

The South Carolina Court of Appeals

Jo Ellen Johnson, Elaine Gaddis Neff, Grayson Roberts
Gaddis, C. Hampton Johnson, J. Harold Johnson,
Plaintiffs,

v.

Red Clay Development, LLC and Frank Warlick,
Defendants,

Of whom Jo Ellen Johnson is the Respondent

And

Frank Warlick is the Appellant.

Appellate Case No. 2021-001551

ORDER

This appeal was filed on December 31, 2021. On February 24, 2022, this court dismissed this appeal because Appellant failed to file a proof of service of the notice of appeal. The remittitur was sent on March 23, 2022. Respondent has now filed a motion for costs, pursuant to Rule 222, SCACR, seeking to recover \$500 in attorney's fees. Appellant did not file a return.

After careful consideration, the motion is granted. Although this appeal was dismissed very early in the appellate process, the court finds an award of \$500 in attorney's fees is appropriate. *See* Rule 222, SCACR (providing costs shall be taxed against the appellant when the appeal is dismissed and costs may include attorney's fees up to \$2,500). The Greenville County Clerk of Court is directed to add this award to the remittitur.



FOR THE COURT

Columbia, South Carolina

cc:

Frank M. Warlick

Bruce Wyche Bannister, Esquire

Luke Anthony Burke, Esquire

Paul B. Wickensimer

FILED
May 24 2022