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January 7⁸, 2015

RECEIVED

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JAN - 8 2015

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VIA HAND DELIVERY

The Honorable Daniel E. Shearouse, Clerk of Court **S.C. Supreme Court**
Supreme Court Building
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

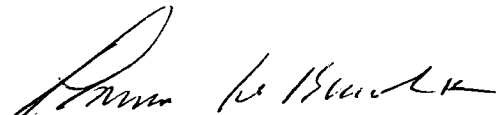
**Re: 1634 Main, LP v. Shirley Hammer v. Howard Hammer and Howard
Hammer v. Shirley Hammer.
Appellate Case No. 2014-000965
File No. 31141-0001**

Dear Mr. Shearouse:

Enclosed for filing please find an original and seven copies of Appellants' Supplement to Appellant's Return to Motion for Costs Pursuant to Rule 222 and 269 and Proof of Service in the referenced matter. Please return a clocked copy with our courier.

Yours very truly,

ROBINSON, MCFADDEN & MOORE, P.C.


Thomas W. Bunch, II

TWB:aelw
Enclosures

cc: Desa Ballard, Esquire (w/enclosures) (by hand)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber, Jr., Supervising Circuit Court Judge
Case No.: 2009-CP-40-05911
Case No.: 2010-CP-40-02889

Appellate Case No. 2014-000965

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S.C. Supreme Court

1634 Main, L.P.

Appellant

v.

Shirley Hammer,

Respondent

v.

Howard Hammer,

Appellant,

and

Howard Hammer

Appellant,

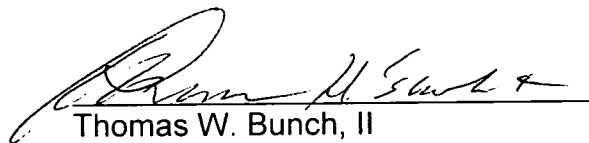
v.

Shirley Hammer,

Respondent

**SUPPLEMENT TO APPELLANTS' RETURN TO MOTION FOR COSTS
AFFIDAVIT OF POPE D. JOHNSON, III**

The attached Affidavit of Pope D. Johnson, III is herewith filed as a supplement to Appellants' Return to Motion for Costs which was filed with this Court on January 7, 2015.



Thomas W. Bunch, II
ROBINSON, MCFADDEN & MOORE, P.C.
Post Office Box 944
Columbia, SC 29202
(803) 779-8900
Attorney for Appellants

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber, Jr., Supervising Circuit Court Judge
Case No.: 2009-CP-40-05911
Case No.: 2010-CP-40-02889

Appellate Case No. 2014-000965

1634 Main, L.P. Appellant

v.

Shirley Hammer, Respondent

v.

Howard Hammer, Appellant,

and

Howard Hammer Appellant,

v.

Shirley Hammer, Respondent

AFFIDAVIT OF POPE D. JOHNSON, III

Personally appeared before me, Pope D. Johnson, III, who being duly sworn, doth state:

1. I am an attorney and have been licensed to practice law in South Carolina Since 1975.
2. I am a graduate of the University of South Carolina School of Law, have been admitted to the bar of the State of South Carolina since 1975, have an av preminent rating by

Martindale-Hubbell, and my primary practice area is civil litigation. I have previously represented Mr. Howard Hammer, but do not currently represent him.

3. In connection with these cases and the appeal of the Order of the Honorable Joseph Strickland, I have reviewed the parties' briefs, the Memorandum Opinion issued by the Supreme Court, the Petition for Rehearing, and the Court's Order denying the petition.
4. In my professional opinion with almost 40 years' experience in the practice of law, after reviewing the foregoing materials, I did not find any of the arguments presented by Appellants to be frivolous. All were grounded on a principled application of the law, and Appellants were successful in reversing the lower court's order on the issue of sanctions. It was appropriate for the Appellants to rely upon the language of Rule 4 and such reliance cannot, in my opinion, be frivolous. I have seen service successfully challenged the language of Rule 4. Lawyers in Richland County who practice in the Family Court routinely add language to Rules to Show Cause and Orders so, in fact, service can be made by any person who is not less than 18 years of age and not an attorney in or party to the action so that they may use a private process server and not have service challenged. The arguments raised on the transfer of property were warranted under existing law in my opinion. The mere fact that the Supreme Court affirmed the lower court's order on the service of process issue and on the transfer of property does not make an appeal of these issues frivolous. In every appeal, one side or the other fails to prevail on the issues such as Mr. Hammer did here.

(Signature page follows)

Pope D. Johnson, III
Pope D. Johnson, III

SWORN to and subscribed before me
this 8th day of January, 2015.

Sherry W. Wise (L.S.)
Notary Public for South Carolina
My Commission expires: 8/1/2016

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber, Jr., Supervising Circuit Court Judge **S.C. Supreme Court**
Case No.: Case No.: 2009-CP-40-05911
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Appellate Case No. 2014-000965

1634 Main, L.P.

Appellant

v.

Shirley Hammer,

Respondent

v.

Howard Hammer,

Appellant,

and

Howard Hammer

Appellant,

v.

Shirley Hammer,


Respondent

CERTIFICATE OF SERVICE

This is to certify that I, Amy L. Westbrook, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below **Appellants' Supplement to Appellants' Return to Motion for Costs Pursuant to Rule 222 and 269** in the foregoing matter by hand delivery to the following address:

Desa Ballard, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169

Dated at Columbia, South Carolina this 7th day of January, 2015.


Amy L. Westbrook