

RECEIVED
May 14 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2020-CP-22-00930
Case No. 2020-CP-22-00931
Case No. 2020-CP-22-00932
Appellate Case No. 2021-000757

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,Respondent.

and

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,Respondent.

and

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,Respondent.

RESPONDENT’S MOTION FOR COSTS PURSUANT TO RULE 222, SCACR

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Pursuant to Rule 222, SCACR, Respondent hereby moves for the taxation of costs against Appellants. In support of this motion, Respondent would show as follows.

On February 8, 2023, the Court of Appeals filed its opinion (Unpublished Opinion No. 2023-UP-055) *affirming* the order/judgment of the trial court. On April 20, 2023, the Court of Appeals denied Appellants' petition for rehearing. On May 1, 2024, the Supreme Court denied Appellants' Petition for writ of certiorari. Remittitur was issued by the Court of Appeals on May 2, 2024.

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 attorneys' fee in an amount set by Order of the Supreme Court."¹ Rule 222(b), SCACR. Because the judgment of the trial court was affirmed and Appellants' petition for writ of certiorari was dismissed, costs are taxable against Appellants pursuant to Rule 222, SCACR, and Respondent is entitled to an award of costs. A sworn itemized statement of costs is attached as Exhibit A and incorporated herein by reference.

WHEREFORE, Respondent prays that the costs and attorney's fees be taxed against the Appellants in the amount of \$2,500.00, as set forth in the itemized statement of costs accompanying this motion.

Respectfully submitted,

s/ William C. Dillard, Jr.
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¹ Currently \$2,500.00.