

The South Carolina Court of Appeals

Gregory Cutlip, individually and as a member of the
Legends Property Owners Association, Inc. and Parkland
Property Owners Association, Inc., Respondent,

v.

LDY Properties, LLC, Estate and/or Trust of Larry D.
Young, Legends Property Owners Association, Inc.,
Parkland Property Owners Association, Inc., Legends
Properties, LLC, New Town Management, LLC, Michael
R. Latta, Marianne Johnson, Carl A. Rubano, Camden C.
McCarl, Robert L. Schechter, Richard Apolenis, John K.
Manley, Michael Marino, Legends Golf Holding, LLC,
Jigger Holding, LLC, and Daniel Larry Young, Jr.,
Defendants,

Of which LDY Properties, LLC; Larry D. Young;
Legends Properties, LLC; and Legends Golf Holding,
LLC are the Appellants.

Appellate Case No. 2022-000152

ORDER

This appeal was filed on February 10, 2022. On March 24, 2022, this court granted Respondent's motion to dismiss because the order on appeal was not immediately appealable. The remittitur was sent on April 11, 2022. Respondent has now filed a motion for costs, pursuant to Rule 222, SCACR, seeking to recover \$150 in filing fees and \$2,500 in attorney's fees. Appellant has not filed a return.

After careful consideration, we deny the motion in part and grant the motion in part. Rule 222(b), SCACR, provides only for the recovery of the filing fee associated with filing the notice of appeal. *See* Rule 222(b), SCACR (providing a party may recover "the filing fee paid under Rule 203(d)"). Accordingly,

Respondent is not entitled to recover \$150 in filing fees incurred in filing a motion to dismiss, motion to lift automatic stay, or motion for sanctions. Additionally, because this appeal was dismissed so early in the appellate process, Respondent is not entitled to the recovery of \$2,500.00 in attorney's fees. *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). Instead, we award Respondent \$1,000 in attorney's fees. The Horry County Clerk of Court is directed to add this award to the remittitur.



FOR THE COURT

Columbia, South Carolina

FILED
Jun 01 2022

cc:

Christopher Michael Ramsey, Esquire
Everett Augustus Kendall, II, Esquire
Renee Elvis