

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**SC Court of Appeals**

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

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Appellate Case No.: 2012-213237

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Stoneledge at Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bettie J. Taylor, and Robert White, Individually, and on behalf of all others similarly situated, Plaintiffs,

v.

IMK Development, Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Bostic Brothers Construction, Inc., Miller/Players & Associates, Bradford D. Seckinger, John Ludwig, William Cox, Larry D. Lollis, Rick Thoennes, M Group Construction and Development, LLC, Mel Morris, Joe Bostic, Jeff Bostic, Clear View Construction, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprise d/b/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc. T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberto Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo, Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, and Miller/Player & Associates, Defendants,

Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

And

Of Whom Hutch N Son Construction, Inc. and Upstate Utilities, Inc. are the Respondents.

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MOTION FOR COSTS ON APPEAL

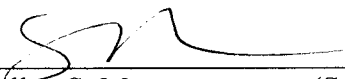
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Respondent Hutch N Son Construction, Inc., by and through its undersigned counsel, hereby moves to recover costs on appeal pursuant to Rule 222, SCACR. An Itemized Statement of Costs is attached to this motion as Exhibit A and incorporated herein by reference.

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

BY:

  
\_\_\_\_\_  
Shelley S. Montague (SC Bar # 68019)  
Laura W. Jordan (SC Bar # 100374)  
Post Office Box 7368  
Columbia, South Carolina 29202  
TEL: (803) 779-1833  
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smontague@gwblawfirm.com  
ljordan@gwblawfirm.com

ATTORNEYS FOR RESPONDENT  
HUTCH N SON CONSTRUCTION, INC.

Columbia, South Carolina

July 3<sup>rd</sup>, 2014

**THE STATE OF SOUTH CAROLINA  
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Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

And

Of Whom Hutch N Son Construction, Inc. and Upstate Utilities, Inc. are the Respondents.

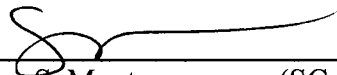
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**ITEMIZED STATEMENT OF COSTS**

The Appellate Court Clerk is requested to tax the following costs against Appellants.

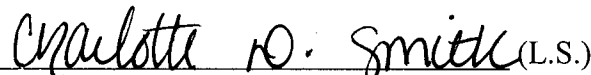
Hutch N Son Construction, Inc.				
<b>COSTS AND FEES TAXABLE UNDER RULE 222, SCACR</b>	<b>NO. OF PAGES</b>	<b>RATE</b>	<b>REQUESTED</b>	<b>ALLOWED (For Court use only)</b>
Cost of Printing or Copying of Final Brief	685	0.07 per page plus \$2.50 per brief for binding	\$100.39	
Attorney's Fee Provided by Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain):				
<b>TOTAL</b>			<b>\$1,100.39</b>	

I, Shelley S. Montague, 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/served upon opposing counsel.

  
 \_\_\_\_\_  
 Shelley S. Montague (SC Bar # 68019)

ATTORNEY FOR RESPONDENT HUTCH N SON CONSTRUCTION, INC.

SWORN to and subscribed before me  
 This 3<sup>rd</sup> day of July, 2014.

  
 \_\_\_\_\_ (L.S.)  
 NOTARY PUBLIC OF SOUTH CAROLINA  
 MY COMMISSION EXPIRES: 10/23/22

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And

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PROOF OF SERVICE

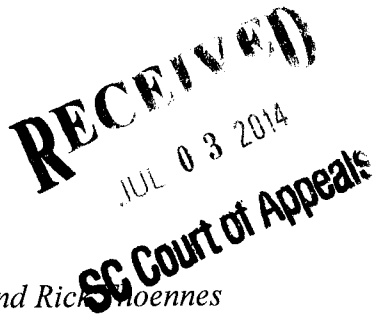
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I, Charlotte Smith, the undersigned employee of Gallivan, White & Boyd, P.A., attorneys for Respondent Hutch N Son Construction, Inc., do hereby certify that I have served a copy of the foregoing **Motion For Costs On Appeal** in the above-referenced matter upon counsel for Appellants and Respondent Upstate Utilities, Inc. via United States Mail, postage prepaid, on this the 3 day of July, 2014, to the following addresses:

Jason M. Imhoff  
C. Reed Teague  
The Ward Law Firm, P.A.  
P.O. Box 5663  
Spartanburg, SC 29304

*Counsel for Appellant Marick Homebuilders, LLC and Rick Moennes*

S. Markey Stubbs  
Baker Ravenel & Bender, LLP  
P.O. Box 8057  
Columbia, SC 29202  
*Counsel for Respondent Upstate Utilities, Inc.*

  
Charlotte M. Smith  
Charlotte Smith  
Assistant to Shelley S. Montague

Columbia, South Carolina

SHELLEY S. MONTAGUE  
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July 3, 2014

RECEIVED  
JUL 03 2014  
SC COURT OF APPEALS

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals Clerk  
1015 Sumter Street  
Columbia, SC 29201

Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. v. IMK Development Co., LLC, et al., Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants, and Of Whom Hutch N Son Construction, Inc. and Upstate Utilities, Inc. are the Respondents  
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Dear Ms. Kitchings:


Enclosed herewith for filing in the above-referenced matter, please find the original and seven (7) copies of the **Motion For Costs On Appeal**, together with **Proof of Service**. Please file the original and return a clocked copy to me via my courier. I have included my firm's draft in the amount of \$25.00 for the filing fee.

By copy of this letter, I am serving the same upon counsel for Appellants and counsel for Respondent Upstate Utilities, Inc. Please do not hesitate to contact me if you have any questions or concerns.

With kind regards, I am

Very truly yours,

GALLIVAN, WHITE & BOYD, P.A.



Shelley S. Montague

SSM/cds

The Honorable Jenny Abbott Kitchings

July 3, 2014

Page 2

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cc: Jason M. Imhoff  
C. Reed Teague  
The Ward Law Firm, P.A.  
P.O. Box 5663  
Spartanburg, SC 29304  
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P.O. Box 8057  
Columbia, SC 29202  
*Counsel for Respondent Upstate Utilities, Inc.*