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Nov 19 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 20-ALJ-17-0126-CC

APPELLATE CASE NO 2021-000808

Ennis M. Fant..... Appellant,

v.

Anderson County Assessor..... Respondent.

**AMENDED MOTION TO TAX COSTS AND TO FILE MOTION OUT OF TIME
PURSUANT TO RULE 222, SCACR**

Respondent Anderson County Assessor (“Respondent”) moves that Respondent’s costs on appeal be taxes against the Appellant and that this Motion be allowed out of time pursuant to Rules 222 and 263(b), SCACR. This motion is based on the South Carolina Court of Appeals Order filed October 14, 2021, granting Respondent’s Motion to Dismiss and the Itemized Statement of Costs attached hereto, and the attached letter from this Court.

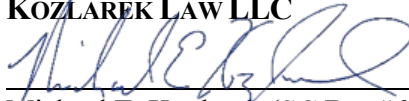
On October 14, 2021, this Court dismissed the Appellant’s appeal. On October 19, 2021, Respondent moved for costs pursuant to Rule 222, SCACR. On October 20, 2021, the clerk of his Court issued a letter stating that “[t]he motion has been filed prematurely pursuant to Rule 222, SCACR, which states that the motion for costs shall be filed within 15 days of issuance of the remittitur. The remittitur has not yet been sent in this case thus, your motion will not be acted on

at this time.” The remittitur in this case was filed on November 1, 2021. After the Court did not act on the Motion for Costs, Respondent’s counsel contacted the Clerk’s office to inquire as to the status of the Motion for Costs. At that time, counsel was told that Respondent needed to re-file the Motion for Costs. Because the letter had indicated that the Motion was not being considered at this time, Respondent had assumed that no re-filing would be required.

For these reasons, Respondent respectfully requests that this Court allow This Amended Motion for Costs to be filed.

[SIGNATURE PAGE AND PROOF OF SERVICE FOLLOW]
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Respectfully submitted,
KOZLAREK LAW LLC



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Attorneys for Respondent

November 19, 2021
Greenville, South Carolina

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Ennis M. Fant..... Appellant,

v.

Anderson County Assessor..... Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on November 19, 2021, he caused to be served a copy of the foregoing **Amended Motion to Tax Costs and to File Motion Out of Time Pursuant to Rule 222, SCACR** on all parties of record via electronic mail containing the above-referenced document to each counsel’s individual AIS email address pursuant to SC Supreme Court COVID Order 2020-05-29-01 as follows:

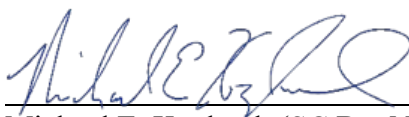
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November 19, 2021

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BY E-MAIL CTAPPFILINGS@SCCOURTS.ORG

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 1169
Columbia, South Carolina 29211


Re: Ennis Fant v. Anderson County Assessor
Appeal from Administrative Law Court
ALC Case No.: 20-ALJ-17-0126-CC
Appellate Case No.: 2021-000808

Dear Ms. Kitchings:

Enclosed please find Respondent's Amended Motion to Tax Costs and to File Motion Out of Time with Proof of Service. By copy of this correspondence, we are serving all parties of record with a copy of the attached documents.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Christie B. Satter

Enclosures: stated

Cc w/enc: Hannah Rogers Metcalfe, Esq. *(via email)*
Michael E. Kozlarek, Esq. *(via email)*
Kimila L. Wooten, Esq. *(via email)*
Leon C. Harmon, Esq. *(via email)*
Randall S. Hiller, Esq. *(via email)*