

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Cynthia Sanders, Appellant

v.

William S. Smith, Respondant

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NOV 24 2020
SC Court of Appeals

RETURN TO MOTION

The Honorable Dorothy Mobley Jones, Family Court Judge


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In return to the motion filed for the appellate court on September 28th, 2020. According to the rule 222d, if the order is reversed, in part, the cost shall be allowed only as ordered by the appellate court. The respondent requests that the appellant's motion for cost and fees be denied. The appellant alleges that she has prevailed on her motion. However, under rule 222a, "unless otherwise ordered by the appellate court or agreed by the party, costs shall be taxed against the appellant when the appeal is dismissed or judgement on appeal is affirmed." When a judgement is reversed, costs shall be taxed against the respondent unless the court orders otherwise. When the appeal is affirmed, reversed in part, or is vacated costs shall be allowed only as ordered by the appellate court.

The equitable division of assets and debts was not listed as an issue on appeal. Division of Military Retired Pay and Survivor Benefits was not listed as an issue on appeal. The appellate court found that the family court did not err by denying the wife's motion to vacate the divorce decree and the court allowed the divorce to remain.

Given the circumstances and procedural history of this case as well as substantive case law, the respondent is informed and believed that he is entitled to attorney fees and his attorney fees should be paid by the appellant.

Submitted by,


Bonnie P. Horn.

Attorney for Respondent

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SC Court of Appeals

Appeal from Richland County Family Court

Dorothy Mobley Jones, Family Court Judge

Appellate Case No: 2017-001506

RETURN TO MOTION

Cynthia Marie Sanders.....Appellant

vs,

William S. Smith, Jr.....Respondent

CERTIFICATE OF SERVICE

I, Bonnie P. Horn, attorney for the Respondent, do certify that I have this day served a copy of the attached return to motion for Costs and Attorney's fees on counsel of record listed below by

causing same to be deposited in the United States Postal mail, postage prepaid, and as addressed
as follows:

Herbert E. Buhl, III
2204 Devine St.
Columbia, SC 29205

Columbia, South Carolina
November 23, 2020



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