

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Marvin H. Dukes, Master in Equity

Appellate Case No. 2014-002290

RECEIVED

APR 26 2017

SC Court of Appeals

JMT Capital Holdings, LLC, Plaintiff,

v.

VDM/T Land Company, LLC, and Daufuskie Island Properties,
LLC, Defendants,

and

Daufuskie Island Properties, LLC,
and its successor in interest, Ace
Basin Investments, LLC, Appellant,

v.

Raymond Travaglione, Respondent.

Appellate Case No. 2014-002290

**APPELLANT'S RETURN TO
RESPONDENT'S MOTION FOR COSTS**

Respondent Raymond Travaglione seeks to tax costs against Appellant Daufuskie Island Properties, LLC and its successor in interest, Ace Basin Investments LLC, following this Court's dismissal of the Appeal. Respondent's motion must be denied as it is untimely.

Respondent's application is untimely, and must be denied for failure to comply with South Carolina Rule of Appellate Procedure 222(d). Pursuant to Rule 222(d), a Motion for Costs must be filed and served within fifteen (15) days of the issuance of the remittitur. S.C.R. App. Proc. 222(d). This honorable Court denied Appellant's appeal by order dated February 27, 2017. This made any Motion to Tax Costs due to be filed and served on or before March 14, 2017. The present Motion was filed and served April 11, 2017, making it nearly a full month late. As such, Appellant respectfully requests that this Motion be dismissed as untimely under Rule 222(d).

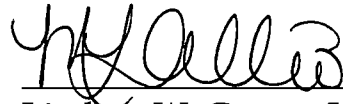
For the foregoing reasons, Respondent's Motion for Costs must be denied.

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Respectfully submitted,



Lindsey W. Cooper Jr. (SC Bar 75712)
Margarete L. Allio (SC Bar 100532)
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LLC
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Attorneys for the Appellant

April 23, 2017
Charleston, South Carolina

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PROOF OF SERVICE

I hereby certify that on this date I served copy of **Appellant's Return to Respondent's Motion for Costs** on counsel for all parties by placing copies of same in the United States Mail, first-class postage prepaid addressed to:

Kirby Darr Shealy, III
Adams and Reese LLP
P.O. Box 2285
Columbia, SC 29201
Tel: (803) 254-4190

Attorneys for Raymond Travaglione

A handwritten signature in black ink, appearing to read 'M. Allio', written over a horizontal line.

Margarete L. Allio
Counsel to Appellant Daufuskie
Island Properties, LLC and its
successor in interest Ace Basin
Investments, LLC

April 23, 2017



LINDSEY W. COOPER JR.

LWC@LWCOOPER.COM

April 23, 2017

VIA U.S. MAIL & FACSIMILE

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
Fax: 803.734.1839

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SC Court of Appeals

Re: JMT Cap. Hldgs, LLC v. VDM/T Land Co., et al., LLC,
Appellate Case No. 2014-002290.

Dear Ms. Kitchings:

Enclosed please find one original and seven copies of Appellant Daufuskie Island Properties, LLC and its successor in interest, Ace Basin Investments, LLC's Return to Respondent's Motion for Costs and Proof of Service of same. Please time stamp one copy and return it to this office in the prepaid, preaddressed envelope enclosed. If you have questions, please contact me at 843.375.6622.

Many thanks.

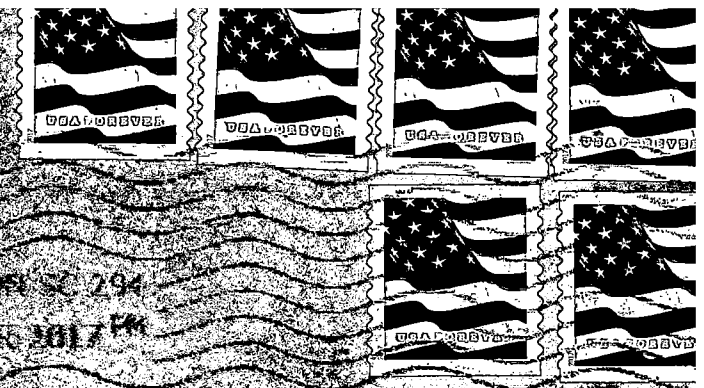
Sincerely,

Margarete L. Allio

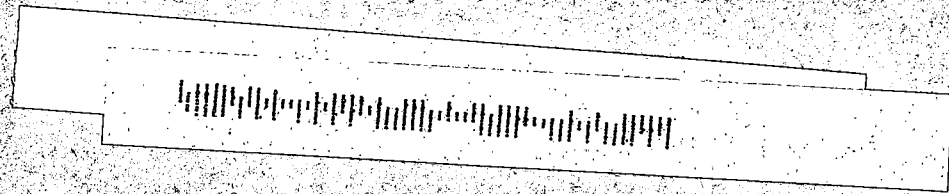
Enclosures: As stated.

cc (via first-class mail):
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20 Broad Street
Charleston, SC 29401



CHARLESTON SC 294
MAY 14 2PM 2017



Honorable Jerry A. Kitchens
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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