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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAY 14 2025
SC Court of Appeals

APPEAL FROM THE HORRY COUNTY
Court of Common Pleas
Benjamin Culbertson, Circuit Court Judge

Appellate Case No. 2020-001291
Lower Court Case No. 2018-CP-26-06416

Julie Irving, Plaintiff/Respondents,

v.

Jeanne Poafpybitty, Donald Matthew Rothgeb and Steven Taylor Rothgeb

Defendants,

Of whom Jeanne Poafpybitty, Personal Representative of the Estate of Donalf M. Rothgeb is Appellant.

AMENDED MOTION FOR TAXATION OF COSTS ON APPEAL

Pursuant to Rule 222, SCACR, Appellant hereby moves this Court for an Order taxing fees and costs against the Respondent in the manner set forth herein. In support of this motion, the Appellant shows as follows:

1. This action was tried in the Horry County Probate Court before the Honorable Carroll D. Padgett, Jr., Chief Associate Probate Judge. Appellant appealed from the final judgment therein.

2. Thereafter, the Honorable Benjamin H. Culbertson entered an Order Denying Appeal, affirming the Probate Court on September 16, 2020. This appeal followed.

3. Oral Arguments were held on February 13, 2024, and an Opinion was issued by this Court on February 19, 2025, reversing the lower court's decision.

4. This Court denied Respondents Petition for Rehearing on March 19, 2025.

5. The Remittitur was issued on April 24, 2025.

6. Through this Motion, Appellant seeks an award of recoverable fees and costs pursuant to Rule 222, as more particularly described in the Sworn Itemized Statement of Costs Incurred attached hereto an incorporated herein by reference.

Respectfully submitted,

THURMOND KIRCHNER & TIMBES, P.A.

s/*Michael A. Timbes*
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-and-

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Attorneys for Appellant

[See Itemized Statement of Costs attached hereto]

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Defendants,

Of whom Jeanne Poafpybitty, Personal Representative of the Estate of Donalf M. Rothgeb is Appellant.

PROOF OF SERVICE

I hereby certify that the enclosed was served on all other parties to this matter by depositing a copy of the same in the U.S. Mail on this day.

Clifford H. Tall
4702 Oleander Drive
Myrtle Beach, SC 29577
ctallpa@sc.rr.com
Attorney for Plaintiff/Respondent, Julie Irving

This 9th day of May, 2025.

BOYD LAW GROUP, PC

BY: Deborah Evans

Deborah Evans
Paralegal

BOYD LAW GROUP, PC

Attorneys & Counselors at Law

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May 9, 2025

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SC Court of Appeals

Via email (ctappfilings@sccourts.orh) and U.S. Mail

Ms. Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Re: Estate of Donald M. Rothgeb - Irving v. Poafpybitty, et al
Appellate Case Number: 2020-001291
Common Pleas Case Number: 2018-CP-26-06416
Our File Number: 016.017

Dear Ms. Kitchings:

Enclosed please find the original and one copy of an Amended Motion for Taxation of Costs on Appeal in the above-referenced matter. I am also enclosing our check in the amount of $50.00 for the filing fee. If you would, please file the original and return a clocked copy to our office in the envelope provided.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact our office.

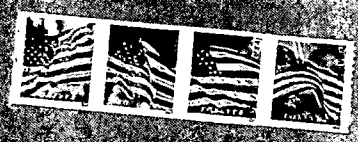
Yours sincerely,

Reese R. Boyd, III

Reese R. Boyd, III

RRB/dke
Encs.

cc: Clifford H. Tall, Esq.



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