

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Perry M. Buckner Circuit Court Judge

Appellate case No. 2015-001988

Mark and Elizabeth Heil,

Appellants,

v.

Stewart and Christina Hines
and Sam Imler d/b/a Sam's
Tree Service

Defendants

Of whom Stewart and
Christina Hines are the

Respondents.

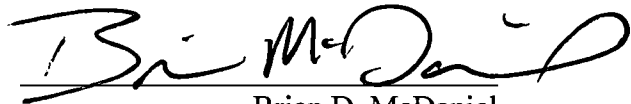
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SC Court of Appeals

RESPONDENTS' MOTION FOR COSTS

Now Comes the Respondents in this matter, Christina Hines and Stewart Hines, by and through their counsel of record Brian D. McDaniel, pursuant to Rule 222(b), SCACR requests that costs be assessed under Rule 222 SCACR. The Respondents motion is based upon the fact that the Defendants/Respondents, Stewart and Christina Hines were granted summary judgment in their favor in this matter and that this Court of Appeals did affirm that judgment by its November 9, 2016 opinion in this matter. This Motion is accompanied by a sworn affidavit

which establishes the attorneys' fees incurred by the Respondents are in excess of the \$1,000.00 fee allowed by the court. Further the Respondents seek costs for printing of their Final Brief in this matter which is set forth in the form and manner prescribed in the Appendix to the Appellate Court Rules in the amount of \$69.60.

Wherefore the Respondents seek an Order of this court for an award of costs on appeal of One Thousand Sixty-Nine Dollars and 60/100 (\$1,069.60) be awarded to them as costs on appeal.



Brian D. McDaniel
Law Office Of Brian McDaniel, LLC
Post Office Box 2085
Beaufort, South Carolina 29901
SC Bar # 68618
(843) 379-5117

Attorney for the Respondent
March 22, 2017

Other Counsel of Record:
Charles W. Thomson, Esq.
Glynn L. Capell, Esq.
The Capell Law Firm, LLC
Post Office Box 6628
Hilton Head Island, SC 29938

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AFFIDAVIT OF ATTORNEY'S FEES

1. I am over Eighteen (18) years of age, am a resident of Beaufort, South Carolina.
2. That I am the attorney for Stewart and Christina Hines, the Defendants/Respondents in the above captioned matter;
3. That my attorney's fees are One Hundred Ninety-Five (\$195.00) Dollars per hour to handle the appeal of this matter;
4. I have spent not less than 5.2 hours in attorney time in handling the above captioned matter during the appeal;

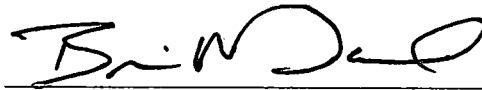
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5. I have incurred other costs and expenses, including costs for copying of the final brief in this matter of \$69.60.

6. That my attorney's fees charged to the Defendants/Respondents to handle the appeal in this matter are in excess of \$1,000.00.

7. That the Court of Appeals has Affirmed the judgment against the Plaintiff/Appellants.

Further Affiant Sayeth not

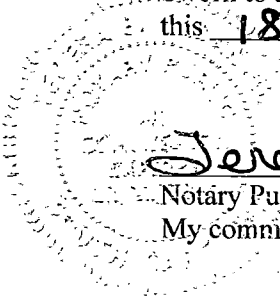
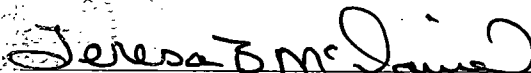


Brian McDaniel

Date: November 18, 2016

Beaufort, South Carolina

Sworn to and subscribed before me
this 18th day of November, 2016

Notary Public for South Carolina

My commission expires: 12-21-19

**FORM 17
ITEMIZED STATEMENT OF COSTS**

THE STATE OF SOUTH CAROLINA
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Appellate Case No 2015-001988

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Mark and Elizabeth Heil)
Appellants)
)
v.)
)
Stewart and Christina Hines and)
Sam Imler d/b/a/ Sam's Tree Service)
)
Stewart and Christina Hines,)
Respondents)

FORM 17
ITEMIZED STATEMENT
OF COSTS

The Appellate Court is requested to tax the following costs against

Mark and Elizabeth Heil, the Plaintiffs/ Appellants
(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	425	.1637	\$69.60	
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				
Attorney's Fee Provided By Rule 222(b), SCACR		\$195.00/hr	\$1,000.00	
Other (specify and explain):				

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	\$1069.60	

I, Brian McDaniel, 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/served upon) opposing counsel.

Brian McDaniel
(Signature)

Attorney for Stewart and Christina Hines, Respondents

Subscribed and sworn to before me this 18th day of November, 2016.

Jessica B. McDaniel

Notary Public for South Carolina

My Commission Expires: 12/21/19

(Seal)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Perry M. Buckner Circuit Court Judge

Case No. 2013-CP-07-1231
Appellate case No. 2015-001988

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Mark Heil and Elizabeth Heil,

Appellants,

v.

Stewart Hines and Christina
Hine and Sman Imler d/b/a
Sam's Tree Service

Defendants


Of whom Stewart Hines and
Christina Hines are the

Respondents.

PROOF OF SERVICE

I certify that I have served the March 22, 2017 Motion for Costs of the Respondent on Mark and Elizabeth Heil by depositing a copy of it in the United States mail, postage prepaid, on March 23, 2017, addressed to their attorney of record, Charles W. Thomson, Esq., Glynn L. Capell, Esq. The Capell Law Firm, LLC, Post Office Box 6628, Hilton Head Island, SC 29938.

March 23, 2017



Teresa McDaniel
Legal Assistant
Law Office of Brian McDaniel, LLC
Post Office Box 2085
Beaufort, South Carolina 29901
(843) 379-5117
Attorney for Respondents

Other Counsel of Record:

Charles W. Thomson, Esq.
Glynn L. Capell, Esq.
The Capell Law Firm, LLC
Post Office Box 6628
Hilton Head Island, SC 29938



Law Office of
BRIAN McDANIEL, LLC

bmcDaniel@attorneymcdaniel.com

VIA US MAIL

March 22, 2017

The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629

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**RE: Mark and Elizabeth Heil, Appellents v.
Stewart and Christina Hines, Respondents;
Appellate Case No. 2015- -001988.**

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the **Respondents' Motion For Costs**, and the original of the **Proof of Service** for filing in the above referenced case. A check for the \$25.00 filing fee was previously provided and by letter of November 23, 2016 your clerk informed me that it would not be necessary to pay that filing fee again. Please let me know if that is incorrect.

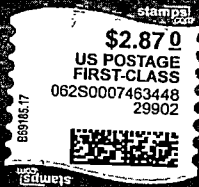
Also enclosed is an additional copy of the documents and a stamped, self-addressed envelope which I would appreciate you returning to my office after filing. Thank you.

Sincerely,

Brian D. McDaniel
Law Office of Brian McDaniel, LLC
Attorney for Respondents
SC Bar # 68618

Enclosures

cc: Charles W. Thomson, Esquire
Glynn L. Capell, Esquire
The Capell Law Firm, LLC
Post Office Box 6628
Hilton Head Island, SC 29938



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<p>Law Office of Brian McDaniel, LLC www.attorneymcdaniel.com Post Office Box 2085 Beaufort, South Carolina 29901</p>
<p>To: The Honorable Jenny Abbot Kitchings South Carolina Court of Appeals Post Office Box 11629 Columbia, South Carolina 29211-1629</p>

FIRST CLASS MAIL

