

RECEIVED

May 26 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely

Appellate Case No. 2021-001551

C. A. NO. 2020-CP-23-05762

Jo Ellen Johnson, Elaine Gaddis Neff, Grayson Robert Gaddis, Plaintiffs,

v.

Red Clay Development, LLC and Frank M. Warlick, Defendants, Respondents,

of whom Jo Ellen Johnson is the Respondent and Frank M. Warlick is Appellant.

PROOF OF SERVICE

The undersigned certifies that a true copy of the foregoing:

ORDER (Filed May 24, 2022)

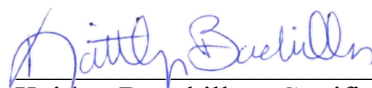
was this 26TH day of May, 2022, served upon the Appellant via U.S. Mail, with appropriate postage affixed thereto, with a copy to counsel of record via AIS e-mail,:

VIA U.S. MAIL

Frank M. Warlick
Post Office Box 3871
Greenville, SC 29608

VIA AIS E-MAIL

S. Allan Hill, Esquire
819 E. North St.
Greenville, SC 29601-2813
Email: ahill@greenvillelaw.net



Kaitlyn Bouchillon, Certified Paralegal
Bannister, Wyatt & Stalvey, LLC

24 Cleveland Street, Suite 100 (29601)
P.O. Box 10007
Greenville, SC 29603
Phone: 864-298-0084

BANNISTER, WYATT  STALVEY, LLC
ATTORNEYS AT LAW

O.W. BANNISTER | JOHN F. WYATT | JAMES W. BANNISTER | BRUCE W. BANNISTER | ALEX R. STALVEY

WILLIAM J. McDONALD | LUKE A. BURKE | MARCELO TORRICOS | J. ELIZABETH MCCOOL | RYAN W. PASQUINI

24 CLEVELAND STREET, STE. 100-29601 | PO BOX 10007-29603 | GREENVILLE, SC | PHONE: (864) 298-0084 | FAX: (864) 298-0146

May 26, 2022

VIA U.S. MAIL

Mr. Frank Warlick
P.O. Box 3871
Greenville, SC 29608

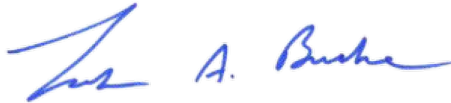
RE: Jo Ellen Johnson, et al. v. Red Clay Development, LLC, Frank Warlick
Appellate Case No.: 2021-001551

Dear Mr. Warlick:

Enclosed for service upon you, please find the **Order** on the Motion for Costs filed in the above matter on May 24th, 2022. Also enclosed is the **Proof of Service** for the same.

Thank you.

Yours truly,
BANNISTER, WYATT & STALVEY, LLC



Luke A. Burke

LAB/kb
Enc. (As Stated)

Cc: S. Allan Hill, Esquire (Via AIS E-mail)

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

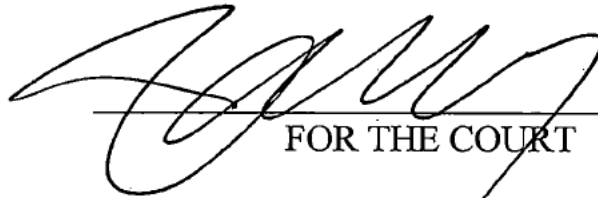
Frank Warlick is the Appellant.

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

Kaitlyn Bouchillon

From: Kaitlyn Bouchillon
Sent: Thursday, May 26, 2022 12:56 PM
To: Allan Hill
Cc: Luke Burke; Rebecca Jones
Subject: Jo Ellen Johnson, et al. v. Red Clay Development, LLC, Frank Warlick
Attachments: Ltr to pro se party re ORDER re MOT for Costs_20220526.pdf

Good afternoon!

Attached is a copy of the correspondence to Mr. Warlick sending him a copy of the Order granting our motion for costs in the appeal as well as a copy of the Order for your file.

Thank you.

Kindest regards,
Kaitlyn

Kaitlyn Bouchillon, CP
Certified Paralegal
Bannister, Wyatt & Stalvey, LLC
P. O. Box 10007 (29603)
24 Cleveland Street, Suite 100 (29601)
Greenville, South Carolina
Tel: 864/298-0084
Fax: 864/298-0146
E-mail: kbouchillon@bannisterwyatt.com
www.bannisterandwyatt.com

BANNISTER, WYATT  STALVEY, LLC
ATTORNEYS AT LAW

LEGAL DISCLAIMER The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this correspondence in error, please contact the sender and delete the material from any computer.