

**IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

73561

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas**

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SEP 11 2014

The Honorable D. Garrison Hill, Circuit Court Judge **SC Court of Appeals**

Case No. 2013-000786

**Garry and Carolyn Coulter, George and Betsy Zimmerman,
Michael and Michelle Shain, and Frederick Eugene Jones**

Appellants,

v.

**City of Greenville Board of Zoning Appeals, City of Greenville,
and Carol Stilwell,**

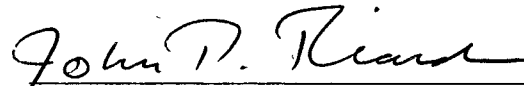
Respondents.

RESPONDENT'S MOTION FOR TAXATION OF COSTS

The Respondent, Carol Stilwell, respectfully moves the Court for an Order taxing costs against the Appellants pursuant to Rule 222, SCACR. This Motion is made on the grounds that the South Carolina Court of Appeals dismissed the Appellant's appeal by Order dated August 4, 2014, and therefore costs on appeal are allowed to Respondent pursuant to Rule 222(a), SCACR. The Respondent actually incurred attorney's fees in an amount greater than \$1,000.00 as indicated in the attached Itemized Statement of Costs, therefore, pursuant to Rule 222(b),

SCACR, Respondent is entitled to recover \$1,000.00 for her attorney's fees as was set by Order of the South Carolina Supreme Court dated July 24, 1997.

The South Carolina Court of Appeals issued the Remittitur on August 27, 2014; therefore, this Motion is timely, being served and filed within 15 days of the issuance of the Remittitur pursuant to Rule 222(d), SCACR. Respondent respectfully requests costs be taxed against the Appellants in favor of the Respondent in the amount of \$1,000.00.



John P. Riordan (SC Bar #65284)
Smith Moore Leatherwood
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Greenville, SC 29602-0087
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Jack.riordan@smithmoorelaw.com
Attorney for Respondent Carol Stilwell

September 5, 2014

IN THE STATE OF SOUTH CAROLINA
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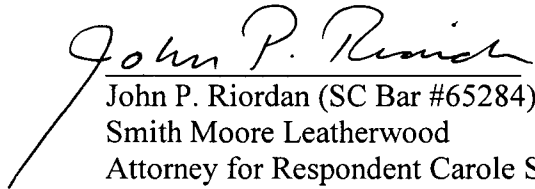
Respondents.

RESPONDENT'S ITEMIZED STATEMENT OF COSTS

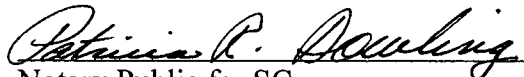
The Appellate Court is requested to tax the following costs against Garry and Carolyn Coulter, George and Betsy Zimmerman, Michael and Michelle Shain, and Frederick Eugene Jones, Appellants:

COSTS TAXABLE UNDER RULE 222, SCACR	ACTUAL	REQUESTED
Attorney's Fee Provided by Rule 222(b), SCACR	\$5,797.00	\$1,000.00

I, John P. Riordan, 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 Appellants.


John P. Riordan (SC Bar #65284)
Smith Moore Leatherwood
Attorney for Respondent Carole Stilwell

SWORN to before me this
9th day of September, 2014


Notary Public for SC
My Commission expires: 7-2-2023

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**City of Greenville Board of Zoning Appeals, City of Greenville,
and Carol Stilwell,**

Respondents.

CERTIFICATE OF SERVICE

I hereby certify Respondent Carol Stilwell's Motion for Taxation of Costs was served upon Appellants and counsel for Respondent City of Greenville Board of Zoning Appeals this 9th day of September, 2014, by placing the same in the United States Postal Service with proper, first-class postage affixed and addressed as follows:


Garry and Carolyn Coulter
2403 Augusta Street
Greenville, SC 29605

George and Betsy Zimmerman
2417 Augusta Street
Greenville, SC 29605

Michael and Michelle Shain
2602 Augusta Street
Greenville, SC 29605

Frederick Eugene Jones
2510 Augusta Street
Greenville, SC 29605

Robert P. Coler
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Legal Assistant to
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Jack.riordan@smithmoorelaw.com
Attorney for Respondent Carol Stilwell

September 9, 2014

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

RE: Garry and Carolyn Coulter, George and Betsy Zimmerman, Michael
And Michelle Shain, and Frederick Eugene Jones v. City of Greenville
Board of Zoning Appeals, the City of Greenville, and Carol Stilwell
Appellate Case No. 2013-000786

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondent Carol Stilwell's Motion for Taxation of Costs, Itemized Statement of Costs and Proof of Service in the above matter. Please return a file stamped copy in the enclosed envelope. Also enclosed is our check in the amount of \$25.00 for the filing fee.

As counsel for Appellants was relieved from representation and no notice of appearance having been made, we are serving a copy of this Motion on the Appellants.

Sincerely,

SMITH MOORE LEATHERWOOD LLP



John P. "Jack" Riordan

JPR/pd
Enclosures
Cc:
Garry and Carolyn Coulter
2403 Augusta Street
Greenville, SC 29605

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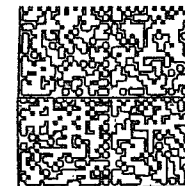
Frederick Eugene Jones
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Robert P. Coler
PO Box 2207
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**SMITHMOORE
LEATHERWOOD**
ATTORNEYS AT LAW

Suite 1100
2 West Washington Street
Greenville, SC 29601

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



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09/09/2014

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