

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
OCT 14 2020  
SC Court of Appeals

APPEAL FROM HAMPTON COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2020-000504

In Re: Estate of Laura Brown:  
Alexa Naomi Garner Brown.....Appellant,

v.

St. Jude Apostolic Faith Church of God and Michael Brown.....Respondents.

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**RESPONDENTS' MOTION FOR FEES ON APPEAL**

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The Respondents herein, by and through their undersigned counsel, hereby move for attorney's fees on appeal, pursuant to Rule 222, SCACR. This motion is supported by the Itemized Statement of Costs, which is attached hereto as Exhibit A and incorporated herein by reference.

The Appellant filed her Notice of Intent to Appeal three final orders of the Hampton County Probate Court with the Hampton County Circuit Court on or about December 21, 2018.

Respondents subsequently filed a motion to dismiss Appellant's appeal to the Circuit Court; thereafter, a Form 4 Order, dated June 13, 2019, was issued denying the motion to dismiss and providing Respondents thirty (30) days within which to file their Respondents' Brief. Respondents timely filed their Respondents' Brief on or about July 12, 2019.

Pursuant to S.C. Code Ann. Section 62-1-308(f), the Appellant was required to serve the

Record on Appeal (“ROA”) within thirty (30) days after service of Respondent’s brief, or by no later than August 11, 2019; the Appellant did not file the ROA by August 11, 2019. Consequently, on or about August 15, 2019, Respondents moved for immediate dismissal of the Appellant’s appeal, due to the Appellant’s failure to file the ROA.

After a hearing held on December 18, 2019,<sup>1</sup> the Honorable Carmen T. Mullen entered an Order on December 30, 2019 dismissing the appeal. Appellant subsequently filed a motion to reconsider, which was denied via Order dated February 18, 2020. The Appellant filed her notice of appeal to the Court of Appeals on or about March 18, 2020.

By letter dated August 21, 2020, Appellant’s counsel was notified that this Court had not received any information regarding delivery of the transcript of the hearing before Judge Mullen, nor had the Court received the Appellant’s Brief or Designation of Matters, and, further, that if the Court was not advised as to the status of the transcript within ten (10) days, the appeal would be dismissed. On September 8, 2020, this Court entered an Order dismissing the appeal. The remittitur followed on September 30, 2020.

Now, therefore, pursuant to Rule 222, SCACR, Respondents move for and respectfully request an Order of this Court awarding Respondents attorney’s fees in the amount of \$2,500.00.

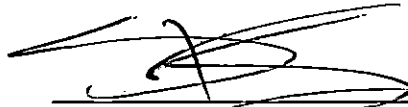
WHEREFORE, in consideration of the foregoing, Respondents seek recovery of their attorney’s fees, as well as any such other and further relief as this Court deems just and proper.

(Signature on next page following.)

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<sup>1</sup>Notably, the Appellant still had not filed the ROA by the time of the December 18 hearing.

Respectfully submitted,



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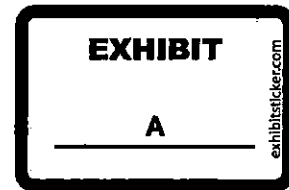
Sean Michael Bolchoz  
Bolchoz Law Firm, PA  
S.C. Bar No. 15860  
Post Office Box 22650  
Hilton Head Island, South Carolina 29925  
(843) 836-3033  
sbolchoz@bolchozlaw.com

Attorney for Respondents

October 8, 2020

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**FORM 17  
ITEMIZED STATEMENT OF COSTS**



THE STATE OF SOUTH CAROLINA  
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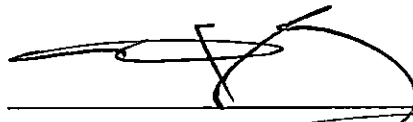
The Appellate Court is requested to tax the following costs against

St. Jude Apostolic Faith Church of God and Michael Brown (Name of Party)

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief				
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's Transcript				
Attorney's Fee Provided By			\$2,500.00	

Rule 222(b), SCACR				
Other (specify and explain):				
<b>COSTS TAXABLE UNDER RULE 242(j), SCACR</b>				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		<b>TOTAL</b>	<b>\$2,500.00</b>	

I, Sean Michael Bolchoz, 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.



(Signature)

Attorney for St. Jude Apostolic Faith Church of God and Michael Brown

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 2020.

Alain Perazallo

Notary Public for S.C.

My Commission Expires: 3/29/2028

(Seal)

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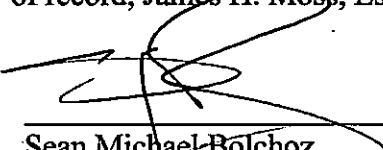
St. Jude Apostolic Faith Church of God and Michael Brown.....Respondents.

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**PROOF OF SERVICE**

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I certify that I have served Respondents' Motion for Fees on Appeal upon Appellant Alexa Naomi Garner Brown by depositing a copy of same in the United States Mail, postage prepaid, on October 8, 2020, addressed to Appellant's attorney of record, James H. Moss, Esquire.



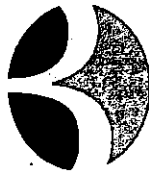
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Attorney for Respondents

October 8, 2020

I:\A to C Clients\Brown, Michael - LRS030\Court of Appeals\proof of service - motion for fees.wpd



**BOLCHOZ**  
**LAW FIRM, PA**  
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Sean Michael Bolchoz\*  
Attorney at Law  
\* Certified Circuit Court Mediator

**Mailing:**  
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**Telephone:** (843) 836-3033

**Physical:**  
6 Buckingham Plantation Drive, Suite B  
Bluffton, South Carolina 29910

October 8, 2020

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

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**RE: In Re: Estate of Laura Brown; Alexa Naomi Garner Brown, Appellant v. St. Jude Apostolic Faith Church of God and Michael Brown, Respondents**  
**Appellate Case No. 2020-000504**

Dear Ms. Kitchings:

Please find enclosed the original and one copy<sup>1</sup> each of the Respondents' Motion for Fees on Appeal and a Proof of Service for same, as well as our firm's check in the amount of \$50.00 for the filing fee. Please file the originals and return the clocked-copies to me via the enclosed, self-addressed stamped envelope.

With kind, personal regards, I am

Sincerely,

BOLCHOZ LAW FIRM, PA

*Alane Peragallo*

Alane A. Peragallo  
SENDER'S E-MAIL ADDRESS:  
ADMIN@BOLCHOZLAW.COM

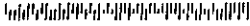
SMB/aap  
Enclosures

cc: James H. Moss, Esquire (w/encl.)  
Michael Brown

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<sup>1</sup>We have provided the original and only one copy (to be clocked and returned) pursuant to Paragraph (d) of the Supreme Court's Order of May 29, 2020 ("[A] document filed with the Supreme Court or Court of Appeals need not be accompanied by any additional copies.").



 **BOLCHOZ**  
LAW FIRM, PA  
PO Box 22650, Hilton Head, SC 29925-2650

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