

77806

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas 2012-CP-15-00262
The Honorable Maité Murphy

RECEIVED

APPELLATE CASE NO. 2013-002555

NOV 06 2015

SC Court of Appeals

MELISSA JEAN MARKS,Appellant,

v.

NATIONSTAR MORTGAGE LLC,Respondent.

NATIONSTAR MORTGAGE LLC'S MOTION FOR COSTS ON APPEAL

Respondent Nationstar Mortgage LLC ("Nationstar"), by and through counsel, pursuant to Rule 222 of the South Carolina Appellate Court Rules, respectfully submits this Motion for Costs on Appeal. In support of this Motion, Nationstar states as follows:

1. Rule 222(a) of the South Carolina Appellate Court Rules provides that "[u]nless otherwise ordered by the appellate court or agreed by the parties, *costs shall be taxed against the appellant* when the . . . judgment on appeal is affirmed." Rule 222(a), SCACR (emphasis added). Costs to be awarded include:

- (1) the filing fee paid under Rule 203(d); (2) the cost of the court reporter's transcript; (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal; (4) the cost of printing the Record on Appeal under Rule 209; and (5) the cost of printing the party's final brief(s) under Rule [211].

Rule 222(b), SCACR. "In addition, the party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court." Rule 222(b), SCACR.

By order of the South Carolina Supreme Court, dated July 24, 1997, the amount of the attorney's fee is \$1,000.00. Rule 222(b) n.1, SCACR.

2. On November 21, 2013, Appellant Melissa Jean Marks ("Appellant") filed a Notice of Appeal from Orders of the Colleton County Court of Common Pleas Granting Summary Judgment in favor of Nationstar, Denying Appellant's Motion to Dismiss Nationstar as Intervening Party, and Denying Appellant's Motion to Reconsider. (R. pp. 1201-06)

3. On June 3, 2015, this Court issued an Opinion affirming all of the Trial Court's rulings.

4. On June 10, 2015, Appellant filed a Petition for Rehearing, asking this Court to reconsider its Opinion.

5. On September 17, 2015, this Court issued an Order denying Appellant's Petition for Rehearing.

6. In defending this appeal, Nationstar incurred certain costs that it is entitled to recover. *See* Rule 222(a), SCACR ("[C]osts shall be taxed against the appellant when the . . . judgment on appeal is affirmed."). These costs include costs of printing and copying Nationstar's Final Brief as well as its attorneys' fees. The costs sought in this Motion are more fully described in the attached Itemized Statement of Costs. **Exhibit A.** The total amount of these costs is \$1,040.00. *Id.*

7. Nationstar reserves, and does not waive, its right to seek full reimbursement of its attorneys' fees pursuant to the terms of the Note and the Mortgage, or as otherwise allowed by law.

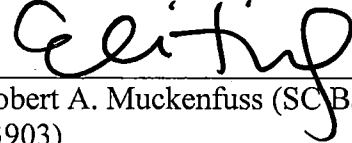
WHEREFORE, Nationstar respectfully requests that this Court enter an order awarding Nationstar (1) recovery of costs on appeal in the amount of \$1,040.00; and (2)

such other or further relief as the Court deems just and proper.

This the 3rd day of November, 2015.

Respectfully submitted,

MCGUIREWOODS LLP



Robert A. Muckenfuss (SC Bar #
13903)

MCGUIREWOODS LLP

201 North Tryon Street, Suite 3000

Charlotte, North Carolina 28202

Telephone: (704) 343-2000

Facsimile: (704) 343-2300

rmuckenfuss@mcguirewoods.com

Elizabeth M.Z. Timmermans (SC
Bar # 100288)

MCGUIREWOODS, LLP

434 Fayetteville Street, Suite 2600

Raleigh, North Carolina 27608

Telephone: (919) 755-6576

Facsimile: (919) 755-6699

eztimmermans@mcguirewoods.com

ATTORNEYS FOR RESPONDENT

NATIONSTAR MORTGAGE LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NATIONSTAR MORTGAGE LLC'S MOTION FOR COSTS ON APPEAL** has been served upon the parties in this action by mailing a copy thereof, postage prepaid, to the following:

Melissa J. Marks
209 Presidential Court
Round O, SC 29474

Pro Se Appellant

John F. Knobloch
King & Knobloch, PC
808 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464

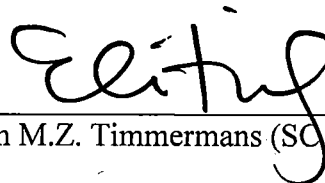
Attorney for Old South Mortgage Corporation

RECEIVED

NOV 06 2015

SC Court of Appeals

This the 3rd day of November, 2015.



Elizabeth M.Z. Timmermans (SC Bar #
100288)

EXHIBIT A

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas 2012-CP-15-00262
The Honorable Maité Murphy

APPELLATE CASE NO. 2013-002555

MELISSA JEAN MARKS,Appellant,

v.

NATIONSTAR MORTGAGE LLC,Respondent.

NATIONSTAR MORTGAGE LLC'S ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against Appellant
Melissa Jean Marks:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	400	\$0.10	\$40.00	
Cost of Printing or Copying Final Reply Brief			\$0.00	
Cost of Printing or Copying Record on Appeal			\$0.00	
Filing Fee Paid Under Rule 203(d), SCACR			\$0.00	
Cost of Court Reporter's Transcript			\$0.00	
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain):			\$0.00	
		TOTAL	\$1040.00	

[Signature on Following Page]

I, Elizabeth Timmermans, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon Appellant.

E. Timmermans
(Signature)
Attorney for Nationstar Mortgage LLC

Subscribed and sworn to before me this 28th day of September, 2015.

Donna H. Wall

Notary Public for Wake County

My Commission Expires: 11/05/16

(Seal)

DONNA H. WALL
Notary Public, North Carolina
Franklin County
My Commission Expires
November 05, 2016

RECEIVED

NOV 06 2015

SC Court of Appeals