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THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

**RECEIVED**  
FEB 15 2018  
SC Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Honorable R. Knox McMahon, Circuit Court Judge

Case No. 2013-CP-21-1334 and Case No. 2013-ES-21-190  
Appellate Case No.: 2013-002810

In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith,.....Appellant,

v.

Judy Smith Jones, Jacqueline Brown, James Ervin Smith  
Timothy David Smith, Jamie Smith and Mikie Smith, Defendants

Of whom Judy Smith Jones is the.....Respondent.

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**MOTION FOR COSTS UNDER RULE 222, SCACR**

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Respondent Judy Smith Jones moves, pursuant to Rule 222, SCACR, for an award of costs and attorney's fees incurred in responding to this appeal. Rule 222(a) provides that, unless otherwise ordered or agreed upon by the parties, costs shall be taxed against the Appellant when the lower court's judgment is affirmed. Rule 222(b), SCACR, entitles the prevailing party on appeal to recover costs actually incurred in responding to an appeal

including an attorney's fee award of Two Thousand Five Hundred and NO/100 (\$2,500.00) Dollars.<sup>1</sup> Accordingly, Respondent asks the Court to award it Two Thousand Six Hundred Thirty Three- and 80/100 (\$2,633.80) Dollars in costs and attorney's fees under Rule 222(b), SCACR. In support of our motion, we have attached an Itemized Statement of Costs, pursuant to Rule 222(b), SCACR. This award should be taxed against the Appellant, as the judgment in this case was affirmed by the South Carolina Court of Appeals on December 21, 2016 and the Appellant's Petition for Certiorari to the Supreme Court was denied February 1, 2018.

Respectfully submitted,

TURNER, PADGET, GRAHAM & LANEY, PA

By: 

J. René Josey, Esquire

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Florence, SC 29502-5478

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Florence, South Carolina

February 13, 2018

ATTORNEYS FOR THE RESPONDENT

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<sup>1</sup> Appellant petitioned for Certiorari thereby delaying any remittitur and the trigger to Respondent's corresponding right to move for costs. Certiorari was denied by the Supreme Court on February 1, 2018 thereby triggering remittitur and the Appellant's right to move for fees after the Supreme Court's Order of January 17, 2018 amending SCACR 222(b) to increase the allowed attorney's fee to \$2500.

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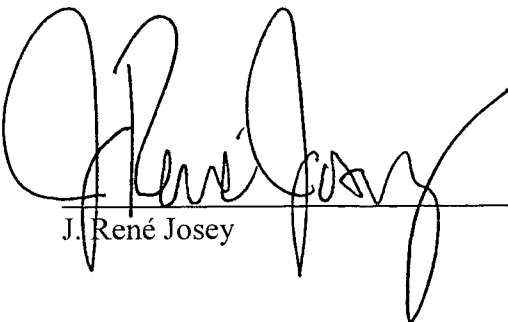
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**PROOF OF SERVICE**

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I certify that I have served a copy of the Respondent Judy Smith Jones' Motion for Costs and Itemized Statement of Costs on all counsel of record by depositing these copies in the United States Mail, postage prepaid on February 13<sup>th</sup>, 2018, addressed to counsel of record:

C. Mitchell Brown, Esquire  
William C. Wood, Jr., Esquire  
Miles E. Coleman, Esquire  
Post Office Box 11070  
Columbia, SC 29211

  
\_\_\_\_\_  
J. René Josey

Florence, South Carolina

# Turner | Padget

J. RENÉ JOSEY

REPLY TO: FLORENCE OFFICE  
E-MAIL: RJOSEY@TURNERPADGET.COM  
WRITER'S DIRECT DIAL: (843) 656-4451  
WRITER'S DIRECT FAX: (843) 413-5818

February 13, 2018

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SC Court of Appeals

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

Re: In the Matter of the Estate of Smith: Eris Gail Smith, Appellant v. Judy Smith  
Jones, Respondent  
Tracking No.: 2013-002810  
TPGL File No.: 12331.101

Dear Ms. Kitchings:

On behalf of the Respondent Judy Smith Jones, please find the original and seven copies each of our Motion for Costs, Itemized Statement of Costs, Proof of Service of the same on all counsel. We have also enclosed our firm's check in the amount of \$25.00 in payment of the filing fee for the Motion. We would appreciate your returning a filed copy of each document to us in the envelope provided. Thank you for your assistance in this matter.

By copy of this letter to counsel for the Appellant (C. Mitchell Brown, William C. Wood, Jr. and Miles E. Coleman, Nelson, Mullins Riley & Scarborough, LLP) we are herewith serving them with copies of all of these items as well. If you have any questions, please give us a call.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

J. René Josey

JRJ/cml  
Enclosures

Cc: C. Mitchell Brown, Esquire (w/enclosures)  
William C. Wood, Jr., Esquire (w/enclosures)  
Miles E. Coleman, Esquire (w/enclosures)  
Jeff L. Payne, Esquire (e-mail only)  
Judy Smith Jones (w/enclosures)

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P.O. Box 5478, Florence, SC 29502

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