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**Oct 19 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from York County  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

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Appellate Case No. 2022-000580  
Circuit Court Case No. 2018-CP-46-03726

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The Grapevine of Riverwalk, Inc.,

Respondent,

v.

Riverwalk River District Building 6, LLC, Mark S. Mather, GRH  
Development Resources, LLC, The Greens of Rock Hill, LLC and  
Assured Administration, LLC,

Appellants.

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**RESPONDENT'S RETURN TO APPELLANTS' MOTION TO  
SUBSTITUTE SURETY BOND FOR CASH BOND**

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CLEMENT RIVERS, LLP  
Stephen L. Brown (SC Bar No. 66468)  
Russell G. Hines (SC Bar No. 72100)  
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(843) 720-5488

*Attorneys for Respondent*

Respondent, The Grapevine of Riverwalk, Inc., submits this return to Appellants' motion to substitute a surety bond in place of the \$950,000 cash bond currently on deposit with the trial court.

The current cash bond was deposited pursuant to the trial court's order of August 15, 2022. Before filing the instant motion in this Court, counsel for Appellants contacted counsel for Respondent to inquire if there would be any objection to substituting a surety bond for the cash bond. Respondent's counsel informed Appellants' counsel that Respondent's counsel would need to see a specimen of the proposed surety bond showing the issuing company, terms and conditions, and financial strength of the company issuing the surety bond to assess whether the proposed substitution of a surety bond in place of the current cash bond posed any threat of undue prejudice to Respondent's interests. To date, Respondent's counsel has not received any such information, only the instant motion.

Until the requested information is provided for review, Respondent is unable to consent to the proposed substitution of a surety bond in place of the current cash bond. The trial court obviously believed that the \$950,000 cash bond was sufficient to protect Respondent's interests, and no one can reasonably say that a surety bond from an as yet unknown company, with unknown terms and conditions, and unknown financial stability and/or strength is a proper substitute under the present

circumstances.

WHEREFORE, Respondent asks this Honorable Court to deny Appellants' Motion to Substitute Surety Bond for Cash Bond or, in the alternative, to postpone any decision on the motion pending Appellants providing Respondent the information reasonably necessary for Respondent to assess whether the proposed substitution of a surety bond in place of the current cash bond poses any threat of undue prejudice to Respondent's interests.

Respectfully submitted,

CLEMENT RIVERS, LLP

By: s/Stephen L. Brown

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*Attorneys for Respondent*

Charleston, South Carolina

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Appellants.

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**PROOF OF SERVICE**

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(843) 720-5488  
*Attorneys for Respondent*

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Respondent, hereby certify that the **RETURN TO APPELLANT'S MOTION TO SUBSTITUTE SURETY BOND FOR CASH BOND** was served on all other parties to this appeal on October 19, 2023, via email (see attached) to their following counsel of record:

Ian S. Ford, Esquire, [ian.ford@fordwallace.com](mailto:ian.ford@fordwallace.com)  
Ainsley F. Tillman, Esquire, [Ainsley.Tillman@FordWallace.com](mailto:Ainsley.Tillman@FordWallace.com)  
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CLEMENT RIVERS, LLP

By: s/Stephen L. Brown  
Stephen L. Brown  
*Attorneys for Respondent*

Charleston, South Carolina

October 19, 2023

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Thursday, October 19, 2023 2:36 PM  
**To:** 'Ainsley Tillman'; 'Ian Ford'  
**Cc:** Brown, Stephen L.; Hines, Russell; Justman, Aimee  
**Subject:** The Grapevine of Riverwalk, Inc. v. Riverwalk River District Building 6, LLC // Appellate Case No. 2022-000580 (CR 220062)  
**Attachments:** Return Motion to Substitute Surety Bond for Cash Bond.pdf

Enclosed please find Respondent's Return to Appellants' Motion to Substitute Surety Bond for Cash Bond for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



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