

The South Carolina Court of Appeals

Jennifer L. Hamrick and James C. Hamrick,
Respondents,

v.

Jack D. Curlee and AG First Farm Credit Bank,
Defendants,

of which Jack D. Curlee is the Appellant.

Appellate Case No. 2026-000093

ORDER

Respondents 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 and \$50 in filing 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"). We deny Respondents' request to recover the cost of filing fees because Rule 222(b) only allows for recovering the cost of the notice of appeal filing fee, which Respondents did not pay. *See* Rule 222(b), SCACR (allowing the recovery of "the filing fee paid under Rule 203(d) [of the South Carolina Appellate Court Rules]"). The lower court is directed to add this award of costs to the remittitur.

 J.
FOR THE COURT

Columbia, South Carolina

FILED
Apr 14 2026

cc:

Oscar W. Bannister, Esquire
Ryan Whitmore Pasquini, Esquire
James D. Calmes, III, Esquire
Jay Gresham