

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Marvin H. Dukes, III

Appellate Case No. 2015-001813
Lower Case No. 2014-CP-07-1732

RECEIVED
JAN 26 2018
SC Court of Appeals

Marilyn W. Bunn, a person non compos mentis by and through her guardian, Denise Suddes, and Margaret Bunn Lochmandy Respondents,

v.

Douglas S. Delaney, as Trustee and in his individual capacity, Alan Wilson, the South Carolina Attorney General, Sacred Heart-Griffin High School, St. Joseph’s Home, Quincy University, Notre Dame, The Lawrenceville School, All Saints Catholic Church, and Habitat for Humanity c/o All Saints Catholic Church Defendants,

Of Whom Douglas S. Delaney is the Appellant.

RESPONDENTS’ MOTION FOR COSTS AND FEES ON APPEAL

Respondents, by and through its counsel, pursuant to Rules 222 and 240 of the South Carolina Appellate Court Rules, hereby make this motion for costs and fees on appeal. This motion is supported by the attached affidavit of attorney Robert E. Sumner, IV and the itemized statement of costs and fees.

Respondents filed a Motion for Partial Summary Judgment (the “Motion for Summary Judgment”) on November 3, 2014. A hearing on the Motion for Summary Judgment was conducted on March 16, 2015. On April 30, 2015, Master-in-Equity, Marvin H. Dukes, III, sitting

as a Special Circuit Judge for the Fourteenth Judicial Circuit, issued a written order, granting partial summary judgment on the issue of removal of Douglas S. Delaney (“Delaney”) as the successor independent trustee of the John M. and Marilyn W. Bunn Charitable Remainder Trust u/a/d December 16, 1993 (the “CRT”) without cause under the terms of the CRT (the “April 30, 2015 Order”). Subsequently, on August 20, 2015, Delaney filed its Notice of Appeal of the April 30, 2015 Order with the Court of Appeals. The matter was briefed and submitted to the Court of Appeals on the record and briefs. On November 22, 2017, the Court of Appeals affirmed as modified the April 30, 2015 Order, granting partial summary judgment.

Delaney filed a motion for an extension of time to file a petition for rehearing. The Court of Appeals granted Delaney an extension until December 22, 2017, to file his petition for rehearing. Delaney never filed a petition for rehearing with the Court of Appeals. Remittitur followed on January 10, 2018.

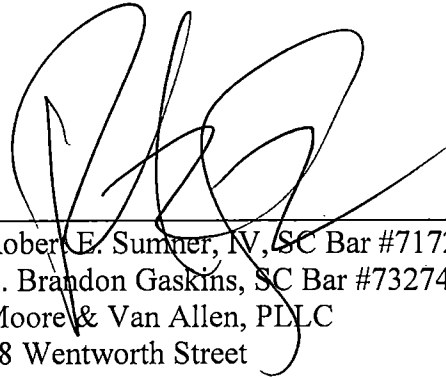
Now, therefore, pursuant to Rule 222, SCACR, Respondents now seek reimbursement for the following costs:

1. the cost of court reporter’s transcript of hearing;
2. the cost of printing Respondents’ Final Brief; and
3. the attorneys’ fee award under Rule 222, SCACR.

In support of this motion, counsel for Respondents has submitted an affidavit and itemized statement of costs, thereby swearing to these exact costs incurred on appeal. Furthermore, Respondents seek reimbursement for attorneys’ fees in the amount of \$1,000.00 under Rule 222(b), SCACR, as stated in the affidavit and itemized statement of costs as well.

Wherefore, in consideration of the above, Respondent seeks reimbursement for the total costs of \$212.83 which were incurred during this appeal, attorneys’ fees in the amount allowed of \$1,000.00, and any such further relief the Court deems appropriate.

This the 24th day of January 2018.



Robert E. Sumner, IV, SC Bar #71728
E. Brandon Gaskins, SC Bar #73274
Moore & Van Allen, PLLC
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Charleston, SC 29413-2828
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brandongaskins@mvalaw.com

Attorneys for Respondents

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Of Whom Douglas S. Delaney is theAppellant.

**AFFIDAVIT IN SUPPORT OF RESPONDENTS’ MOTION
FOR COSTS AND FEES ON APPEAL**

PERSONALLY appeared before me, Robert E. Sumner, IV, who, being duly sworn, on oath, deposes and says that:

1. I am over eighteen (18) years old. I am competent to give this Affidavit, and it is based upon my own personal knowledge.

2. I am familiar with the costs and fees incurred by Respondents in the appeal process in this matter before the Court of Appeals.

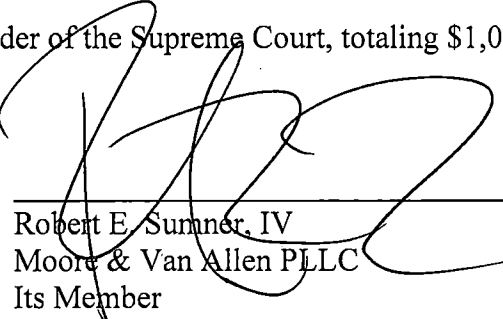
3. Pursuant to Rule 222, SCACR, Respondents seek reimbursement for the following costs:

- a. The cost of court reporter's transcript of hearing: \$134.80; and
- b. The cost of printing or copying Respondent's Final Brief: \$78.03.

4. The aforesaid costs in the total amount of \$212.83 are more fully exhibited by the Court's Itemized Statement of Costs and Fees.

5. Respondents seeks recovery of the attorney fee award provided for in Rule 222(b), SCACR, in the amount set for by order of the Supreme Court, totaling \$1,000.

Further, the Affiant sayeth naught.



Robert E. Sumner, IV
Moore & Van Allen PLLC
Its Member

SWORN to before me this 24th
day of January 24, 2018

Wendy S. Stockhausen
Notary Public of South Carolina
My commission expires: 05-12-2024

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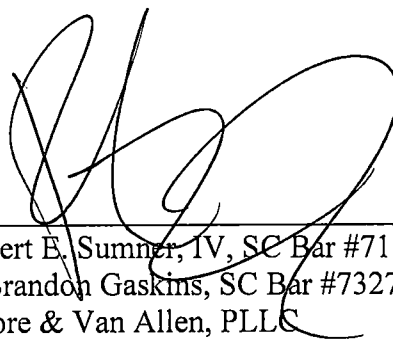
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Of Whom Douglas S. Delaney is the Appellant.

PROOF OF SERVICE

This is to certify that I have this day served counsel for the Appellant in the foregoing matter with a copy of the foregoing ***Respondents' Motion for Costs and Fees on Appeal***, and by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

Sean Michael Bolchoz, Esquire
Bolchoz Law Firm, PA
6 Buckingham Plantation Drive, Suite B
Post Office Box 828
Bluffton, South Carolina 29910
(843) 836-3033



Robert E. Sumner, IV, SC Bar #71728
E. Brandon Gaskins, SC Bar #73274
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Telephone: (843) 579-7000
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E-mail: robertsumner@mvalaw.com
brandongaskins@mvalaw.com

Attorney for Respondents

January 24, 2018
Charleston, South Carolina

January 24, 2018

Moore & Van Allen

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

Robert E. Sumner, IV
Attorney at Law
T 843 579 7018
F 843 579 8743
robertsumner@mvalaw.com

Re: Marilyn W. Bunn v. Douglas S. Delaney, et al.
Appellate Case No. 2015-001813
MVA File No. 038025.1

Moore & Van Allen PLLC
78 Wentworth St.
Charleston, SC 29401-1428

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

Dear Ms. Kitchings:

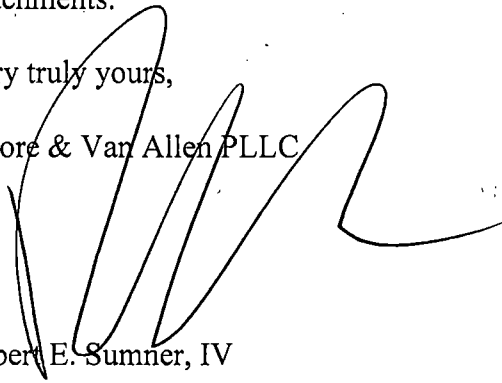
With regard to the above-referenced action, enclosed for filing please find the original and seven (7) copies of **Respondents' Motion for Costs and Fees on Appeal, Itemized Statement of Costs and Fees, Affidavit in Support of Motion and Proof of Service**. Also, enclosed please find a check in the amount of \$25.00 for the requisite filing fee.

Please file the originals and return a file stamped copy of each in the stamped, self-addressed envelope enclosed.

By copy of this letter, we are serving Appellant's attorney with a copy of the Motion and attachments.

Very truly yours,

Moore & Van Allen PLLC


Robert E. Sumner, IV

RES/ws

Enclosures

cc w/enc.: Sean Michael Bolchoz, Esquire

Charlotte, NC
Research Triangle Park, NC
Charleston, SC

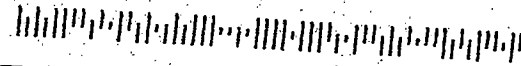
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