

May 9, 2025

VIA US MAIL

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RECEIVED
MAY 16 2025
SC Court of Appeals

Re: *Irving v. Poafpybitty*
Appellate Case No. 2020-001291

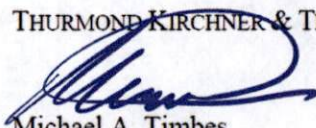
Dear Ms. Kitchings:

This firm represents Appellant Jeanne Poafpybitty, Personal Representative of the Estate of Donald M. Rothgeb in this appeal. Enclosed for filing, please find an original and seven (7) copies of Appellant's Motion for Taxation of Costs on Appeal, as well as this firm's check in the amount of \$50.00 for the applicable filing fee. Please file the original and return a file-stamped copy to me in the self-addressed stamped envelope also enclosed for your convenience.

Thank you in advance for your assistance with this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

THURMOND KIRCHNER & TIMBES, P.A.


Michael A. Timbes
Michael@tktlawyers.com

MAT/kn

**THE STATE OF SOUTH CAROLINA
In the 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

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MAY 16 2025

SC Court of Appeals

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.

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 and incorporated herein by reference.

Respectfully submitted,

THURMOND KIRCHNER & TIMBES, P.A.

s/Michael A. Timbes

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Attorneys for Appellant

[See Itemized Statement of Costs attached hereto]

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In The Court of Appeals

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Appellate Case No. 2020-001291

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Defendants,

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of the Estate of Donald 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.

THURMOND KIRCHNER & TIMBES, P.A.

BY: Kaitlyn Nobles

Kaitlyn Nobles
Paralegal

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