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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY  
S. JACKSON KIMBALL, SPECIAL CIRCUIT COURT JUDGE

Case Nos. 2015-CP-01409  
Appellate Case No.: 2016-001921

**RECEIVED**  
MAR 27 2020  
SC Court of Appeals

IN RE:

Deborah Dereede Living Trust  
dated December 18, 2013

Hugh Dereede and  
Tyre Dealer Network Consultants, Inc. .... Respondents,

v.

Courtney Feeley Karp, Individually and  
As Trustee of the Deborah Dereede Living  
Trust dated December 18, 2013

and Michael Fehily, as a qualified beneficiary  
of the Deborah Dereede Living Trust dated December 18, 2013.....Defendants,

Of which,

Courtney Feeley Karp, Individually and  
As Trustee of the Deborah Dereede Living  
Trust dated December 18, 2013 is .....Appellant.

**RESPONDENTS' MOTION FOR COSTS  
PURSUANT TO RULE 222, SCACR**

John P. Gettys, Jr.  
Daniel J. Ballou  
Morton & Gettys, LLC  
Post Office Box 707  
Rock Hill, SC 29731  
(803) 366-3388  
**Attorneys for Respondents**

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226 State St, West Columbia, SC 29169  
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**Attorneys for Petitioner**

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**Attorneys for Petitioner**

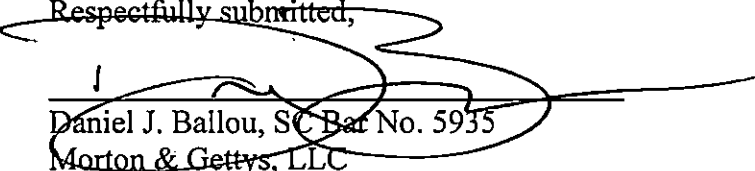
The Respondents Hugh Dereede and Tyre Dealer Network Consultants, Inc. (collectively, "Dereede") hereby move the Court for an Order taxing the Appellant with the Respondent's costs and the maximum attorney's fees allowable under Rule 222(b), SCACR associated with this appeal.

The Respondents would show that they sought distributions from a certain Trust of which Appellant is the trustee. The Appellant refused and the Respondents filed the instant action seeking a declaratory judgment as to the construction and interpretation of the Trust, and specifically as to whether the Appellant acted in good faith in refusing to convey specific assets to Respondents as directed by the Trust. The case was removed from Probate Court to the Circuit Court on May 12, 2015 and was heard by the Honorable S. Jackson Kimball on April 19, 2016. The Trial Court found that the Appellant had breached her fiduciary duty to Respondents and that the Respondents had probable cause to bring the case. The Trial Court also denied the Appellant's Motion for Reconsideration and awarded Respondents trial level attorney's fees on November 4, 2016. This appeal followed.

On November 8, 2016, Appellant appealed Judge Kimball's Order to the Court of Appeals. The parties filed Briefs and other documents as required by the South Carolina Appellate Court Rules. The Court of Appeals issued its opinion on April 10, 2019, affirming Judge Kimball's Order in all respects. A Petition for Rehearing was filed on April 25, 2019, which resulted in a Substitute Opinion being issued on July 3, 2019 substantially affirming Judge Kimball's Order in all respects. On August 2, 2019, Appellant filed a Petition for Writ of Certiorari, which was denied on March 12, 2020. The Remittitur was sent to the York County Clerk of Court on March 13, 2020.

As a matter of law, and in order to properly appeal this matter, the Respondents were required to obtain copies of transcripts, file duplicate copies of briefs, and file duplicate copies of a Record on Appeal, in order to properly present their appeal to the Court of Appeals and to the Supreme Court. Therefore, the Appellant would respectfully request that this Court tax the Respondents with the costs as set forth in the Statement of Costs attached hereto.

Respectfully submitted,

  
Daniel J. Ballou, SC Bar No. 5935  
Morton & Gettys, LLC  
Attorney for Respondents  
P.O. Box 707  
Rock Hill, SC 29731  
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Dan.ballou@mortongettys.com

March 26, 2020  
Rock Hill, South Carolina

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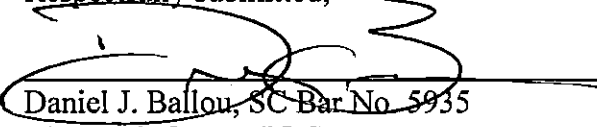
Of which,

Courtney Feeley Karp, Individually and  
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Trust dated December 18, 2013 is .....Appellant.

**PROOF OF SERVICE**

I certify that a copy of the within **APPELLANT'S MOTION FOR COSTS PURSUANT TO RULE 222, SCACR** was served upon the Respondents by depositing a copy of same in the United States Mail, postage prepaid, on the \_\_\_\_\_ day of March, 2020, to the attorneys for the Petitioner at the following addresses: Desa Ballard, Harvey M. Watson III, Ballard & Watson, 226 State St, West Columbia, SC 29169; and Peter J. Nosal, Thomas C. Jeter III, Nosal & Jeter, LLP, 852 Gold Hill Rd., Suite 201, Fort Mill, SC 29708.

Respectfully submitted,

  
Daniel J. Ballou, SC Bar No. 5935

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March <sup>26</sup>, 2020  
Rock Hill, South Carolina

MORTON & GETTYS  
ATTORNEYS AT LAW

RECEIVED

MAR 27 2020

SC Court of Appeals

March 26, 2020

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: *In re: Deborah Dereede Living Trust dated December 18, 2013*

Appellate Case Number: 2016-001921  
Morton & Gettys Matter #14-1418-40-G

Ms. Kitchings:

Enclosed please find the original and three copies of the Respondents' motion for costs on appeal, statement of costs and proof of service. Also enclosed please find our firm's check in the amount of \$50.00 (Fifty and 00/100 dollars) for the filing of the same. Please file the original and return the clocked copies in the self-addressed stamped envelope provided for your convenience.

Please do not hesitate to contact our office with any questions. Dan Ballou can be reached directly at 803-366-3457. With kind regards, I am

Sincerely,

  
Britney M. Mosteller  
Legal Secretary for Daniel J. Ballou

BMM/lm

enclosures

cc: CLIENT (via electronic mail)  
Pete Nosal, Esquire (via regular mail)  
Desa Ballard, Esquire (via regular mail)

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Certified Circuit Court Arbitrator & †

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and Probate Law ‡

Certified Specialist in Employment Law ‡

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SOUTH CAROLINA COURT OF APPEALS  
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COLUMBIA, SC 29201

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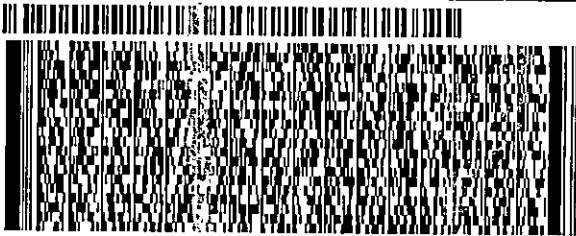
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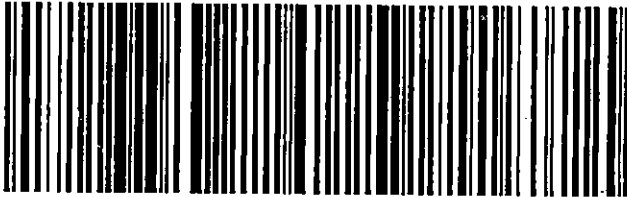
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