

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County
Master of Equity
Honorable Charles B. Simmons, Jr.

Appellate Case No. 2016-001576

RECEIVED

MAR 13 2017

SC Court of Appeals

CACV of COLORADO, LLC

Respondent,

v.

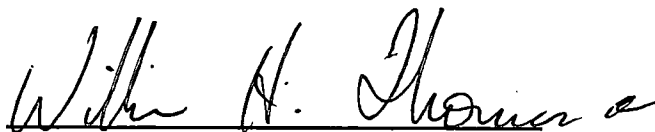
Robert H. Bishop,

Appellant.

APPELLANT'S RETURN TO RESPONDENT'S MOTION FOR TAXATION OF COSTS

The Respondent's Motion for Costs should be denied as to the request for attorneys fees. The maximum allowed by the rule is \$1,000. A cursory review of the file will show that Respondent's attorney did very little in this matter except request several extensions of time for personal reasons and prepare an initial response. The maximum fee should be reserved for matters in which the appeal is fully processed and not those which are dismissed for lack of funds. Additionally, attorney's fees should not be allowed for an appeal when they are not generally allowed under normal rules of law. This attorney fee request should be supported by an affidavit detailing time and other relevant factors. In this instance, the Respondent is owned or partially owned by the attorney requesting fees and there is no proof any fees at all were actually paid. Attorneys fees are only allowed where fees are actually paid or there is a firm agreement to be paid. Given the attorney's ownership interest in the Respondent, this

payment is called into question, *Williamson v. Middleton*, 681 S.E. 2d 867, 383 S.C. 490 (S.C. 2009).

A handwritten signature in cursive script that reads "William H. Thomas, III". The signature is written in black ink and is positioned above a horizontal line.

William H. Thomas, III
South Carolina Bar #005537
P.O. Box 10498
Greenville, SC 29603-0498
(864) 298-0064

March 8, 2017

ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Honorable Charles B. Simmons, Jr.

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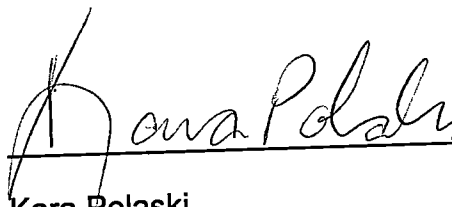
SC Court of Appeals

Respondent,

Appellant.

PROOF OF MAILING

I certify that I have mailed the Appellant's Return to Respondent's Motion for Taxation of Costs to CACV of Colorado, LLC by depositing a copy of it in the United States Mail, postage prepaid, on March 9, 2017, addressed to their attorney of record, Edward H. Overcash, Jr, 37 Villa Road, Suite 507, Greenville, South Carolina 29615.



Kara Polaski
Paralegal to William H. Thomas, III
Post Office Box 10498
Greenville, South Carolina 29603
(864) 298-0064 office

Greenville, South Carolina
March 9, 2017

**WILLIAM H. THOMAS, III P.A.
ATTORNEY AT LAW**

March 9, 2017

South Carolina Court of Appeals
Attn: Jenny Abbot Kitchings
P.O. Box 11629
Columbia, SC 29211

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MAR 13 2017

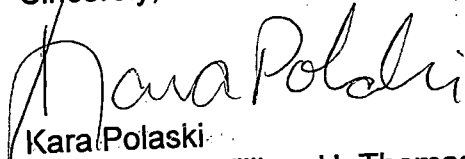
SC Court of Appeals

Re: CACV v. Robert Bishop
Appellate Case No: 2016-001576

Dear Ms. Kitchings:

Please see enclosed Appellant's Return to Respondent's Motion for Taxation of Costs plus six (6) copies. Also enclosed is a Proof of Mailing.

Sincerely,

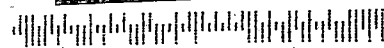


Kara Polaski
Paralegal to William H. Thomas, III

WHT/klp
Enclosures
Cc: Edward H. Overcash

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William H. Thomas, III
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MAR 18 2017
SC Court of Appeals

South Carolina Court of Appeals
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