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Mar 06 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
The Honorable Benjamin H. Culbertson, Presiding Circuit Judge

Case No. 2015-CP-26-01729
Appellate Case No. 2025-000091

Summit Shores Lender, LLC,Respondent

vs.

Palmetto Interstate Development II, Inc. and
Leonard Ray Watts, Appellants.

RESPONDENT’S MOTION TO TAX COSTS

Pursuant to Rule 222(a), SCACR, Respondent Summit Shores Lender, LLC (“Respondent”), by and through its undersigned counsel, respectfully moves this Court to tax costs against the Appellants.

This motion is based on the following:

On January 14, 2025, the Appellants appealed two orders of The Honorable Benjamin H. Culbertson, Horry County Circuit Court Judge, filed on October 14, 2024 and December 17, 2024, respectively (“Orders”).

By letter dated January 17, 2025, this Court directed counsel to file memoranda on or before January 27, 2025, addressing the appealability of the Orders. Counsel for the Respondent timely filed its memorandum on January 27, 2025. The Appellants failed to file a memorandum as directed by the Court. Instead, by letter dated February 3, 2025, counsel for the Appellants withdrew the appeal.

Undersigned counsel for the Respondent would also note that, before the Appellants appealed the Orders, he verbally informed counsel for the Appellants that the Orders were not appealable.

On February 3, 2025, this Court entered an Order dismissing the appeal.

Thereafter, this Court served the Remittitur on February 19, 2025.

The Respondent is the prevailing party, and it is entitled to tax costs against the Appellants in accordance with the rules of this Court. Pursuant to Rule 222(d), SCACR, accompanying this motion is a sworn itemized statement of costs incurred in the form prescribed by the appendix to the South Carolina Appellate Court Rules.

Respectfully submitted,

CALLISON TIGHE & ROBINSON, LLC

s/ Demetri K. Koutrakos

Demetri K. Koutrakos, SC Bar No. 11318

Harry A. Dixon, SC Bar No. 103209

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**ATTORNEYS FOR RESPONDENT
SUMMIT SHORES LENDER, LLC**

March 6, 2025

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Leonard Ray Watts, Appellants.

PROOF OF SERVICE

I hereby certify that, on this date, the foregoing **Respondent's Motion to Tax Costs and Itemized Statement of Costs** were served on counsel of record via AIS email, pursuant to Supreme Court Order dated August 25, 2021, as follows:

James Marshall Biddle, Esquire
Biddle Law Firm, LLC
P. O. Box 1119
Conway, SC 29528
Email: marshall@biddlelawfirm.net
(Attorney for Appellants)

Franklin Ogele, Esquire
One Gateway Center, Suite #2600
Newark, NJ 07102
Email: fogele@msn.com
Email: franklin@ogelelaw.com
(Attorney for Appellants)

I further certify that all parties required by Rule to be served have been served.

CALLISON TIGHE & ROBINSON, LLC

s/ Demetri K. Koutrakos

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ATTORNEYS FOR RESPONDENT

March 6, 2025

Demetri “Jim” K. Koutrakos - Member
803-404-6900
JimKoutrakos@callisontighe.com

March 6, 2025

VIA EMAIL: ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk of Court
S. C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Summit Shores Lender, LLC vs. Palmetto Interstate
Development II, Inc., *et al.*
Appellate Case No. 2025-000091

Dear Ms. Kitchings:

Please be advised that I represent the Respondent Summit Shores Lender, LLC in the above-referenced matter. Enclosed herewith please find Respondent’s Motion to Tax Costs, together with the Form 17-Itemized Statement of Costs and Proof of Service. Kindly file the same and return a clocked-in copy of each to the undersigned via return email. This firm’s check in the amount of \$50 in payment of the required fee will be delivered to your office.

Please feel free to contact me with any questions.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC

s/ Demetri “Jim” K. Koutrakos

Demetri “Jim” K. Koutrakos

DKK:ksr
Enclosures
cc (via email only): James Marshall Biddle, Esquire
Franklin Ogele, Esquire, Esquire
Brian W. Zimmerman, Esquire
Harry A. Dixon, Esquire

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