

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

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SEP 02 2014

SC Court of Appeals

173398

Trial Court Case No. 2010-CP-12-0201

Court of Appeals Case No. 2011-201066

Supreme Court Case No. 2013-001946

Mell Woods Petitioner,

v.

Robert H. Breakfield, Esquire, as Personal Representative
of the Estate of Reba Hinson Respondent.

RESPONDENT'S MOTION FOR APPEAL COSTS

Respondent moves the court for an award of costs pursuant to Rule 222, SCACR. The grounds for the motion are that the lower courts' orders and judgment were affirmed by this Court in Unpublished Opinion No. 2013-UP-256, filed June 19, 2013. The Appellant's Petition for Rehearing was denied by Order filed August 22, 2013. Appellant served his Petition for Writ of Certiorari on October 23, 2013. Respondent filed and served his Return on November 21, 2013.

Appellant served his Reply on November 30, 2013. By Order of the South Carolina Supreme Court dated August 21, 2014, the Petition for Writ of Certiorari was denied. This Court issued its Remittitur to the Circuit Court on August 28, 2014. This Motion is supported by the attached Statement of Costs. The costs sought, as detailed in the Statement of Costs, total \$2,080.71



B. Michael Brackett, #838
Moses & Brackett, PC
P. O. Box 100261
Columbia, SC 29202
803.461.2312
Attorney for Respondent

August 29, 2014

ITEMIZED STATEMENT OF COSTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Court of Appeals Case No. 2011-201166
Trial Court Case No. 2010-CP-12-0201

Mell Woods)
)
)
 v.)
)
 Robert H. Breakfield, Esquire, as)
 Personal Representative of the Estate)
 of Reba Henson)

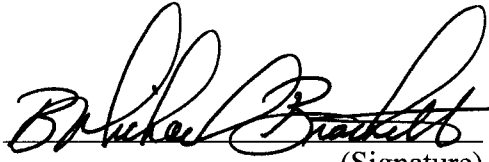
The Appellate Court is requested to tax the following costs against

Appellant Mell Woods
(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 | 399 pages 19 briefs | 0.07 (copies) 2.50 (binding) | \$27.93 \$47.50 | |
| Cost of Printing or Copying Final Reply Brief | | | | |
| Cost of Printing or Copying Record on Appeal | | | | |
| Filing Fee Paid Under Rule 203(d), SCACR | | | | |
| Cost of Court Reporter's Transcript | | | | |
| Attorney's Fee Provided By Rule 222(b), SCACR | | | \$1,000.00 | |

| | | | | |
|--|--------------|-------|------------|--|
| 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 to Copying Appendix | | | | |
| Filing fee paid under Rule 242(c), SCACR | | | | |
| Attorney's fee provided by Rule 242(j)(2), SCACR | | | \$1,000.00 | |
| Other (specify and explain): | \$5.28 (tax) | | \$5.28 | |
| | | TOTAL | \$2,080.71 | |

I, B. Michael Brackett, 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.


 (Signature)
 Attorney for Respondent

Subscribed and sworn to before me this 29th day of August, 2014.


 Notary Public for South Carolina

My Commission Expires: 11-14-18

(Seal)



INVOICE

Ricoh USA, Inc. - Columbia, SC
 Phone: (803) 779-9778 Fax:
 Federal ID: 230334400

| | |
|----------------|-------------|
| Invoice # | L0712060103 |
| Invoice Date: | 06/28/2012 |
| Due Date: | 07/28/2012 |
| Terms: | Net 30 Days |
| Customer Code: | L07-MOSK |
| Natl ID: | 34905 |

BILL TO:
MOSES BRACKETT
 1333 MAIN STREET
 SUITE 650
 COLUMBIA, SC 29201

SHIP TO:
MOSES BRACKETT
 1333 MAIN STREET
 SUITE 650
 COLUMBIA, SC 29201
 Attn: LINDA ABERNETHY

Price using: STANDARD Price

| | | | |
|-------------------------------|-------------|-------------|---------------------------------|
| Reference / Case # 12085.1 | Reference 2 | Reference 3 | Account Manager MATT COLLINS |
|-------------------------------|-------------|-------------|---------------------------------|

| Sales Order | Order Date | Ordered By | Quantity | Unit Price | Extension |
|-------------|------------|------------|----------|------------|-----------|
|-------------|------------|------------|----------|------------|-----------|

| | | | | | |
|--|-------------------------|--|--------|--------|-------|
| SO-1206-0112 06/28/2012 LINDA ABERNETHY - MOSES BRACKETT | | | | | |
| 565 | B&W Copies A - Autofeed | | 399.00 | 0.0700 | 27.93 |
| 602 | Binds - GBC | | 19.00 | 2.5000 | 47.50 |

| | | |
|--|----------------|--------------|
| <p align="center">Please Pay From This Invoice</p> <p>Customer's duly authorized signature below is an agreement that the above-described work, project or deliverable has been received and accepted by Customer and Customer hereby agrees that such work, project or deliverable is complete and satisfactory for all purposes. Customer assures payment of this invoice when due. Interest at the rate of the lesser of 1.5% per month or the maximum rate permitted by law, will be charged on invoices not paid timely. Customer agrees to pay reasonable legal fees incurred in connection of past due accounts.</p> | Taxable Sales: | 75.43 |
| | Sales Tax: | 5.28 |
| | Non-Taxable: | 0.00 |
| | Postage: | 0.00 |
| | Delivery: | 0.00 |
| PAY THIS AMOUNT \$ | | 80.71 |

THE PERSON SIGNING THIS INVOICE ON BEHALF OF CUSTOMER REPRESENTS THAT HE/SHE HAS THE AUTHORITY TO DO SO

Received/Accepted by: {Print} _____ {Signature} _____ Date: _____

Please pay from this copy. The party named on this bill is held responsible for payment.

MOSES & BRACKETT, PC

ATTORNEYS AND COUNSELORS AT LAW

1333 Main Street, Suite 260 (29201)
Post Office Box 100261
Columbia, South Carolina 29202-3261

B. Michael Brackett
Direct Dial: (803) 461-2312
Email: mbrackett@mkb-law.com

Telephone (803) 461-2300
Facsimile (803) 461-2309

August 29, 2014

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

RE: Woods v Breakfield, as Personal Representative
Trial Court Case No. 2010-CP-12-0201
Court of Appeals Case No. 2011-201066
MB File Number - 12085.1

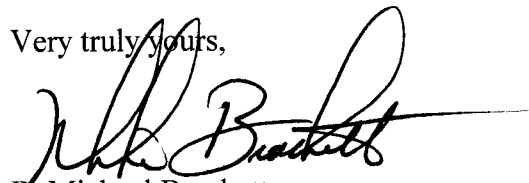
Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Respondent's Motion for Appeal Costs. Also enclosed is the Certificate of Service and my check for the filing fee.

By copy of this letter, I am serving the Appellant, who is pro se.

Please return a clocked copy of the Motion using the envelope provided.

Very truly yours,



B. Michael Brackett

BMB/lta
Enclosures

cc. Robert H. Breakfield, Esquire
Mell Woods

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

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Trial Court Case No. 2010-CP-12-0201

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Mell Woods Petitioner,

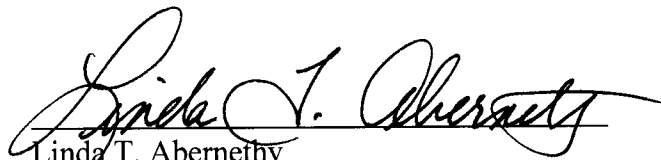
v.

Robert H. Breakfield, Esquire, as Personal Representative
of the Estate of Reba Hinson Respondent.

CERTIFICATE OF SERVICE

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Respondent in the above-captioned matter, do hereby certify that I have served the Petitioner, Mell Woods, with a copy of Respondent's Motion for Appeal Costs, postage prepaid and return address clearly indicated on said envelope, on this 29th day of August, 2014 at the following address:

Mell Woods
P. O. Box 2603
Lancaster, SC 29721


Linda T. Abernethy