

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

13247

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AUG 18 2014

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
FRANK R. ADDY, CIRCUIT COURT JUDGE
EDGAR W. DICKSON, CIRCUIT COURT JUDGE
Appellate Case No. 2014-000618

Adele J. Pope, Respondent,

v.

Gloria P. Corley and Samuel M. Corley, Individually and as Trustee of the M. L. Corley
Marital Trust, Defendants,

Of whom Gloria P. Corley is Appellant.

RESPONDENT ADELE J. POPE'S MOTION FOR COSTS

Pursuant to Rule 222, South Carolina Rules of Appellate Procedure, Respondent Adele J. Pope respectfully moves this Court for an Order taxing the costs of this appeal to the Appellant herein. The grounds of this motion are as follows:


1. The Notice of Appeal herein was filed on March 11, 2014. Respondent moved to dismiss the appeal on the grounds that the notice of appeal was untimely. Appellant filed a return which conceded that the Notice of Appeal was untimely.
2. By Order dated June 30, 2014, the Court dismissed the appeal. Because the dismissal has the effect of affirming the judgment below, Respondent has

prevailed in this appeal.

3. The remittitur was issued on July 31, 2014.
4. Certain attorneys' fees and costs were incurred in preparing, serving and filing the Motion to Dismiss and Reply herein.
5. Under Rule 222, therefore, Respondent should be awarded the costs incurred in seeking and obtaining early dismissal of this appeal.
6. The total amount Respondent requests is \$1,000, as set out in the attached Itemized Statement of Costs.

For the foregoing reasons, Respondent respectfully requests that the Court tax the costs of this appeal in the amount of \$1,000 against Appellant Gloria P. Corley.¹

Respectfully Submitted,



Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
1901 Hampton Street
Post Office Box 1898
Columbia, South Carolina 29202
Telephone: (803) 779-1770

August 15, 2014

Attorney for Respondent Adele J. Pope

¹ This is without prejudice to Appellant's right to collect additional attorneys' fees and costs incurred under the Order of the Honorable Edgar W. Dickson, dated July 15, 2013 and/or the contract.

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Marital Trust, Defendants,

Of whom Gloria P. Corley is Appellant.

ITEMIZED STATEMENT OF COSTS

Respondent Adele J. Pope asks that the Court assess the following costs
against Appellant:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief				
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	
Other (specify and explain):				
		TOTAL	\$1,000	

I, Adam T. Silvernail, 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 Adele J. Pope

Subscribed and sworn to before me this ^{15th}~~14th~~ day of August, 2014.

Kevin T. Morehead

Notary Public for South Carolina

My Commission Expires: 3/9/16
(Seal)

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Marital Trust, Defendants,

Of whom Gloria P. Corley is Appellant.

PROOF OF SERVICE

I certify that on the 15th day of August, 2014, I have served the Motion for Costs and
Itemized Statement of Costs on all parties by mailing a copy of same to them or their
attorneys of record, by U.S. Mail, First-class postage prepaid, addressed as follows:

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Ballard Watson Weissenstein
Post Office Box 6338
West Columbia, South Carolina 29171

Attorneys for Appellant Gloria P. Corley

Charlie M. Pender, Esquire
Craig Law Firm, PC
2001 Assembly Street, Suite 201
Columbia, South Carolina 29201

*Attorney for Defendant Samuel M. Corley, individually and as Trustee of
the M.L. Corley Marital Trust*



Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
1901 Hampton Street
Post Office Box 1898
Columbia, South Carolina 29202
Telephone: (803) 779-1770

August 15, 2014

**LAW OFFICE OF
ADAM T. SILVERNAIL, LLC**

POST OFFICE BOX 1898
1901 HAMPTON STREET
COLUMBIA, SOUTH CAROLINA 29202

August 15, 2014

By U.S. Mail:

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

Re: *Pope vs. Corley, et al*
Appellate Case No. 2014-000618

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of our Motion for Costs, with attached Itemized Statement of Costs. Also enclosed is a check to cover the filing fee and an original and one copy of the Proof of Service. Please return a file-stamped copy of the Motion and Proof of Service to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving the motion on opposing counsel and counsel for Defendant Samuel M. Corley, Individually and as Trustee of the M.L. Corley Marital Trust.

Thank you for your assistance with this matter.

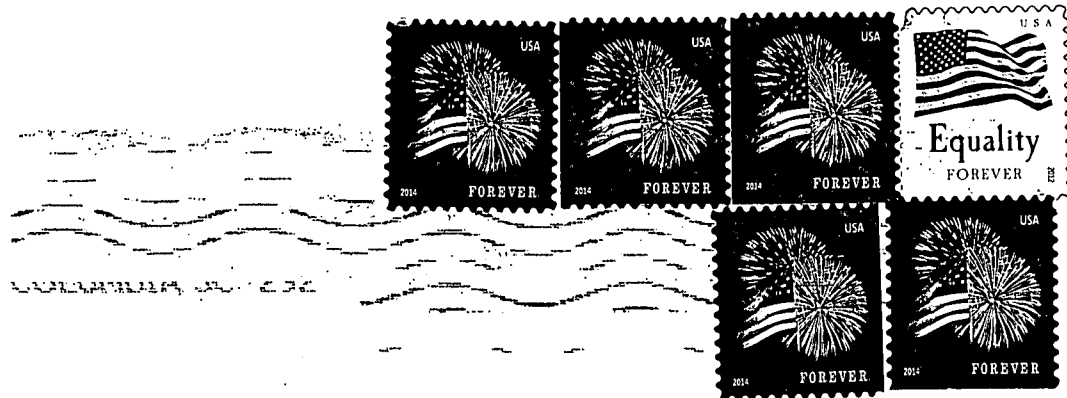
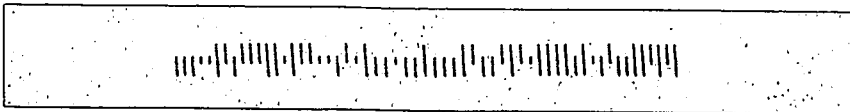
Sincerely,


Adam T/Silvernail

Enclosures

cc: Desa A. Ballard, Esquire
Adele J. Pope, Esquire
Charlie M. Pender, Esquire

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**LAW OFFICE OF
ADAM T. SILVERNAIL, LLC**

POST OFFICE BOX 1898
COLUMBIA, SOUTH CAROLINA 29202-1898

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