

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

72888

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Civil Action No.: 2009-CP-32-03870
Appellate Case No.: 2012-209587

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JUL 16 2014

SC Court of Appeals

Chris Phillips and Chris Phillips Builders, Inc.,.....Appellants,

v.

Frank Ferez and Suzie Ferez..... Respondents.

RESPONDENTS' MOTION TO TAX COSTS

Richard L. Whitt, S.C. Bar No.: 62895
Jefferson D. Griffith, III, S.C. Bar No.: 2299
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 300
Columbia, South Carolina 29201
(803) 251-7442
Attorneys for Respondents

ORIGINAL

Other Counsel of Record:

Stanley L. Myers, Esquire

M. Brooks Biediger, Esquire

Moore, Taylor & Thomas, P.A.

1700 Sunset Boulevard, Hwy. 378

West Columbia, South Carolina 29171

INTRODUCTION

A decision was rendered in this matter by the South Carolina Court of Appeals on June 25, 2014. The Remittitur in this matter was issued by this Court on July 11, 2014. This filing is within fifteen days of that issuance of the Remittitur, as required and Respondents' Motion to Tax Costs follows.

MOTION TO TAX COSTS

Pursuant to Rule 222(a)(b)(d)(e), South Carolina Appellate Court Rules, (hereinafter, "SCACR"), Respondents hereby move this Court to Tax Costs against Appellants, as set forth in the Itemized Statement of Costs attached hereto, in the form approved by this Court.

The grounds for this Motion are that this assessment of costs against Appellants is allowed by Respondents, under Rule 222(a), SCACR.

WHEREFORE, Respondents move this Court to grant the relief sought in this Motion and Tax Costs against Appellants as part of the Judgment of this Court; and

**GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT DEEMS
JUST AND PROPER.**

Respectfully Submitted,

AUSTIN, & ROGERS, P.A.



Richard L. Whitt, S.C. Bar No.: 62895

Jefferson D. Griffith, III, S.C. Bar No.: 2299

508 Hampton Street, Suite 300

Columbia, South Carolina 29201

(803) 251-7442 (phone)

(803) 252-3679 (fax)

Attorneys for Respondents

July 16, 2014
Columbia, South Carolina

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RESPONDENTS' ITEMIZED STATEMENT OF COSTS

Respondents hereby submit their Itemized Statement of Costs, in support of Respondents' Motion to Tax Costs. Respondents' respectfully request that this Court tax the following costs against, Chris Phillips and Chris Phillips Builders, Inc.

COSTS TAXABLE UNDER RULE 222, SCACR:	NO. OF PAGES:	RATE:	REQUESTED:	ALLOWED:
Cost of Printing/Copying Final Brief	493	\$ 0.25	\$123.25	
Cost of Court Reporter's Transcript		\$ 162.75	\$162.75	
Attorneys Fees Provided by Rule 222(b), SCACR		\$1,000.00	\$1,000.00	

ORIGINAL

Other: Cost of Printing/ Copying, "Motion to Strike Record, Dismiss Appeal and Hold Filing Date in Abeyance"	414	\$ 0.25	\$103.50	
Cost of Printing/Copying Brief	84	\$0.25	\$21.00	
Other: Cost of Printing/Copying, "Reply to Appellants' Return"	54	\$0.25	\$13.50	
		TOTAL:	\$1,424.00	

I, Richard L. Whitt, do swear and affirm that the foregoing costs are correct and were necessarily incurred in this action. Copies of the Motion to Tax Costs and this Itemized Statement of Costs were served upon opposing counsel.

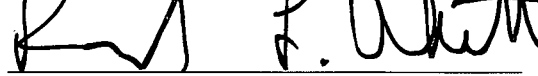
WHEREFORE, Respondents pray this Court grant their Motion and Tax Costs against Appellants as part of the Judgment of this Court; and

**GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT
DEEMS JUST AND PROPER.**

[Signature Page Follows]

Respectfully Submitted,

AUSTIN, & ROGERS, P.A.



Richard L. Whitt, S.C. Bar No.: 62895

Jefferson D. Griffith, III, S.C. Bar No.: 2299

508 Hampton Street, Suite 300

Columbia, South Carolina 29201

(803) 251-7442 (phone)

(803) 252-3679 (fax)

Attorneys for Respondents

Subscribed and sworn to before me
this 16th day of July, 2014.



Notary Public

My Commission Expires: 4/1/2021

July 16, 2014

Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused a copy of Respondents' Motion to Tax Costs, Respondents' Itemized Statement of Costs and this Proof of Service, to be served via U.S. Mail as addressed below, on July 16, 2014.

Stanley L. Myers, Esquire
Moore, Taylor & Thomas, P.A.
1700 Sunset Boulevard, Hwy. 378
West Columbia, South Carolina 29171


Carrie A. Schurg
(803) 251-7442

July 16, 2014
Columbia, South Carolina

ORIGINAL

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

C.C. HARNESS, III
(1949-2010)

TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.AUSTINROGERSPA.COM

OF COUNSEL:
WILLIAM FREDERICK AUSTIN
JEFFERSON D. GRIFFITH, III*

* ALSO ADMITTED IN N.C.

July 16, 2014

VIA, HAND-DELIVERY

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

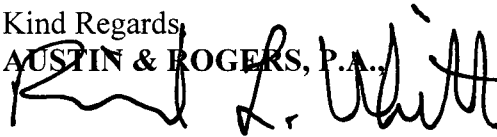
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- Re: • Appellate Case No.: 2012-209587
• Chris Phillips and Chris Phillips Builders, Inc., vs. Frank Ferez and Suzie Ferez
• **Respondents' Motion to Tax Costs and Itemized Statement of Costs**

Dear Ms. Kitchings:

Enclosed for filing, please find Respondents' Motion to Tax Costs and Itemized Statement of Costs, the required six copies of the Motion and Proof of Service, in the above-referenced matter. Also enclosed is a check in the amount of \$25.00, which represents the appropriate filing fee.

Please accept these documents for filing and acknowledge receipt of the same by file-stamping the extra copies enclosed and returning them to me, via our courier. Please let us know you have any questions or need additional information.

Kind Regards,
AUSTIN & ROGERS, P.A.

Richard L. Whitt
Jefferson D. Griffith, III

RLW/cas
cc: Stanley Myers, Esquire