

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable R. Knox McMahon

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AUG 07 2014

Civil Action No. 2010-CP-3200442

SC Court of Appeals

Appellate Case No. 2012-212283

Dr. Joseph G. Carew and Dr. Karen Carew,..... Appellants,

v.

RBC Centura Bank, RBC Bank as successor in interest
of RBC Centura Bank, Clifton W. Hall, Hall Builders,
LLC, Mid Carolina Appraisal Company, LLC, and
Teresa Addy Haltiwanger,..... Defendants

Of Whom, RBC Centura Bank, RBC Bank as successor
in interest of RBC Centura Bank are Respondents.

MOTION FOR FEES AND COSTS

Respondents RBC Centura Bank and PNC Bank, as successor in interest of RBC Centura Bank (“Respondents”), move this Court for an order taxing all recoverable costs and fees against Appellants Dr. Joseph G. Carew and Dr. Karen Carew (“Appellants”) as allowed by Rule 222(b), SCACR, in the above-captioned appeal.

Pursuant to Rule 222, SCACR, costs and fees shall be taxed against Appellants. This Court affirmed the judgment of the circuit court in Unpublished Opinion No. 2014-UP-069, filed February 14, 2014. The Supreme Court denied certiorari on July 25, 2014. Accordingly, Respondents move to have costs taxed against Appellants. See

Rule 222(a), SCACR (“Unless otherwise ordered by the appellate court . . . costs **shall** be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.”) (emphasis added).

This Court remitted this matter to the circuit court on July 30, 2014. Therefore, this Motion comes within the time period proscribed in Rule 222(d), SCACR. A sworn, itemized statement of fees and costs incurred by Respondents is attached to this Motion as required by Rule 222(d), SCACR.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Respondents

Columbia, South Carolina

August 7, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable R. Knox McMahon

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Dr. Joseph G. Carew and Dr. Karen Carew, Appellants,

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Of Whom, RBC Centura Bank, RBC Bank as successor
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ITEMIZED STATEMENT OF COSTS

This Court is requested to tax the following costs against the Appellants:

COSTS AND FEES TAXABLE UNDER RULE 222(b), SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief				
Attorney's Fee Provided by Rule 222(b), SCACR	\$1,000.00		\$1,000.00	
Other (specify and explain)				

TOTAL	\$1,000.00	
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I, Michael J. Anzelmo, Esquire, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement is mailed to opposing counsel.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000


Attorneys for Respondents

Columbia, South Carolina

August 7, 2014

SWORN to and subscribed before me

this 7 day of August, 2014

 (L.S.)
Notary Public

My Commission Expires: 7-14-15

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 07 2014

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

SC Court of Appeals

R. Knox McMahon, Circuit Court Judge, Circuit Court Judge

Case No. 2012-212283
Appellate Case No. 2014-000845

Dr. Joseph G. Carew and Dr. Karen Carew, Appellants,

v.

RBC Centura Bank, RBC Bank as successor in interest
of RBC Centura Bank, Clifton W. Hall, Hall Builders,
LLC, Mid Carolina Appraisal Company, LLC, and
Teresa Addy Haltiwanger, Defendants

Of Whom, RBC Centura Bank, RBC Bank as successor
in interest of RBC Centura Bank are Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for RBC Centura Bank, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: **Motion for Fees and Costs**

Served: Eric G. Fosmire, Esquire
Fosmire Law Firm, LLC
PO Box 153
Columbia, SC 29202



Jennifer B. Lee

August 7, 2014

Nelson Mullins

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August 7, 2014

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SC Court of Appeals

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

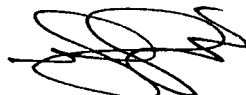
RE: Dr. Joseph G. Carew and Dr. Karen Carew, Appellant v. RBC Centura Bank, RBC Bank as successor in interest of RBC Centrua Bank, Clifton W. Hall, Hall Builders, LLC, Mid Carolina Appraisal Company, LLC, and Teresa Addy Haltiwanger, Defendants, of Whom, RBC Centura Bank and RBC Bank as successor in interest of RBC Centura Bank, are Respondents
Appellate Case No. 2014-000845
Our File No. 17104/01503

Dear Ms. Kitchings:

Enclosed please find an original and six copies of a Motion for Fees and Costs in the above-referenced matter. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

By copy of this letter, I am hereby serving opposing parties.

Very truly yours,



Michael J. Anzelmo

MJA:jlee
Enclosures
cc: Eric G. Fosmire, Esquire