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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Steven H. John, Presiding Judge

Case No. 2009-CP-26-10523

Appellate Case No. 2012-213287

Elizabeth A. Crotty and James K. Orzech *Appellants,*

v.

Windjammer Village of Little River, South Carolina,
Property Owners' Association, a South Carolina
Eleemosynary Corporation *Respondent.*

MOTION TO TAX COSTS AGAINST APPELLANTS

Respondent, Windjammer Village of Little River, South Carolina, Property Owners' Association, by and through its undersigned attorneys, respectfully moves this Honorable Court to tax costs against the Appellants, jointly and individually. The Respondent attaches hereto its Memorandum in Support of its Motion, and Itemized Statement of Costs.

(signature page follows)

Respectfully submitted,

**WRIGHT, WORLEY, POPE,
EKSTER & MOSS, PLLC**



Kenneth R. Moss, SC Bar # 15520

628A Sea Mountain Highway

North Myrtle Beach, SC 29582

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Email: kennethmoss@wwpemplaw.com

North Myrtle Beach, South Carolina
October 27, 2015

MEMORANDUM IN SUPPORT OF MOTION

Respondent, Windjammer Village of Little River, South Carolina, Property Owners' Association, moves this Honorable Court for an Order or Orders taxing costs against the Appellants, Elizabeth A. Crotty and James K. Orzech, jointly and individually, pursuant to Rule 222, SCACR. Rule 222(a) provides that "costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed."

This case was submitted to the Court of Appeals on the record and briefs during the March 2015 term without oral argument. On May 13, 2015 the Court of Appeals affirmed the lower court's Order. The Court's Unpublished Opinion in this matter was filed on May 13, 2015. On May 26, 2015 the Appellants filed a Petition for Rehearing of the Court of Appeals Order. The Appellants' Petition for Rehearing was denied on June 18, 2015.

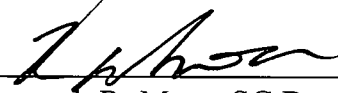
On July 18, 2015, the Appellants petitioned the South Carolina Supreme Court for a Writ of Certiorari. The Appellants' Petition was denied on October 8, 2015. This Motion is therefore timely pursuant to Rule 222(d), SCACR.

Therefore and accordingly, the Respondent is the prevailing party in this matter and costs should be taxed against the Appellants, jointly and individually, in the amount of \$1,156.92 as shown on the Itemized Statement of Costs attached hereto.

*** *signature page follows* ***

Respectfully submitted,

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**



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Attorneys for Respondent

North Myrtle Beach, South Carolina

October 27, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

ITEMIZED STATEMENT OF COSTS

Elizabeth A. Crotty and James K. Orzech,)
)
<i>Appellants,</i>)
)
v.)
)
Windjammer Village of Little River, South)
Carolina, Property Owners' Association, a)
South Carolina Eleemosynary Corporation,)
)
<i>Respondent.</i>)
)

The Appellate Court is requested to tax the following costs against

Elizabeth A. Crotty and James K. Orzech

(Name of Party)

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief <i>(please see attached invoice for copying and binding per Rule 267(d), SCACR)</i>	540	18 bound copies @ \$5.54 each, plus tax	\$ 107.70	
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	50	\$ 0.75	\$ 37.50	
Attorney's Fee Provided By Rule 222(b), SCACR			\$ 1,000.00	

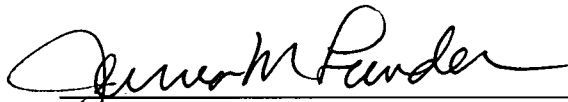
Other (specify and explain): <i>Postage to file Final Brief</i>			\$ 12.35	
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		TOTAL	\$ 1,156.92	

I, Kenneth R. Moss 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 *pro se* Appellants.

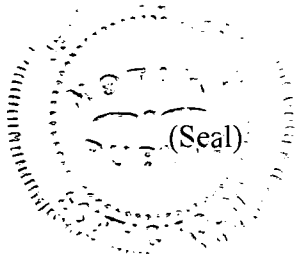


 (Signature)
 Attorney for Respondent

Subscribed and sworn to before me this 27th day of October, 2015.



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Discounts	13.50		

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Deposit	0.00

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CIRCUIT COURT REPORTER
FIFTEENTH JUDICIAL CIRCUIT
P. O. BOX 2194
MURRELLS INLET, SOUTH CAROLINA 29576-2194

February 25, 2013

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TO: KENNETH R. MOSS, ESQ.
WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC
P. O. Box 250
LITTLE RIVER, SOUTH CAROLINA 29566

RE: Elizabeth A. Crotty and James K. Orzech v.
Windjammer Village, et al

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PROOF OF SERVICE

I certify that I have this day served a copy of the Respondent's *Motion to Tax Costs Against Appellants*, with attached *Memorandum in Support of Motion and Itemization of Costs*, along with the *Proof of Service* of same in the above-captioned appeal, on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

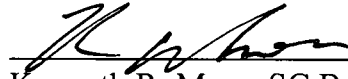
Elizabeth A. Crotty
2121 Brunswick Circle
Little River, SC 29566
Pro se Appellant

James K. Orzech
2148 Gamecock Circle
Little River, SC 29566
Pro se Appellant

**** signature page follows ****

Respectfully submitted,

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**



Kenneth R. Moss, SC Bar # 15520

628A Sea Mountain Highway

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October 27, 2015