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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

RECEIVED
JUL 28 2014
SC Court of Appeals

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

v.

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

**RESPONDENTS' REPLY
TO
APPELLANTS' [RETURN]**

Richard L. Whitt, S.C. Bar No.: 62895
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1700 Sunset Boulevard, Hwy. 378

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INTRODUCTION

Respondents received “Appellants Reply (*sic*) to Statement of Costs (*sic*)” on July 25, 2014. Respondents Reply to Appellants’ [Return] follows.

REPLY

Appellants object to three items listed in Respondents’ Itemized Statement of Costs, appended to Respondents’ Motion to Tax Costs:

- I. “Costs of Printing/Copying, ‘Motion to Strike Record, Dismiss Appeal and Hold Filing Date in Abeyance’”
- II. “Cost of Printing/Copying Brief”
- III. “Costs of Printing/Copying, ‘Reply to Appellants’ Return’”

Respondents reply *seriatim*.

- I. “Costs of Printing/Copying, ‘Motion to Strike Record, Dismiss Appeal and Hold Filing Date in Abeyance’”

Respondents crave reference to the Form depicting, “Itemized Statement of Costs” in the South Carolina Appellate Court Rules, in the seventh “unnumbered” cell, “Other (specify and explain)” Accordingly, Respondents sought to recover for this item, by way of explanation. After the Motion described in “I” hereinabove was filed, this Court, in its Order filed May 8, 2013, ordered affirmative relief for Respondents by requiring “**Appellants shall serve and file an amended record on appeal** that: (1) includes proper page designations in the index; (2) lists all matters included in the record in the index; (3) includes all matters designated by both parties for inclusion in the record; and (4) includes a legible copy of the bank check on pages 45 and 50 of the record.” Respondents could not have adequately prepared their Brief without the relief provided by this Court’s Order, as a result of Respondents’ Motion and therefore, the costs were actually incurred and necessary and therefore recoverable in Respondents’ Motion to Tax Costs.

II. “Cost of Printing/Copying [Initial] Brief”

These costs were actually incurred and necessary, for the printing and copying of Respondents’ Initial Brief filed in this Appeal and these costs should be recovered under the rubric, “Other”, based upon Respondents’ explanation.

III. “Costs of Printing/Copying, ‘Reply to Appellants’ Return”

This document was filed in response to the Motion described in detail in “I” hereinabove, Respondents’ response is the same.

WHEREFORE, Respondents move this Court to grant the relief sought in Respondents’ Motion to Tax Costs against Appellants, pursuant to Respondents’ Itemized Statement of Costs, as previously filed and this Court should make those costs a 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.



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July 28, 2014
Columbia, South Carolina

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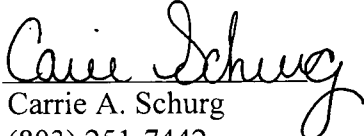
v.

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

PROOF OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused a copy of Respondents' Reply to Appellants' [Return] and this Proof of Service, to be served via U.S. Mail as addressed below, on July 28, 2014.

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Moore, Taylor & Thomas, P.A.
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July 28, 2014
Columbia, South Carolina

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July 28, 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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SC Court of Appeals

- Re: • Appellate Case No.: 2012-209587
• Chris Phillips and Chris Phillips Builders, Inc., vs. Frank Ferez and Suzie Ferez
• **Respondents' Reply to Appellants' [Return]**

Dear Ms. Kitchings:

Enclosed for filing, please find Respondents' Reply to Appellants' [Return], the required six copies of the Reply and Proof of Service, in the above-referenced matter.

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