

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Ralph P. Stroman, Special Referee

Case Number: 2009-CP-26-12374
Appellate Case No. 2011-200106

RECEIVED

MAY 13 2013

S.C. SUPREME COURT

Bank of North Carolina,.....Respondent,

v.

Amy Breunig,.....Appellant.

MOTION FOR ATTORNEY'S FEES AND COSTS ON APPEAL

This Court affirmed the Special Referee's Order on April 10, 2013 and the Remittitur was issued on April 26, 2013. Pursuant to Rule 222 of the South Carolina Appellate Court Rules (SCACR), the undersigned hereby petitions this Court for an order requiring the Appellant to reimburse the Respondent for all costs incurred in connection with responding to this appeal and all attorney's fees incurred in connection with the response to this appeal. The grounds for this request are as follows.

Appellant served the Notice of Appeal for the above matter on September 27, 2011. The undersigned received the Initial Brief of the Appellant on January 18, 2012. The Respondent requested the transcript of the lower court proceeding and incurred the cost of

\$182.20 associated with the acquisition of this transcript. In addition, Respondent incurred a cost of \$66.69 in connection with the binding and preparation of the Final Brief of Respondent in this matter. In total, the Respondent incurred a total of two hundred forty-eight and 89/100 dollars (\$248.89) in costs associated with this appeal as indicated on the Itemized Statement of Costs attached hereto.

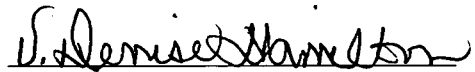
Additionally, the undersigned expended a significant amount of time doing research for and drafting the Respondent's brief in this matter, as well as preparing for oral argument. In total, counsel for the Respondent spent in excess of twenty (20) hours reviewing the necessary documentation, researching the relevant case law, composing the required brief on behalf of the Respondent, which brief ultimately ended up consisting of twenty (20) pages, and preparing for oral argument. Counsel for Respondent's normal billing rate for work of this type is two hundred dollars (\$200.00) an hour, which would leave counsel's bill for services in this matter well in excess of the amount noted in Footnote 1 of Rule 222, SCACR. Therefore, counsel for the Respondent respectfully requests that this Court issue an order requiring the Appellant to remit the amount of one thousand dollars (\$1,000.00) to the Respondent to cover the attorney's fees incurred in responding to this appeal.

Rule 222(a) of the South Carolina Appellate Court Rules states that "[u]nless 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." This Court affirmed the Special Referee's Order on April 10, 2013 and the Remittitur was issued on April 26, 2013. Fairness, equity, and the South Carolina Appellate Court Rules dictate that the Appellant should be responsible for the payment of the Respondent's attorney's fees and

all allowable costs incurred by the Respondent during this appeal.

Therefore, based upon the foregoing, the Respondent respectfully requests that this Court issue an order requiring the Appellant to remit one thousand dollars (\$1,000.00) to the Respondent to cover the attorneys' fees incurred in responding to this appeal, and to reimburse the Respondent for the two hundred forty-eight and 89/100 dollars (\$248.89) that Respondent incurred in costs on this appeal.

Respectfully Submitted,



V. Denise Hamilton, Esquire
Stacy L. Stanley, Esquire
STANLEY LAW FIRM
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Little River, South Carolina 29566
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Attorneys for Respondent

FORM 17
ITEMIZED STATEMENT OF COSTS

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Bank of North Carolina, Respondent,)	APPELLATE CASE NO.
)	2011-200106
v.)	
)	Civil Case No. 2009-CP-26-12374
Amy Breunig, Appellant,)	
)	

The Appellate Court is requested to tax the following costs against

Amy Breunig, Appellant

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	300	\$.08/page plus \$35.50 for binding plus \$7.19 tax	\$66.69	
Cost of Printing or Copying Final Reply Brief			n/a	
Cost of Printing or Copying Record on Appeal			n/a	
Filing Fee Paid Under Rule 203(d), SCACR			n/a	
Cost of Court Reporter's Transcript	38 pgs (record)	\$4.40/page (record), plus s&h of \$15.00	\$182.20	
Attorney's Fee Provided By Rule 222(b), SCACR		20 hours at \$200.00/hour	\$1,000.00	
Other (specify and explain):			n/a	

COSTS TAXABLE UNDER RULE 242(j), SCACR			n/a	
Cost of Printing or Copying Brief			n/a	
Cost of Printing or Copying Reply Brief			n/a	
Cost of Printing or Copying Appendix			n/a	
Filing fee paid under Rule 242(c), SCACR			n/a	
Attorney's fee provided by Rule 242(j)(2), SCACR			n/a	
Other (specify and explain):			n/a	
		TOTAL	\$1,248.89	

I, V. Denise Hamilton, Esquire, 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.

V. Denise Hamilton
(Signature)
Attorney for Respondent

Subscribed and sworn to before me this 10th day of May, 2013.

Jenay A. Huddle
Notary Public for SC

My Commission Expires: 2-20-18

(Seal)

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PROOF OF SERVICE

I, Renay Hardee, Paralegal with Stanley Law Firm, hereby certify that I have served the Motion for Attorney's Fees and Costs on Appeal and Itemized Statement of Costs on Appellant Amy Breunig by depositing a copy of it in the United States Mail, postage prepaid, on May 10, 2013, addressed to her attorney of record, William I. Diggs, 1700 Oak Street, Suite D, Myrtle Beach, South Carolina 29577.

Dated: May 10, 2013



Renay Hardee, Paralegal
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