

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC COURT OF APPEALS

APPEAL FROM DILLON COUNTY
Court of Common Pleas

Hubbard W. McDonald, Jr., Special Referee

Case No.: 2010-CP-17-00040

CitiMortgage, Inc.,.....Appellant,

v.

Mary Lee Johnson and City of Dillon,
of whom Mary Lee Johnson is theRespondent.

APPELLANT'S RETURN TO MOTION FOR COSTS


On January 30, 2013, Respondent's counsel filed and served a Motion for Costs as allowed by Rule 222, SCACR. The Motion seeks \$929.60 for transcript costs and attorney's fees in the amount of \$1,000.00 as provided by court rule. Appellant objects to the request for costs in the amount of \$929.60 on the following grounds:

- 1) Although a defendant in the lower court action by virtue of a lien of record, the City of Dillon was not a Respondent or Appellant in the current appeal;

- 2) The City of Dillon was invoiced the transcript charges in the amount of \$929.60 as evidenced by the invoice attached to Respondent's Statement of Costs;
- 3) The City of Dillon paid the transcript invoice in the amount of \$929.60 as evidenced by the copy of the City of Dillon General Fund Check number 28032 in the amount of \$929.60 dated April 8, 2011, made payable to Southern Reporting, Inc.
- 4) That, in addition to the amount being incurred and paid by a party not to the appeal, the amount was paid prior to the filing of the Notice of Appeal in the case. Moreover, as evidenced by letter of Respondent's counsel dated January 31, 2011 attached hereto as Exhibit A, the transcript was purportedly ordered to prepare the proposed lower court order and, therefore, any cost does not relate in any way to the appeal.

Appellant respectfully requests that the Court reduce the amount of costs requests by \$929.60 and for such other an further relief as may be appropriate.

RILEY POPE & LANEY, LLC



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Attorneys for Appellant

Columbia, South Carolina

February 5, 2013

CURRY & BYRD LAW FIRM, P.A.

107 South Third Avenue
P. O. Drawer 191
Dillon, South Carolina 29536

Telephone (843) 774-9075
Fax (843) 774-9072

Charles E. Curry

Janet Altman Byrd

January 31, 2011

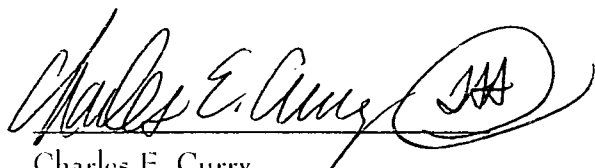
Honorable Hubbard McDonald, Jr.
Special Referee
P. O. Drawer 1315
Bennettsville, SC 29512

RE: Citi -v Johnson 2010-CP-17-040 (Hearing date: Monday, Nov 8, 2010)

Dear Judge McDonald:

This will confirm that your office called last week and asked that I prepare an Order in the above action. I will be happy to do this but feel that I must first obtain the transcript. By copy of this letter I am requesting that the reporter provide the transcript and am notifying Ms. Carey of my request. As soon as the transcript is received I will prepare the Order.

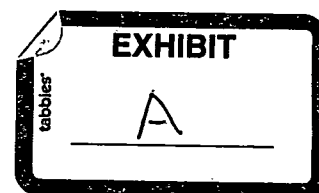
Yours truly



Charles E. Curry

CC: Heidi Carey, Esq. P. O. Box 11412, Columbia, SC 29211

Maryann S. Nevers, c/o Southern Reporting, Inc. 701 Gervais St., Suite 150-285,
Columbia, SC 29201



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CERTIFICATE OF SERVICE

This is to certify that I, Damon C. Wlodarczyk, an employee with the law firm of Riley Pope & Laney, LLC, have this day caused to be served upon the persons named below the attached **APPELLANT'S RETURN TO MOTION FOR COSTS** in the above-captioned matter via United States mail, first-class postage prepaid, to the following:

Charles E. Curry, Esquire
P. O. Drawer 191
Dillon, SC 29536

John D. McInnis, Jr., Esquire
P.O. Box 1188
Dillon, SC 29536

SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE



Damon C. Włodarczyk

Columbia, South Carolina

February 5, 2013

RILEY POPE & LANEY, LLC
ATTORNEYS AND COUNSELORS AT LAW

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(803) 799-9993

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February 5, 2013

(Via Hand Delivery)
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

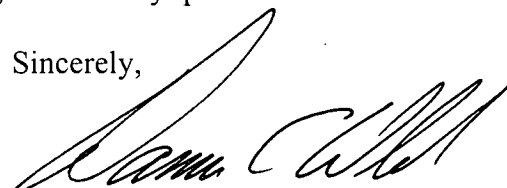
Re: CitiMortgage, Inc., Appellant, v. Mary Lee Johnson, Respondent, and City of Dillon
Case Tracking No.: 2011194786
Our File No.: 4008.08410

Dear Ms. Kitchings:

Please find enclosed for filing one (1) original and seven (7) copies of the Appellant's Return to Motion for Costs along with one (1) original and one (1) copy of Proof of Service in the above captioned case. Please return with my courier one (1) filed copy of the of the Return and Proof of Service.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



Damon C. Wlodarczyk

DCW/
Enclosures

cc: Charles E. Curry, Esquire
P. O. Drawer 191
Dillon, SC 29536

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