

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

Appeal from Dorchester County  
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2015-000599

**RECEIVED**

FEB 07 2018

SC Court of Appeals

Live Oak Village Homeowners Association, Inc.; Jennifer  
McFarland; Carlton Holcombe; and Ute Holcombe, Plaintiffs,

Of whom Live Oak Village Homeowners Association,  
Inc.; Jennifer McFarland; and Carlton Holcombe are Appellants,

v.

Thomas Morris; David Hannemann;  
Sofia Mazell; and Michael Mazell, Respondents.

Sofia Mazell and Michael Mazell, Third-Party Plaintiffs,

v.

William McFarland, Third-Party Defendant.

**APPELLANTS' RETURN TO MAZELLS' MOTION FOR COSTS**

YOUNG CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
Russell G. Hines (SC Bar No. 72100)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*Counsel for Appellants*

By and through their undersigned counsel, Appellants, Live Oak Village Homeowners Association, Inc., Jennifer McFarland, and Carlton Holcombe, make this return in opposition to the motion for costs on appeal by Respondents Sofia and Michael Mazell (the “Mazells”):

1. The Mazells seek an award of costs on appeal pursuant to Rule 222, SCACR.<sup>1</sup>

2. In pertinent part, Rule 222(a) provides as follows:

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. When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise. *When an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court.*

(emphasis added).

3. Here, the appeal was “**AFFIRMED IN PART, REVERSED IN PART.**” (Unpublished Op. No. 2016-UP-519) (emphasis in original.)

4. Given the mixed result in this appeal—partial affirmance, partial reversal—it is equitable for the Court to refrain from awarding costs on appeal in favor of or against any party and to simply leave the parties to bear only their own respective costs.

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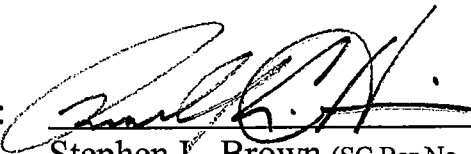
<sup>1</sup> Specifically, they seek a total award of \$1,083.34.

**CONCLUSION**

For the foregoing reasons, Appellants ask the Court to deny the Mazells' motion for costs.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

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Russell G. Hines (SC Bar No. 72100)

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*Counsel for Appellants*

Charleston, South Carolina

Dated: 2/5/18

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\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

YOUNG CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
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*Counsel for Appellants*

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Appellants, hereby certify that the foregoing **APPELLANTS' RETURN TO MAZELLS' MOTION FOR COSTS** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on February 5, 2018, properly posted for delivery to the following addressees:

Graham P. Powell, Esquire  
William W. Watkins, Jr., Esquire  
Wall Templeton & Haldrup, P.A.  
P.O. Box 1200  
Charleston, SC 29402

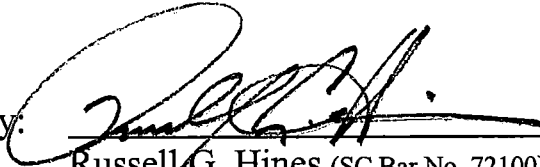
William B. Jung, Esquire  
William B. Jung, Esq., LLC  
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Mount Pleasant, SC 29464  
*Counsel for Respondents Mazell*

*-and-*

Lydia P. Davidson, Esquire  
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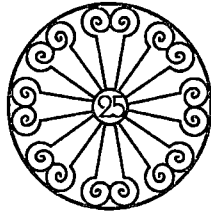
*Counsel for Respondents  
Morris and Hannemann*

Respectfully submitted,  
YOUNG CLEMENT RIVERS, LLP

By:   
\_\_\_\_\_  
Russell G. Hines (SC Bar No. 72100)  
*Counsel for Appellants*

Charleston, South Carolina

Dated: 2/5/18



# YCR LAW

Kathleen B. Barnes  
Secretary

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February 5, 2018

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

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FEB 07 2018  
SC Court of Appeals

Re: Live Oak Village Homeowners Association, Inc., Jennifer McFarland and Carlton Holcombe v. Thomas Morris, David Hanneman, Sofia Mazell and Michael Mazell  
Appellate Case No. 2017-001031  
Case No.: 2012-CP-18-02583  
YCR File: 15508-20150492

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Appellants' Return to Mazells' Motion for Costs and the original and one copy of the Proof of Service for the same. Please file the originals and return court-stamped copies of each document to me in the enclosed envelope.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Kathleen B. Barnes  
Secretary

Enclosures

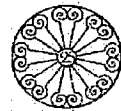
cc: Graham P. Powell, Esquire, Wall Templeton & Haldrup, P.A.  
William W. Watkins, Jr., Esquire, Wall Templeton & Haldrup, P.A.  
William B. Jung, Esquire, William B. Jung, Esq., LLC  
Lydia P. Davidson, Esquire, Krawcheck & Davidson, LLC

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