

The South Carolina Court of Appeals

Fenwick Commons Homeowners Association, Inc.,
Respondent,

v.

D.R. Horton, Inc., JJA Construction, Inc., d/b/a JJA Framing, JJA Construction, Inc. d/b/a JJA Framing Company, Jose Castillo d/b/a JJA Framing, Jose Castillo d/b/a JJA Framing Company, United Siding Specialists, Inc., Heritage Construction Consultants, Inc., Robert H. Yarnall d/b/a Heritage Construction Consultants, Inc., Built Right Construction, LLC, Alfonso Villavicencio d/b/a Alfonso's Painting, Alfonso Painting & Drywall, Inc., Diria Tawi Painting, Inc., 84 Lumber Company, Builders FirstSource - Southeast Group, LLC, Americo Roofing Concepts f/k/a Americo Roofing Concepts Enterprises, Inc., Americo Roofing Concepts, Inc. f/k/a American Roofing Concepts, Archer Exteriors, Inc. and Professional Exteriors, LLC, Luciano Dias Gomes d/b/a Prestige Home Construction, Geraldo Da Cunha, Pablo Rojas Franco, Charles Gunter, Henry A. Palmer, Julio C. Crespo, Brasilican Contracting, LLC, Charles Bowser d/b/a CWB Services, Jose Geraldo Dos Reis, Leandro De Paulo Araujo, Helio A. De Rezende, Vinicius Araujo De Freitas a/k/a Vinicius Araujo, Robert M. Huges d/b/a Robert's Vinyl Siding, Lucas Rodrigues Barcelos a/k/a Lucas Rodriguez Barcelos, Karla Bezerra, Rodrigo B. Vasconcelos, Rondinely G. Da Silva, Marcio Nunes Da Silva, W&M Vinyl Siding, LLC, and Donald Lee d/b/a Vinyl Siding Specialists, Defendants,

of which Builders FirstSource - Southeast Group, LLC is
the Appellant.

Appellate Case No. 2024-001424

ORDER

On January 27, 2025, this appeal was dismissed as interlocutory. The case was remitted on February 12, 2025. Respondent has now filed a motion for costs pursuant to Rule 222 of the South Carolina Appellate Court Rules seeking to recover \$2,500.00 in attorney's fees. No return was filed. After careful consideration, we grant the motion in part. *See* 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."). In light of the dismissal of the appeal occurring early in the appellate process, this court exercises its discretion to award \$1,500 in attorney's fees. *See* Rule 222(b), SCACR (permitting an appellate court to award an attorney's fee); *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 c]ourt's discretion whether to award fees and costs under Rule 222"). The Charleston County Clerk of Court is directed to add this award of costs to the remittitur.



FOR THE COURT

Columbia, South Carolina

FILED
Apr 07 2025

cc:

William Hewitt Cox, III, Esquire
Thomas Allan Bendle, Jr., Esquire
John T. Chakeris, Esquire
Alicia Denise Pullano, Esquire
Phillip Ward Segui, Jr., Esquire
Julie J. Armstrong