

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
Kathy O. Rushton, Special Referee

Case No. 2008-CP-41-00099
Appellate Case No. 2012-208166

Bobby Jo Clark, as personal representative of
the Estate of Richard Clark,

Respondent

v.

Fairy Bell Irving, Andrew Irving, A/K/A Andrew Irving, Alfonzo Irving, A/K/A Alfonzo Irving, John D. Irving, A/K/A John D. Irving, William T. Irving, A/K/A William T. Irving, Robert Irving, Sr., A/K/A Robert Irving, Sr., Sally May Morgan, F/K/A Sally May Irving, Minnie Lee Butler, F/K/A Minnie Lee Irving, Joyce Thelma Taylor, F/K/A Joyce Thelma Irving, Mary Irving, A/K/A Mary Irving, Mamie Irving A/K/A Mamie Irving, Jessie Ina Irving, A/K/A Jessie Ina Irving, Julious Irving, A/K/A Julious Irving, Rashell Irving, Fairy May Irving, Thelma Irving, Annell I. Ray, Julious Irving, Jr., Alfreda Irving, Thelma Cartlele, Bennie Warren Butler and persons claiming any right, title estate, interest in or lien upon the real estate described in the complaint herein, any unknown adults being a class designated as John Doe; and any unknown minors or other persons under legal disability being a class designated as Richard Roe, Defendants,

Of whom Joyce Thelma Irving is the Appellant

MOTION FOR COSTS

Counsel for the respondent, Bobby Jo Clark, as personal representative of the Estate of Richard Clark, hereby respectfully moves this Court for an award of costs to be assessed against

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the appellant, Joyce Thelma Irving, in accordance with the provisions of Rule 222 of the South Carolina Appellate Court Rules, and in support of this motion states as follows:

1. Appellant brought this appeal from an order of the Saluda County Court of Common Pleas, Kathy Ouzts Rushton, Special Referee, dated December 9, 2011.

2. Both the appellant and the respondent filed initial briefs in the appeal.

3. By order filed September 26, 2013, the Court of Appeals dismissed the appeal. The remittitur was issued October 17, 2013.

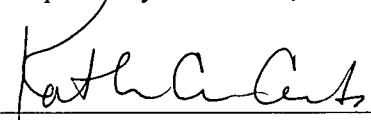
4. Rule 222(a) provides for costs to be taxed against the appellant when an appeal is dismissed.

5. Respondent actually incurred the cost of the court reporter's transcript, in the amount of \$229.45, and attorney's fees well in excess of the \$1,000.00 in attorney's fees allowed under Rule 222(b).

6. With this motion, counsel is submitting a sworn itemized statement of costs.

Wherefore, respondent respectfully asks the Court to enter an order assessing costs against appellant, Joyce Thelma Irving, in the amount of \$1,229.45.

Respectfully submitted,



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Saluda, South Carolina 29138
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Katherine Carruth Goode
P.O. Box 1175
229 South Congress Street
Winnsboro, South Carolina 29180
Telephone: 803-799-4440

Attorneys for Respondent

ITEMIZED STATEMENT OF COSTS

STATE OF SOUTH CAROLINA
In The Court of Appeals

Bobby Jo Clark, as personal representative)
of the Estate of Richard Clark)

Respondent)

v.)

Fairy Bell Irving, Andrew Irving, A/K/A)
Andrew Erving, Alfonzo Irving, A/K/A)
Alfonzo Erving, John D. Irving, A/K/A)
John D. Erving, William T. Irving, A/K/A)
William T. Erving, Robert Irving, Sr.,)
A/K/A Robert Erving, Sr., Sally May)
Morgan, F/K/A Sally May Irving, Minnie)
Lee Butler, F/K/A Minnie Lee Irving,)
Joyce Thelma Taylor, F/K/A Joyce Thelma)
Irving, Mary Irving, A/K/A Mary Erving,)
Mamie Irving A/K/A Mamie Erving, Jessie)
Ina Irving, A/K/A Jessie Ina Erving, Julious)
Irving, A/K/A Julious Erving, Rashell)
Irving, Fairy May Irving, Thelma Irving,)
Annell I. Ray, Julious Irving, Jr., Alfreda)
Irving, Thelma Cartlele, Bennie Warren)
Butler and persons claiming any right, title)
estate, interest in or lien upon the real estate)
described in the complaint herein, any)
unknown adults being a class designated as)
John Doe; and any unknown minors or other)
persons under legal disability being a class)
designated as Richard Roe, Defendants,)

Of whom Joyce Thelma Irving is the)

Appellant)

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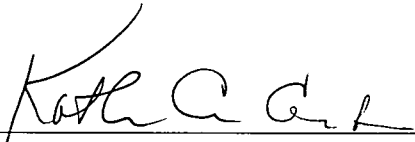
Appellate Case No. 2012-208166

The Appellate Court is requested to tax the following costs against the Appellant, Joyce

Thelma Irving:

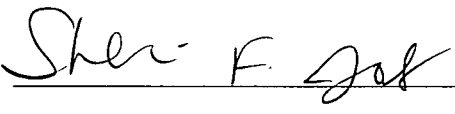
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief				
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's Transcript	37		\$ 229.45	
Attorney's Fee Provided By Rule 222(b), SCACR			\$ 1,000.00	
Other (specify and explain):				
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		TOTAL	\$ 1,229.45	

I, Katherine Carruth Goode, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was mailed to opposing counsel.



Attorney for Respondent, Bobby Jo Clark,
as personal representative of the Estate of
Richard Clark

Subscribed and sworn to before me this 31st day of October, 2013.



Notary Public for South Carolina
My Commission Expires: 9-15-2018

(Seal)

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Of whom Joyce Thelma Irving is the Appellant

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I certify that I served the respondent's motion for costs and itemized statement of costs upon appellant, by mail to appellant's attorney, Willie B. Heyward, Heirs' Property Law Center,

LLC, 27 Gamecock Avenue, Suite 200, Charleston, South Carolina 29407, on November 1,
2013.



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Telephone: 803-799-4440

Attorney for Respondent