

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
The Honorable D. Garrison Hill, Circuit Court Judge

170454

Case No. 2011-CP-23-4259

SAH Industries LLCAppellant.

v.

Rose Heatly Summer, Kyle Ashley Wilson,
Mariannice Katherine Wilson, Carter Lumber of
the South, Inc., R. Douglas Maddox d/b/a
Maddox, LLC, and First Citizens Bank and Trust
Company, Inc.,

of whom Rose Heatly Summer, Kyle Ashley Wilson,
and Mariannice Katherine Wilson. Respondents.

RESPONDENTS'
MOTION FOR COSTS AND ATTORNEY'S FEES

Townes B. Johnson, III, Esq.
SC Bar No. 75412
Kenison, Dudley & Crawford, LLC
704 E. McGee Avenue
Greenville, SC 29601
864-242-4899
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Attorney for Appellant

Emily W. Medlyn, Esq.
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Devlin & Parkinson, P.A.
P.O. Box 10387
Greenville, SC 29603
864-242-4050
ewhitney@devlinparkinson.com
Attorney for Respondents

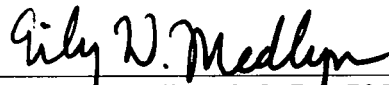
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SC Court of Appeals

On November 13, 2013, this Court issued the Remittitur. This Court dismissed the appeal. Pursuant to Rule 222(b) of the South Carolina Appellate Court Rules, Respondents are moving this Court to grant \$1,009 in attorney's fees and costs. The Itemization Statement of Costs is attached hereto as "Exhibit A." This case involves a mechanic's lien, and by seeking these costs and attorney's fees pursuant to Rule 222(b) of the South Carolina Appellate Court Rules, Respondents are not waiving their right to seek attorney's fees and costs from the Circuit Court as the prevailing party under section 29-5-10 of the South Carolina Code.

Respectfully submitted,



Emily W. Medlyn, S.C. Bar 70501
Devlin & Parkinson, P.A.
P.O. Box 10387
Greenville, SC 29603
(864) 242-4050
ewhitney@devlinparkinson.com

Attorney for Respondents

Date: November 19, 2013
Greenville, South Carolina

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM GREENVILLE COUNTY
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Case No. 2011-CP-23-4259

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v.

Rose Heatly Summer, Kyle Ashley Wilson, Mariannice
Katherine Wilson, Carter Lumber of the South, Inc.,
R. Douglas Maddox d/b/a Maddox, LLC, and First
Citizens Bank and Trust Company, Inc.,

of whom Rose Heatly Summer, Kyle Ashley Wilson,
and Mariannice Katherine Wilson are Respondents.

ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against

SAH Industries, LLC
(Name of Party)

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief			N/A	
Cost of Printing or Copying Final Reply Brief			N/A	
Cost of Printing or Copying Record on Appeal			N/A	
Filing Fee Paid Under Rule 203(d), SCACR			N/A	

EXHIBIT "A"

Cost of Court Reporter's Transcript	9	\$1.00/page	\$9.00	
Attorney's Fee Provided By Rule 222(b), SCACR	N/A	N/A	\$1,000	
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	\$1,009.00	

I, Emily Whitney Medlyn, 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.

Emily W. Medlyn

Emily W. Medlyn, Esq.
Attorney for Respondents

Subscribed and sworn to before me this 18 day of November, 2013

Laura Kurian

Notary Public for South Carolina
My Commission Expires: 6-8-15

(Seal)

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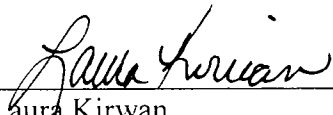
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Mariannice Katherine Wilson, Carter Lumber of the
South, Inc., R. Douglas Maddox d/b/a Maddox,
LLC, and First Citizens Bank and Trust Company,
Inc.,

of whom Rose Heatly Summer, Kyle Ashley Wilson,
and Mariannice Katherine Wilson are Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of May, 2013, I served the following with a copy
of **Respondents' Return to Motion for Extension of Time to Serve Record on Appeal** by
depositing same in the United States Mail, postage prepaid and properly addressed as follows:

Townes B. Johnson, III, Esq.
Kenison, Dudley & Crawford, LLC
704 E. McGee Avenue
Greenville, SC 29601



Laura Kirwan
Legal Assistant to Emily W. Medlyn
Devlin & Parkinson, P.A.
P.O. Box 10387
Greenville, SC 29603

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SC Court of Appeals

DEVLIN & PARKINSON, P.A.

ATTORNEYS AT LAW

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E. BROWN PARKINSON, JR.
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GREENVILLE, SC 29601

EMILY T. WHITNEY

November 18, 2013

The Honorable Jenny A. Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: SAH Industries, LLC vs. Kyle and Mariannice K. Wilson, et al.
Appellate Case No. 2012-213117

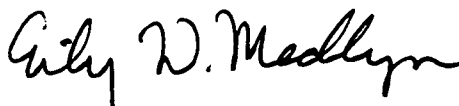
Dear Ms. Kitchings:

Please find enclosed the original and six copies of Respondents' Motion for Costs and Attorney's Fees which I would appreciate you filing with the Court in connection with the above matter. I am also enclosing our check in the amount of \$25.00 for the filing fee.

I would also appreciate it if you would return a clocked-in copy of the same to my office in the enclosed envelope.

If you should have any questions, please feel free to contact me.

Very truly yours,



Emily W. Medlyn

EWMlk

Enclosures

cc: Townes B. Johnson, III, Esq.

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