

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Hon. Marvin H. Dukes, III, Master in Equity

Case No. 2014-CP-07-1435  
Ct. App. No. 2016-000637

**RECEIVED**

**JUL 28 2018**

**SC Court of Appeals**

Catwalk, LLC, Moondog, LLC, LET, LLC,  
Lost Parrot, LLC, Vacation Inn, LLC, SBM, LLC  
and South Beach Swimming Pool, Inc., ..... Appellants,

v.

Sea Pines South Beach Owners' Association, ..... Respondent.

**RESPONDENT'S MOTION FOR AWARD OF COSTS ON APPEAL**

Respondent Sea Pines South Beach Owners' Association ("Sea Pines"), pursuant to Rule 222, SCACR, respectfully moves for entry of an order taxing costs against Appellants. In support of this motion, Sea Pines would show as follows:

1. On March 23, 2016, Appellants appealed the circuit court's order granting summary judgment in favor of Sea Pines. On February 7, 2018, this Court affirmed the circuit court in an unpublished opinion, No. 2018-UP-069. Accordingly, Sea Pines is the prevailing party on appeal.
2. This Court denied Appellants' petition for rehearing on March 22, 2018.
3. The Supreme Court of South Carolina denied Appellants' petition for a writ of certiorari on June 27, 2018.
4. This Court issued its remittitur on June 29, 2018.

5. Sea Pines timely filed with the Supreme Court, and served on counsel for Appellants, an itemized statement of costs on July 6, 2018. The Supreme Court forwarded the bill of costs to this Court.

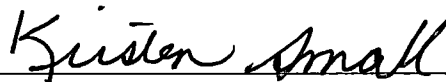
6. On July 16, 2018, this Court issued a deficiency notice instructing Sea Pines to serve and file a motion pursuant to Rule 222(d), SCACR, together with the filing fee of \$25, within ten days of the date of the letter (*i.e.* by July 26, 2018).

7. Sea Pines is entitled to an award of costs under Rule 222(a), SCACR, which provides that "costs shall be taxed against the appellant when the ... judgment on appeal is affirmed."

8. A sworn, itemized statement of costs is attached hereto as **Exhibit A** to this motion.

9. The judgment of the circuit court having been affirmed, Sea Pines requests that this Court tax costs against Respondents as set forth in Exhibit A.

Respectfully submitted,



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Kirsten E. Small  
J. Michael Jordan  
Nexsen Pruet, LLC  
55 East Camperdown Way (29601)  
Post Office Drawer 10648  
Greenville, SC 29603-0648  
PHONE: 864.370.2211  
FACSIMILE: 864.282.1177  
KSmall@nexsenpruet.com

*Attorneys for Respondent  
Sea Pines South Beach Owners' Association*

July 19, 2018  
Greenville, South Carolina

# **EXHIBIT A**

**FORM 17**  
**ITEMIZED STATEMENT OF COSTS**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Catwalk, LLC, Moondog, LLC, LET, LLC,  
Lost Parrot, LLC, Vacation Inn, LLC, SBM,  
LLC, and South Beach Swimming Pool, Inc.,  
Petitioners,

v.

Sea Pines South Beach Owners' Association,  
Inc.,  
Respondent.

The Appellate Court is requested to tax the following costs against

Catwalk, LLC, Moondog, LLC, LET, LLC, Lost Parrot, LLC, Vacation Inn, LLC, SBM, LLC,  
and South Beach Swimming Pool, Inc.,

(Name of Party)

| COSTS TAXABLE UNDER<br>RULE 222, SCACR           | NO. OF<br>PAGES                  | RATE                           | REQUESTED  | ALLOWED<br>(For Court<br>Use Only) |
|--------------------------------------------------|----------------------------------|--------------------------------|------------|------------------------------------|
| Cost of Printing or Copying<br>Final Brief       | 532 (28<br>pages x 19<br>copies) | .07 per<br>page (532<br>x .07) | \$37.24    |                                    |
| Cost of Printing or Copying<br>Final Reply Brief | NA                               |                                |            |                                    |
| Cost of Printing or Copying<br>Record on Appeal  | NA                               |                                |            |                                    |
| Filing Fee Paid Under Rule<br>203(d), SCACR      | NA                               |                                |            |                                    |
| Cost of Court Reporter's<br>Transcript           | NA                               |                                |            |                                    |
| Attorney's Fee Provided By<br>Rule 222(b), SCACR |                                  | \$2,500.00                     | \$2,500.00 |                                    |
|                                                  |                                  |                                |            |                                    |

|                                                     |    |       |            |  |
|-----------------------------------------------------|----|-------|------------|--|
| Other (specify and explain):                        | NA |       |            |  |
| COSTS TAXABLE UNDER<br>RULE 242(j), SCACR           | NA |       |            |  |
| Cost of Printing or Copying<br>Brief                | NA |       |            |  |
| Cost of Printing or Copying<br>Reply Brief          | NA |       |            |  |
| Cost of Printing or Copying<br>Appendix             | NA |       |            |  |
| Filing fee paid under Rule<br>242(c), SCACR         | NA |       |            |  |
| Attorney's fee provided by<br>Rule 242(j)(2), SCACR | NA |       |            |  |
| Other (specify and explain):                        | NA |       |            |  |
|                                                     |    | TOTAL | \$2,537.24 |  |

I, Kirsten E. Small, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.

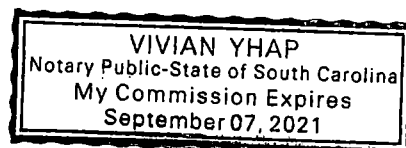
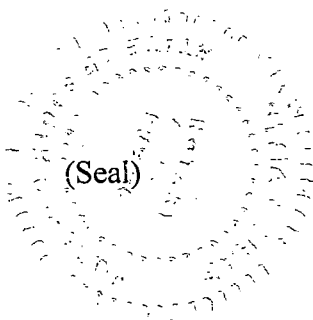
Kirsten Small  
(Signature)  
Attorney for Respondent

Subscribed and sworn to before me this 19th day of July, 2018.

Vivian Yhap

Notary Public for SC

My Commission Expires: 9-7-21



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and South Beach Swimming Pool, Inc., ..... Appellants,

v.

Sea Pines South Beach Owners' Association, ..... Respondent.

**Certificate of Service**

I certify that I have served the foregoing **Respondent's Motion for Award of Costs on Appeal** upon Appellants by depositing a copy of it in the United States Mail, postage prepaid, addressed to their counsel record:

Curtis L. Coltrane  
Coltrane & Wilkins  
P.O. Drawer 6808  
Hilton Head Island, SC 29938

July 19, 2016

  
Kirsten E. Small  
Nexsen Pruet, LLC  
P.O. Drawer 10648  
Greenville, SC 29603  
864.370.2211  
[KSmall@nexsenpruet.com](mailto:KSmall@nexsenpruet.com)

*Attorneys for Respondent Sea Pines South Beach  
Property Owners' Association, Inc.*

# NEXSEN|PRUET

**Kirsten E. Small**  
Member  
Admitted in SC, NC, MD

July 19, 2018

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211-1629

Re: *Catwalk, LLC, et al. v. Sea Pines South Beach Owners' Association, Inc.*, Appellate Case No. 2016-000637

Dear Ms. Kitchings:

Regarding the above-referenced case, enclosed please find the original and seven copies of Respondent's Motion for Award of Costs, as well as the Proof of Service. Please file the original and return a file-stamped copy in the enclosed, postage prepaid envelope. By copy of this letter, I have served counsel for Appellants/Petitioners, as indicated in the Proof of service.

Charleston

Charlotte

Columbia

Greensboro

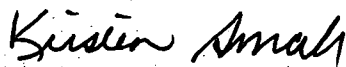
**Greenville**

Hilton Head

Myrtle Beach

Raleigh

Sincerely,



Kirsten E. Small

cc: Counsel of Record

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JUL 23 2018

SC Court of Appeals

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