

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2014-001384

RECEIVED
FEB 06 2018
SC Court of Appeals

FV-I, Inc., in trust for Morgan Stanley Mortgage
Capital Holdings LLC Respondent,

vs.

Byron J. Dolan; Lisa S. Dolan; First Citizens Bank and
Trust Company, Inc.; Wells Fargo Bank, N.A.; Branch
Banking and Trust Company Defendants,

Of whom

Byron J. Dolan and Lisa S. Dolan, are Appellants.

RESPONDENT'S MOTION FOR COSTS ON APPEAL

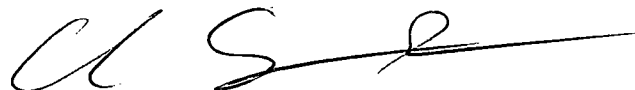
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February 6, 2018

Respondent FV-I, Inc., in trust for Morgan Stanley Mortgage Capital Holdings LLC (“Respondent”) hereby moves for the mandatory taxation of \$1,000 in attorney’s fees against Appellants Byron J. Dolan and Lisa S. Dolan. Rule 222(a), SCACR (“Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.”)(emphasis added); Rule 222(b), SCACR (“[T]he party shall be entitled to recover an attorney’s fee in an amount which shall be set by order of the Supreme Court.”)(emphasis added).

On January 11, 2017, the Court affirmed the jury verdict and directed verdict that Appellants appealed from. On January 12, 2018, the South Carolina Supreme Court denied Appellants’ Petition for a Writ of Certiorari. Therefore, Respondent is entitled to taxation of \$1,000 in attorney’s fees against Appellants Byron J. Dolan and Lisa S. Dolan and respectfully requests an Order of the Court to that effect.

Respectfully submitted,



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Capital Holdings LLC.....Respondent,

vs.


Byron J. Dolan; Lisa S. Dolan; First Citizens Bank and
Trust Company, Inc.; Wells Fargo Bank, N.A.; Branch
Banking and Trust CompanyDefendants,

Of whom

Byron J. Dolan and Lisa S. Dolan, are..... Appellants.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **RESPONDENT'S MOTION FOR COSTS ON APPEAL and ITEMIZED STATEMENT OF COSTS** on Appellants Bryon J. Dolan and Lisa S. Dolan and other Defendants by depositing copies of it in the United States Mail, postage prepaid, on February 6, 2018, addressed to its attorneys of record shown on the attachment listing Other Counsel of Record.



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Other Counsel of Record:

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LICENSED IN SOUTH CAROLINA



February 6, 2018

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VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals Clerk of Court
1015 Sumter Street
Columbia, South Carolina 29201

RE: FV-I, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC v. Bryon J. Dolan; Lisa S. Dolan; First Citizens Bank, Wells Fargo Bank, N.A., Branch Banking and Trust Company
Appellate Case # 2014-001384
Our file: 511792.00355

Dear Ms. Kitchings:

Enclosed are the original and seven (7) copies of the Respondent's Motion for Costs on Appeal and Itemized Statement of Costs, along with a Proof of Service. Please return a filed copy of the document to me. Also included is my firm's check for \$25 representing the filing fee.

By copy of this letter, I am serving a copy of the Respondent's Motion for Costs on Appeal and Itemized Statement of Costs, along with a Proof of Service on all parties to this appeal.

Thank you for your assistance in this matter.

With kind personal regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to be "CSG", written over a light blue horizontal line.

Charles S. Gwynne Jr.

/ow
Enclosures as stated

cc:

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