

STATE OF SOUTH CAROLINA
In The Court of Appeals

John R. Tally)
Appellant,)
vs.) REPLY TO MOTION FOR
ATTORNEY FEES
Byron Roberts, Rebecca Roberts,)
Benjamin Williams, and Abernethy)
& Company, PC)
Respondents,)

C/A No.: 2008-CP-40-6676
Case Tracking No: 2010164226

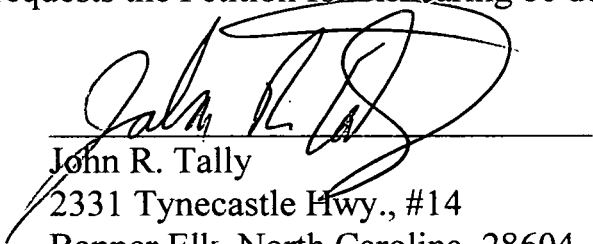
The Appellant in reply to the Motion for Attorney Fees by the Respondents, Byron Roberts and Rebecca Roberts, answers as follows:

The general rule is that each party bears its own attorney fees.

In this case attorney fees and cost were denied by the trial court and the Court of Appeals largely on the basis my attorney did not introduce attorney fee evidence at trial anticipating a post trial hearing and failed to include specific language regarding a post trial hearing on costs and attorney fees in the request for reconsideration.

There is no indication or claim this appeal was frivolous. This Court ruled in part with the Appellant in its initial order. The awarding of fees and cost to the respondents would clearly do an injustice to the intent of the rule and law surrounding fees and cost.

Wherefore, Appellant respectfully requests the Petition for Rehearing be denied.



John R. Tally
2331 Tynecastle Hwy., #14
Banner Elk, North Carolina, 28604

October 8, 2012

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. THOMAS COOPER, JR., Circuit Court Judge

Case No. 2008-CP-40-6676
Case Tracking No: 2010164226

John R. Tally,

Appellant,

v.

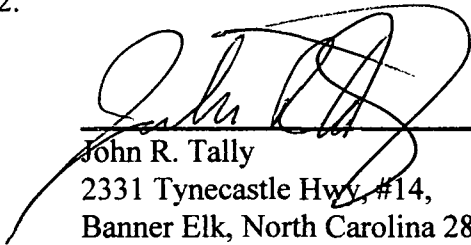
Byron Roberts, Rebecca
Roberts, Benjamin Williams
IV, and Abernathy &
Company, PC,

Respondent

RECEIVED
OCT 11 2012
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Reply to the Respondents Motion for Attorneys Fees on Hon. Tanya Gee, Clerk of Court, South Carolina Court of Appeals, 1015 Sumter Street, Columbia, South Carolina 29201 by depositing the original and six copies in the United States Mail, postage prepaid; and Byron Roberts, Rebecca Roberts, Benjamin Williams & Abernathy & Company, PC, by depositing copies in the United States Mail, postage prepaid, addressed to their attorneys of record, S.R. "Cam" Anderson, Post Office Box 12188 Columbia, South Carolina 29211 and R. Davis Howser, Howser, Neuman, & Besley, LLC, Post Office Box 12009, Columbia, South Carolina 29211, on October ~~10~~⁹, 2012.


John R. Tally
2331 Tynecastle Hwy, #14,
Banner Elk, North Carolina 28604
(843) 564-6129

Other Counsel of Record:

S. R. "Cam" Anderson

Post Office Box 12188

Columbia, South Carolina 29211

Attorney for Respondents Byron and Rebecca Roberts

(803)252-2828

R. Davis Howser

Howser, Neuman & Besley, LLC

Post Office Box 12009

Columbia, South Carolina 29211

Attorney for Respondents Benjamin Williams IV and

Abernethy & Co. PC

(803) 758-6000