

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Clifton Newman, Circuit Court Judge

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Appellate Case Number: 2012-206066

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**RECEIVED**

OCT 14 2015

**S.C. SUPREME COURT**

Tony L. Pope and Lynn S. Pope, Individually and Representing as a Class All Unit Owners  
for Riverwalk At Arrowhead Country Club Horizontal Property Regime,  
Respondents

v.

Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation,  
Petitioners.

Riverwalk At Arrowhead Country Club Property Owners' Association, Inc.,  
Respondent,

v.

Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation,  
Petitioners.

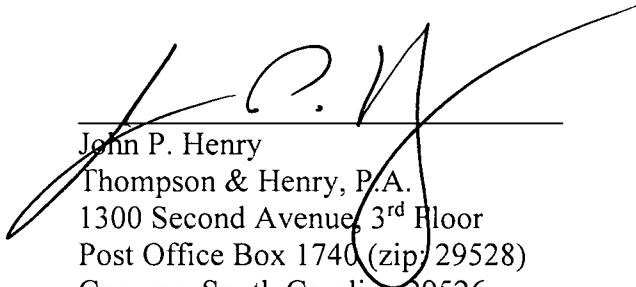
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RESPONDENT'S MOTION FOR COSTS

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Pursuant to Rule 222, SCACR, Respondent's Memorandum in Support of its  
Motion for Costs, and Respondent's Itemized Statement of Costs, the Respondent requests  
that costs be taxed against the Petitioners. The ground for Respondent's Motion for Costs  
is that the Judgment on Appeal has been affirmed.

Respectfully submitted.



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[pherry@thompsonlaw.com](mailto:pherry@thompsonlaw.com)  
*Attorneys for Respondent.*

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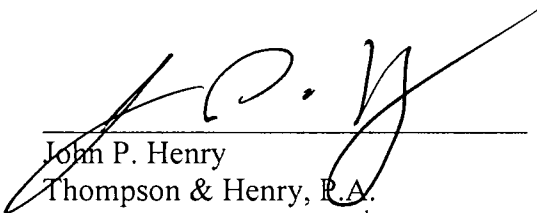
MEMORANDUM IN SUPPORT OF  
RESPONDENT'S MOTION FOR COSTS

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By unpublished Opinion No. 27578, filed September 30, 2015, this Court affirmed the judgment in favor of Respondent that was appealed by Petitioners. By letter dated September 30, 2015, V. Claire Allen, Deputy Clerk for the South Carolina Court of Appeals remitted this case to the lower Court or Tribunal. Pursuant to Rule 222(a), SCACR, "...costs shall be taxed against the appellant when the appeal is dismissed or

judgment on appeal is affirmed.” Pursuant to Rule 222(b), SCACR, two of the costs allowed are the same as those requested by the Respondent and itemized in the Itemized Statement of Costs attached hereto, which are the costs of printing Respondent’s Final Briefs under Rule 210, SCACR, and an attorney’s fee of One Thousand and 00/100 (\$1,000.00) Dollars (Rule 222, SCACR, Note 1).

Based on the foregoing, the Respondent respectfully requests this Court to tax costs against the Appellants in the total sum of Two Thousand Six Hundred Ninety-Two and 75/100 (\$3,692.75) Dollars.



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*Attorneys for Respondent*

ITEMIZED STATEMENT OF COSTS

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v.

Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation, Petitioners.

Riverwalk At Arrowhead Country Club Property Owners' Association, Inc., Respondent,

v.

Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation, Petitioners.

The Appellate Court is requested to tax the following costs against

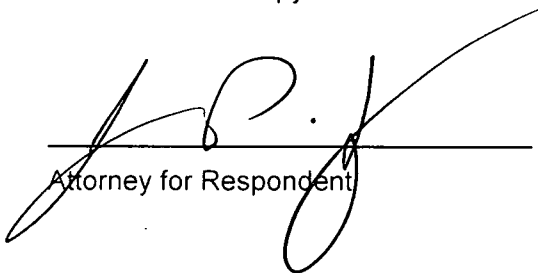
Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
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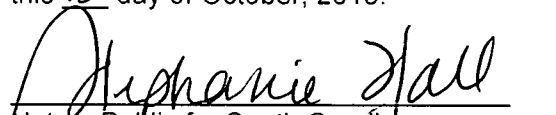
Cost of Printing or Copying Final Brief	1,045	\$ .20	209.00
Cost of Printing or Copying Final Reply Brief			
Cost of Printing or Copying Record on Appeal			
Filing Fee Paid Under Rule 203(d), SCACR			
Cost of Court Reporter's Transcript			\$1,483.75
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00
Other (specify and explain):			
Cost of Printing or Copying Brief On Petition for Writ of Certiorari	1,007	\$ .20	\$ 201.40

TOTAL 2,692.75

I, John P. Henry, 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 opposing counsel.

  
 \_\_\_\_\_  
 Attorney for Respondent

Subscribed and sworn to before me  
 this 13<sup>th</sup> day of October, 2015.

  
 \_\_\_\_\_  
 Notary Public for South Carolina  
 My Commission Expires: 2-2-2017

(Seal)

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PROOF OF SERVICE

I, Stephanie Hall, an employee for Thompson & Henry, P.A., attorneys for the Respondent,  
Riverwalk At Arrowhead Country Club Property Owners' Association, Inc., in the above-  
captioned action and/or actions, certify that I have this 13<sup>th</sup> day of October, 2015, mailed  
a copy and/or copies of the following:

1. Respondent's Motion for Costs

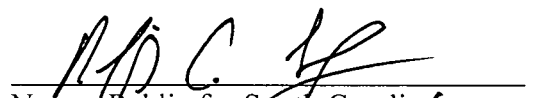
to the undersigned at his/her/their address(es) of record, with sufficient postage attached thereto, as follows:

C. Mitchell Brown  
Nelson Mullins Riley & Scarborough, LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201

Stephen L. Brown, Esquire  
Jeffery J. Wiseman, Esquire  
Young Clement Rivers, LLP  
Post Office Box 993  
Charleston, SC 29402

  
Stephanie Hall

SWORN AND SUBSCRIBED before me,  
This 13<sup>th</sup> day of October 2015.

  
Notary Public for South Carolina  
My Commission Expires: 4/21/16