1044732

THURMOND KIRCHNER
& TIMBES, P.A.
ATTORNEYS AT LAW

15 Middle Atlantic Wharf
Charleston, SC 29401
o: 843.937.8000
f: 843.937.4200
www.TKTLawyers.com

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

RECEIVED
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 an incorporated herein by reference.

Respectfully submitted,

THURMOND KIRCHNER & TIMBES, P.A.

s/*Michael A. Timbes*
Michael A. Timbes
SC Bar No. 69730
15 Middle Atlantic Wharf
Charleston, SC 29401
Phone: 843-937-8000
Fax: 843-937-4200
michael@tktlawyers.com

-and-

BOYD LAW GROUP, PC
Reese R. Boyd, III, Bar No. 7151
Boyd Law Group, PC
4605 Oleander Dr., Suite 301
Myrtle Beach, SC 29577
(843) 315-3525
(843) 455-9889 (*fax*)
reese@boydlawsc.com

-and-

DAVIS LAW FIRM, P.A.
Brett H. Davis, Bar No. 11699
Davis Law Firm, P.A.
Post Office Box 70517
Myrtle Beach, SC 29572
(843) 839-9800
(843) 839-9801 (*fax*)
bdavis@davislawcarolina.com

Attorneys for Appellant

[See Itemized Statement of Costs attached hereto]

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

RECEIVED
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 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

FIRST-CLASS

US POSTAGE IMI PITNEY BOWES

ZIP 29401
02 7H
0006154942

$ 004.01⁰

MAY 12 2025

First Class Mail

THURMOND KIRCHNER
& TIMBES, P.A.
ATTORNEYS AT LAW

15 Middle Atlantic Wharf
Charleston, South Carolina 29401

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

RECEIVED
MAY 16 2025
SC Court of Appeals

FIRST • CLASS

FIRST • CLASS

FIRST • CLASS