Respondent,

v.

San Juan Holdings, Brett Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, Defendants,

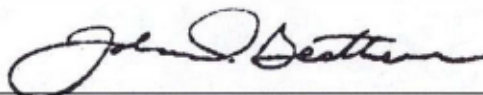
Of whom Ryan Powell is the Appellant.

Appellate Case No. 2022-001650

ORDER

On August 8, 2023, we dismissed this appeal after Appellant failed to serve a copy of the record on appeal as required by Rule 210 of the South Carolina Appellate Court Rules and this court's July 25, 2023 letter. We denied rehearing on September 21, 2023. Appellant subsequently filed a petition for writ of certiorari in our supreme court, which was denied on February 7, 2024. The remittitur was sent the same day. Respondent has now filed a motion for costs pursuant to Rule 222(a), SCACR, seeking to recover \$603.40 in transcript costs, and \$12,235 in attorney's fees, for a total of \$12,838.40. Appellant did not file a return.

After review, we grant the motion in part. Respondent is entitled to recover \$603.40 for the cost of the transcript and \$2,500 in attorney's fees, for a total of \$3,103.40. *See* Rule 222, SCACR (providing costs shall be taxed against the appellant when the appeal is dismissed and costs may include the cost of the transcript and attorney's fees up to \$2,500); *Austin v. Stokes-Craven Holding Corp.*, 406 S.C. 187, 199, 750 S.E.2d 78, 84 (2013) (explaining that "it is within [the appellate] Court's discretion whether to award fees and costs under Rule 222"). The York County Clerk of Court is directed to add this award to the remittitur.



J.

Columbia, South Carolina

cc:

Ryan Powell

A. Parker Barnes, III, Esquire

Sarah P. Spruill, Esquire

The Honorable Angie Bryant

The Honorable Teasa Kay Weaver

FILED
May 01 2024