

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

75140

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Case No. 2007-CP-46-00119

Appellate Case No. 2012-212494

RECEIVED
FEB 23 2015
SC Court of Appeals

J.W. NEAL CONSTRUCTION, LLC,
a South Carolina limited liability company, Respondent,

v.

CORNELIA THOMAS, Appellant.

MOTION FOR COSTS

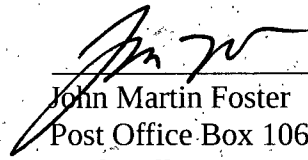
Pursuant to Rules 240 and 222, S.C.A.C.R., the Respondent, by its counsel herein, moves this Court for an order granting it its costs on appeal, the said judgment on appeal having been confirmed.

1. The Respondent has actually incurred those costs set out on the attached sworn and itemized statement, as required by Rule 222(d), S.C.A.C.R.
2. In stating its Attorney's fees, counsel for Respondent is aware of the Order of the Supreme Court dated July 24, 1997, setting the amount of attorney's fees at \$1,000.00.
3. Pursuant to the provisions of Rule 222(d), S.C.A.C.R., this Motion is served and filed within fifteen days of the issuance of the remittitur in the appellate action above.

The basis of this Motion is the within-cited Rule, the records of this appeal, and the attached affidavit of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Respondent herein moves this Court that its costs be taxed and added to the judgment of the Appellate Court, as allowed under Rule 222(e), S.C.A.C.R.

February 13, 2015



John Martin Foster
Post Office Box 106
Rock Hill, S.C. 29731-6106
(803) 324-8100
Attorney for Respondent

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AFFIDAVIT AS TO COSTS

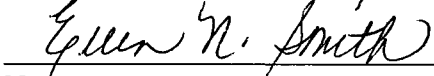
PERSONALLY appeared before me the undersigned, who, being duly sworn, deposes and says that he is the counsel for the Respondent in the foregoing appellate action; that the Respondent has actually incurred the following costs allowed under the terms of Rule 222(b), S.C.A.C.R.; and that these facts are true of his own knowledge:

Print of Respondent's final Brief: The Print Shoppe: 12/17/2012	88.56
Attorney's fees: Motion to Dismiss Appeal: 10/25-26/2012	206.25
Attorney fees: Initial Brief, Designation of Matter: 09/04-06/13	1,515.00



John Martin Foster

SWORN TO and subscribed before me
this day of February 17, 2015.



NOTARY PUBLIC FOR NORTH CAROLINA
My Commission expires: 03/04/2024

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Case No. 2007-CP-46-00119

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J.W. NEAL CONSTRUCTION, LLC,
a South Carolina limited liability company, Respondent,

v.

CORNELIA THOMAS, Appellant.

PROOF OF SERVICE

I certify that I have served the **Motion for Costs**, dated February 17, 2015, on the following counsel or persons of record:

Herbert W. Hamilton
Hamilton, Martens & Ballou, LLC
Post Office Box 10940
Rock Hill, South Carolina 29731
Attorneys for Appellant

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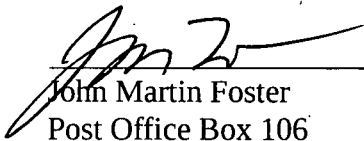
FEB 23 2015

SC Court of Appeals

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; or if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 262(b), S.C.A.C.R.

February 17, 2015



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
(803)324-8100
Attorney for Appellants

JOHN MARTIN FOSTER

Attorney at law

The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfooster@comporium.net

February 17, 2015

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, SC 29201

Re: J.W. Neal Construction, LLC, Respondent
v. Cornelia Thomas, Appellant
CA No. 07-CP-46-00119
Appellate Case No. 2012-212494

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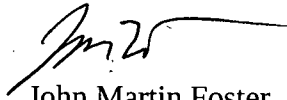
Dear Ms. Kitchings:

In accordance with Rules 222 and 240, S.C.A.C.R., enclosed please find the original and seven (7) copies of Respondent's Motion for Costs in the above referenced matter. I also enclose our check for the Motion fee of \$25.00.

By mail I am serving opposing counsel with one (1) copy of the Motion. Our Proof of Service as to this Motion is included.

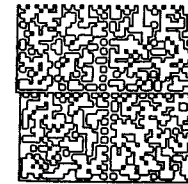
Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,


John Martin Foster

JMF/
enclosures

cc: Herbert W. Hamilton
Hamilton, Martens & Ballou, LLC
Post Office Box 10940
Rock Hill, South Carolina 29731



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US POSTAGE

John Martin Foster Attorney

223 East Main Street Suite 520

Post Office

Rock Hill SC

TO:

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
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