

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

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**APPEAL FROM YORK COUNTY  
TEASA KAY WEAVER, MASTER IN EQUITY**

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**Appellate Case No. 2021-00816  
Lower Case No. 2016-CP-46-000820**

Vicki Lynn Vergeldt, individually, and as  
Successor Trustee of the John Vergeldt, Jr.  
Revocable Living Trust dated  
September 27,1978.....Petitioner/Respondent,

v.

John Edward Vergeldt.....Respondent/Appellant.

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**RESPONDENT’S MOTION FOR ATTORNEY’S FEES AND COSTS**

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Pursuant to Rule 222, SCACR Respondent Vicki Lynn Vergeldt, individually, and as Successor Trustee of the John Vergeldt, Jr. Revocable Living Trust dated September 27,1978 (Respondent”) respectfully moves this Court for an Order taxing the costs of this appeal to Appellant John Edward Vergeldt and for an appropriate award of attorneys fees as allowed under same. The grounds of this motion are as follows:

1. The Notice of Appeal was filed on August 2, 2021.
2. Certain attorney fees and costs were incurred in preparing the Respondent’s Initial Brief, Respondent’s Designation of Matter to be Included on Appeal, Respondent’s Motion to Supplement the Record, Respondent’s Final Brief, and representation at oral argument before the Court in this matter<sup>1</sup>.

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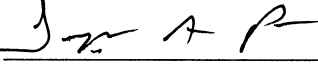
<sup>1</sup> Respondent’s fees and costs in this appeal exceed those allowed by Rule 222, SCACR, and Respondent reserves her right to recover all attorney’s fees and costs incurred in both the lower court and this Court on remand.

3. This Court issued its final opinion on February 14, 2024, which affirmed the Order appealed from. In doing so, the Court found in favor of the Respondent.
4. Appellant filed a Petition for Rehearing on February 29, 2024.
5. Certain attorney's fees and/or costs were incurred in preparing the Respondent's Reply to Petition for Rehearing.
6. This Court issued its Order on April 11, 2024, which denied the Petition for Rehearing.
7. Appellant filed a Petition for a Writ of Certiorari to the Court of Appeals on May 13, 2024.
8. Certain attorney fees and/or costs were incurred in preparing the Respondent's Return to Petition for a Writ of Certiorari to the Court of Appeals.
9. The Writ of Certiorari to the Court of Appeals was denied by Order issued by the Court on October 30, 2024, and the Court issued its Remittitur on November 4, 2024.
10. Under Rule 222, Respondent should be awarded the fees and costs incurred in defending this appeal.
11. Respondent, pursuant to Rule 222, requests the maximum fees allowed in the amount of \$2,500.00 be assessed against Appellant.
12. The amount Respondent requests in costs as allowed under Rule 222 to be assessed against Respondent is \$154.27, as set out in the Itemized Statement of Costs attached hereto as Exhibit A.

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For the foregoing reasons, Respondent respectfully requests that the Court tax the attorney's fees and costs of this appeal in the amount of \$2,654.27 against Appellant.

**HARRELL, MARTIN & PEACE, P.A.**

By:  \_\_\_\_\_

TAYLOR A. PEACE, ESQ.

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P.O. Box 1000 (Mailing Address)

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Attorneys for Respondent Vicki Lynn Vergeldt,  
Individually, and as Successor Trustee of the John  
Vergeldt, Jr. Revocable Living Trust dated  
September 27, 1978

November 14, 2024  
Chapin, South Carolina

RECEIVED

Nov 14 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM YORK COUNTY  
TEASA KAY WEAVER, MASTER IN EQUITY

Appellate Case No.: 2024-000775  
Unpublished Opinion No. 2024-UP-052 (S.C. Ct. App. Filed February 14, 2024)  
Trial Court Case No.: 2016-CP-46-00820

Vicki Lynn Vergeldt, individually, and as  
Successor Trustee of the John Vergeldt, Jr.  
Revocable Living Trust dated  
September 27,1978.....Respondent,


v.

John Edward Vergeldt.....Petitioner.

**-PROOF OF SERVICE-  
RESPONDENT’S MOTION FOR ATTORNEY’S FEES AND COSTS**

I, Tracy Slice Moore, a paralegal, with the firm of Harrell, Martin & Peace, P.A., do hereby certify that on November 14, 2024, I served a copy of the Respondent’s Motion for Attorney’s Fees and Costs to the Court of Appeals of Vicki Lynn Vergeldt, Individually, and as Successor Trustee of the John Vergeldt, Jr. Revocable Living Trust Dated September 27, 1978 in the above captioned case on the following individuals by electronic mail and regular first class mail using their email address and mailing address listed in the Attorney Information System as follows:

Desa Ballard  
Ballard & Watson  
226 State Street  
West Columbia, South Carolina 29169  
desab@desaballard.com

By:   
Tracy Slice Moore, Paralegal

November 14, 2024  
Chapin, South Carolina

**HMP** HARRELL, MARTIN  
& PEACE, P.A.  
ATTORNEYS AT LAW

L.K. "Trey" Harrell, III  
Jeremy C. Martin  
M. Alan Peace \*\*  
Taylor A. Peace  
Erik T. Norton  
Jamie Anna Weller

Robert W. Dibble, Jr. \*  
William Jennings (Bill) Buchanan \*  
Donald W. Tyler \*  
Thomas B. Jackson, III \*\*

\*Of Counsel  
\*\*Certified Mediator/Arbitrator

November 14, 2024

**VIA EMAIL to: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**  
**AND REGULAR, FIRST-CLASS MAIL**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
**Nov 14 2024**  
**SC Court of Appeals**

**Re: Vicki Lynn Vergeldt, et al. v. John Edward Vergeldt**  
**Appellate Case No.: 2021-000816**  
**Our File No: 3490.00001/TAP**

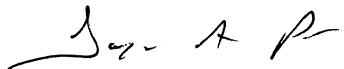
Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the original and one (1) copy of the Respondent's Motion for Attorneys Fees and Costs. As evidenced by the enclosed Proof of Service (with one copy of filing), these documents have been served electronically upon counsel for Appellant as well as by regular first-class mail.

Thank you for your time and attention in this matter. If you have any questions, please do not hesitate to contact our office at the phone number below.

Sincerely,

**HARRELL, MARTIN & PEACE, P.A.**



Taylor A. Peace, Esq.

Enclosures  
cc: Desa Ballard, Esq (w/ enclosures)