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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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OCT 05 2018  
SC Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas  
The Honorable Roger M. Young, Sr.

Trial Court Case Nos.: 2014CP0801230, 2014CP0801231, 2014CP0801232  
Appellate Case No.: 2016-000521

Estate of John Fortney, deceased, by his duly appointed  
Personal Representative, Constance S. Fortney,.....Appellant,

v.

Berkeley Electric Cooperative,.....Respondent.

And

John Steven Robinson,.....Appellant,

v.

Berkeley Electric Cooperative,.....Respondent.

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BERKELEY ELECTRIC COOPERATIVE, INC.'S MOTION FOR COSTS

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ARGUMENTS AND AUTHORITIES


Pursuant to SCACR Rules 222 (a) and (b), Respondent Berkeley Electric Cooperative, Inc., hereby requests that the Court tax costs against Appellants John Steven Robinson and Estate of John Fortney, deceased, by his duly appointed

Personal Representative, Constance S. Fortney, as set forth in the accompanying sworn statement.

As set forth in Rule 222 (a) “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.” The judgment of the trial court in favor of Respondent was affirmed, and there is no order that costs not otherwise authorized be awarded.

### CONCLUSION

Based on the foregoing, Respondent Berkeley Electric Cooperative, Inc., respectfully request that the Court award costs as set forth in the sworn statement of J. Jay Hulst.



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J. Jay Hulst  
P.O. Box 1288  
Moncks Corner, SC 29461  
(843) 761-8232  
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Attorneys for Respondent  
Berkeley Electric Cooperative, Inc.

October 4, 2018

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SWORN STATEMENT IN SUPPORT OF RESPONDENT'S MOTION FOR  
COSTS


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The South Carolina Court of Appeals is requested to tax the following costs against  
Appellants, John Steven Robinson, and Estate of John Fortney, deceased, by his duly appointed  
Personal Representative, Constance S. Fortney.

**COSTS AT COURT OF APPEALS LEVEL**

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF BRIEFS	RATE PER BRIEF	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief-Court of Appeals	21	\$6.10	\$128.10	
Attorney's Fee Provided by Rule 222 (b), SCACR			\$2,500.00	
		<b>Total</b>	<b>\$2,628.10</b>	

I, J. Jay Hulst, do swear or affirm that the foregoing costs totaling \$2,628.10 are correct and were necessarily incurred in this action. A copy of this statement was mailed to opposing counsel.

  
\_\_\_\_\_  
J. Jay Hulst #71668  
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Moncks Corner, SC 29461  
(843) 761-8232  
Facsimile (843) 899-5834  
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Attorneys for Respondent  
Berkeley Electric Cooperative, Inc.

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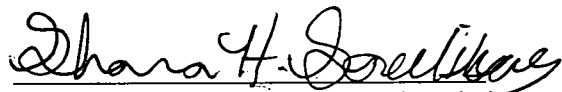
Berkeley Electric Cooperative,.....Respondent.

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PROOF OF SERVICE

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I certify that I have served Respondent's Motion for Costs and Sworn Statement in Support of Respondent's Motion for Costs on Appellants, by depositing a copy of said pleadings for service via Fed Ex Overnight Delivery on October 4, 2018, addressed to Appellants' counsel of record Kevin B. Smith, 7087 Rivers Avenue, North Charleston, SC 29406 and Don C. Keenan and Andrew Gould, 148 Nassau Street N.W., Atlanta, GA 30303.



Shanna H. Saulisbury, Paralegal  
Williams and Hulst, LLC

John B. Williams  
Jary J. Hulst

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# WILLIAMS AND HULST, LLC.

ATTORNEYS AT LAW



Appellate work  
Aviation law  
Business formation  
Commercial disputes  
Condemnation  
Construction law  
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Probate and estate matters  
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Wrongful death

October 4, 2018

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OCT 05 2018  
SC Court of Appeals

**VIA FED EX OVERNIGHT DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Estate of John Fortney v. Berkeley Electric Cooperative, Inc.  
Lower Court Case No.: 2014-CP-08-1230, 2014-CP-08-1231 and 2014-CP-08-1232  
Appellate Case No.: 2016-000521

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of Respondent, Berkeley Electric Cooperative, Inc.'s Motion for Costs and Sworn Statement in Support of Motion along with our firm's check in the amount of \$25.00 for the filing fee. I have also enclosed an original and two (2) copies of a Proof of Service.

Please return a filed copy of each document to me in the self-addressed stamped envelope provided. By copy of this letter I am serving counsel for the Petitioner with a copy of this Motion.

With kindest regards, I remain

Sincerely,

WILLIAMS AND HULST, LLC

J. Jay Hulst

JJH:shs

Enclosures as stated

cc: Kevin B. Smith, Esq.  
Don C. Keenan, Esq.  
Andrew Gould, Esq.  
(All via Fed Ex Overnight Delivery w/enclosures)