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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Appellate Case No.: 2014-002737

The Milton P. Demetre Family Limited Partnership.....Appellant,

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,
and Annie Ruth Crowley Atkinson.....Respondents.

**RESPONDENTS'
MOTION TO TAX COSTS**

Richard L. Whitt, S.C. Bar No.: 62895
Jefferson D. Griffith, III, S.C. Bar No.: 2299
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 300
Columbia, South Carolina 29201
(803) 251-7442
Attorneys for Respondents

OTHER COUNSEL OF RECORD:

Cain Denny, Esquire

Cain Denny, P.A.

Post Office Box 1205

Charleston, South Carolina 29402

Attorney for Appellant

INTRODUCTION

A decision was rendered in this matter by the South Carolina Court of Appeals on August 20, 2014. The Appellant filed its Petition for Writ of Certiorari on December 24, 2014, which was denied on August 6, 2015. The Remittitur in this matter was issued by this Court on August 26, 2015. This filing is within fifteen days of that issuance of the Remittitur, as required by the Rules and Respondents' Motion to Tax Costs follows.

MOTION TO TAX COSTS

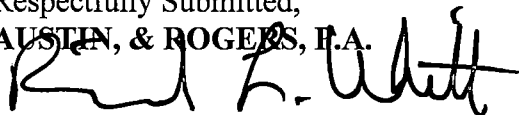
Pursuant to Rule 222(a)(b)(d)(e), South Carolina Appellate Court Rules, (hereinafter as, "SCACR"), Respondents hereby move this Court to Tax Costs against Appellant, as set forth in the Itemized Statement of Costs attached hereto, in the form approved by this Court.

The grounds for this Motion are that this assessment of costs against Appellant is allowed by Respondents, under Rule 222(a), SCACR.

WHEREFORE, Respondents move this Court to grant the relief sought in this Motion and Tax Costs against Appellant as part of the Judgment of this Court; and

**GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT DEEMS
JUST AND PROPER.**

Respectfully Submitted,
AUSTIN, & ROGERS, P.A.



Richard L. Whitt, S.C. Bar No.: 62895
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508 Hampton Street, Suite 300
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Attorneys for Respondents

September 8, 2015
Columbia, South Carolina

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v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,
and Annie Ruth Crowley Atkinson.....Respondents.

**RESPONDENTS'
ITEMIZED STATEMENT OF COSTS**

Respondents hereby submit their Itemized Statement of Costs, in support of Respondents' Motion to Tax Costs, filed on even date. Respondents respectfully request that this Court tax the following costs against, The Milton P. Demetre Family Limited Partnership.

ORIGINAL

COSTS TAXABLE UNDER RULE 222, SCACR:	NO. OF PAGES:	RATE:	REQUESTED:	ALLOWED:
Cost of Printing/Copying Final Brief and Final Brief (Amended)	1200	\$0.25	\$300.00	
Cost of Court Reporter's Transcript		\$120.90	\$120.90	
Attorneys Fees Provided by Rule 222(b), SCACR		\$1,000.00	\$1,000.00	
Other (specify and explain): (see Exhibit "A" attached hereto)	114	\$0.25	\$28.50	
Other (specify and explain): (see Exhibit "B" attached hereto)		\$25.00	\$25.00	
		TOTAL:	\$1,474.40	

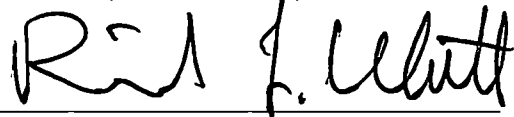
I, Richard L. Whitt, do swear and affirm that the foregoing costs are correct and were necessarily incurred in this action. Copies of the Motion to Tax Costs and this Itemized Statement of Costs, with Exhibit "A", were served upon opposing counsel.

WHEREFORE, Respondents pray this Court grant their Motion and Tax Costs against Appellant as part of the Judgment of this Court; and

GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT DEEMS JUST AND PROPER.

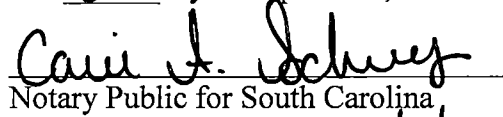
[Signature Page Follows]

Respectfully Submitted,
AUSTIN, & ROGERS, P.A.



Richard L. Whitt, S.C. Bar No.: 62895
Jefferson D. Griffith, III, S.C. Bar No.: 2299
508 Hampton Street, Suite 300
Columbia, South Carolina 29201
(803) 251-7442 (phone)
(803) 252-3679 (fax)
Attorneys for Respondents

SUBSCRIBED AND SWORN TO BEFORE ME
this 8th day of September, 2015.



Notary Public for South Carolina

My Commission Expires: 4/1/2021

EXHIBIT "A", "Other Costs"
(to Respondents' Itemized Statement of Costs)

Appellate Case No.: 2014-002737

The Appellant in this case filed a Petition for Rehearing. This Court, through an Order of the Honorable Jenny A. Kitchings, For The Court, filed on September 25, 2014, instructed the Respondents herein to serve and file a Return to Appellant's Petition for Rehearing.

The required Return document consisted of 19 pages, with six copies being required for a **total page count of 114 pages.**

EXHIBIT "B", "Other Costs"
(to Respondents' Itemized Statement of Costs)

Appellate Case No.: 2014-002737

Respondents move to recover the \$25.00, filing fee, required to file Respondents' Motion to Tax Costs.

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2005-CP-10-4101

Appellate Case No.: 2014-002727

The Milton P. Demetre Family Limited Partnership.....Appellant,

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,
and Annie Ruth Crowley Akinson.....Respondents.

PROOF OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused a copy of Respondents' Motion to Tax Costs, Respondents' Itemized Statement of Costs, with Exhibit "A" and Exhibit "B" and this Proof of Service to be served, via U.S. Mail on September 8, 2015 as addressed below.

Cain Denny, Esquire
Cain Denny, P.A.
Post Office Box 6
Sullivans Island, South Carolina 29482

Carrie A. Schurg
Carrie A. Schurg

September 8, 2015

ORIGINAL

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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(1949-2010)

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OF COUNSEL:
WILLIAM FREDERICK AUSTIN
JEFFERSON D. GRIFFITH, III*

* ALSO ADMITTED IN N.C.

September 8, 2015

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SC Court of Appeals

VIA, HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

- Re: • The Milton P. Demetre Family Limited Partnership vs. Harry Beckmann, III, *et al.*
• Appellate Case No.: 2014-002737
• **Respondents' Motion to Tax Costs, Respondents' Itemized Statement of Costs with Exhibit.**

Dear Ms. Kitchings:

Enclosed for filing, please find the original and the required six copies of Respondents' Motion to Tax Costs, Respondents' Itemized Statement of Costs, with Exhibits and Proof of Service in the above-referenced matter. Also enclosed, please find a check in the amount of \$25.00, for the required filing fee.

Please accept these documents for filing and acknowledge receipt of the same by file-stamping the copies enclosed and returning them to me, via our courier.

Please don't hesitate to contact the undersigned if you have any questions or concerns.

With best regards, we are,

Respectfully Submitted,

AUSTIN & ROGERS, P.A.



Richard L. Whitt
Jefferson D. Griffith, III

RLW/cas
Enclosures

cc: Cain Denny, Esquire