

**RECEIVED**

**Oct 25 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

The Honorable William A. McKinnon

---

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

---

The Grapevine of Riverwalk, Inc. ....Respondent,

v.

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

---

**APPELLANTS' REPLY, IN SUPPORT OF  
MOTION TO SUBSTITUTE SURETY BOND FOR CASH BOND**

---

Respondent's Return appears to have its sequence of events wrong, and Appellants would like to clarify to the Court that they did not file this Motion without first attempting to consult with opposing counsel. Almost a week before filing the Motion to Substitute Bond, the undersigned counsel corresponded with counsel for the Respondent, on September 19, 2023. (See Exhibit 1). However, no response was received to this attempt to consult. Thus, having received no response, Appellant filed this Motion six days later, on September 25, 2023. Only thereafter did Respondent contact Appellant

to discuss the concept of a “bond specimen.” In other words, and with all due respect to the memory of Respondent’s attorney, it was not until some time *after* the motion was filed that Respondent requested that Appellant provide a bond specimen, as it does again within its Return.

Respondent’s position is that it cannot *consent* to a substitution of bond without first knowing and approving of the issuing company, and the terms and conditions of the bond. In response to this position, Appellant respectfully states that the lower court’s order does not give Respondent the power to dictate the terms and conditions of a surety bond, nor to decide which bonding company Respondent believes is in a financially strong enough position to provide such a bond. (*See* circuit court order of Aug. 15, 2022, ¶¶ 1, 3, requiring simply: “Defendants shall post a cash or surety bond in the amount of \$950,000.”) (this order is Ex. 1 to Appellants’ Motion).

Instead, the circuit court’s order, rules of court, statutory law, and the bond marketplace all operate together to delineate the requirements for—and the terms and conditions of—an appeal bond. *See* S.C. Code § 18-9-130; § 18-9-239; Rule 62(d), SCRCPP; Rule 241, SCACR. **Appellants intend to comply with those requirements and the circuit court’s order by filing with the lower court a good and sufficient surety bond in the amount of \$950,000, as a substitution for the current cash bond which Appellants previously posted with the court.** This proposed substitution would comply with the lower court’s order, which permits “a cash or surety bond.” (emphasis added).

Appellants therefore respectfully ask this Court to permit Appellants to substitute a surety bond for the current cash bond, by issuing an order directing the circuit court to

release the cash bond contemporaneously with the deposit by the Appellants/ Defendants of a surety bond with the Clerk of Court for York County, South Carolina, in the amount of \$950,000.

Respectfully submitted,

FORD WALLACE THOMSON LLC

s/Ainsley F. Tillman

Ainsley F. Tillman, SC Bar No. 70551

[Ainsley.Tillman@FordWallace.com](mailto:Ainsley.Tillman@FordWallace.com)

Ian S. Ford, SC Bar No. 12463

[Ian.Ford@FordWallace.com](mailto:Ian.Ford@FordWallace.com)

715 King Street

Charleston, South Carolina 29403

(843) 277-2011

*Attorneys for Appellants*

Charleston, South Carolina


October 25, 2023

## Grapevine Appeal

Ainsley Tillman <Ainsley.Tillman@fordwallace.com>

Tue 9/19/2023 11:56 AM

To: Stephen Brown (Work) <sbrown@ycrlaw.com>; Hines, Russell <RHines@ycrlaw.com>

 2 attachments (285 KB)

2023.009.19 Motion to Substitute Bond.docx; Order re Motion to Stay.pdf;

Hello, Steve and Russ,

As you might know, defendants deposited \$950k cash with the clerk to secure the judgment in this case. They would like to substitute an appeal bond for the cash, which the circuit court's order (attached) appears to permit.

I think the process to do so is to file a motion with the Court of Appeals and get an order permitting the lower court to release the cash contemporaneously with its receipt of a bond.

Would you all consent to such a motion (draft motion attached/bracketed consent)?

Sincerely,  
Ainsley

**Ainsley Fisher Tillman**  
Ford Wallace Thomson LLC  
[715 King Street](#)  
[Charleston, S.C. 29403](#)

T. 843.266.1289  
E. [Ainsley.Tillman@FordWallace.com](mailto:Ainsley.Tillman@FordWallace.com)  
W. [www.FordWallace.com](http://www.FordWallace.com)

**RECEIVED**

**Oct 25 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

The Honorable William A. McKinnon

---

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

---

The Grapevine of Riverwalk, Inc. ....Respondent,

v.

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

---

**PROOF OF SERVICE**

---

I certify that on October 25, 2023, I served *Appellants' Reply in Support of Motion to Substitute Surety Bond for Cash Bond* on Respondent by sending the same to its attorneys of record at their email addresses of record with AIS, simultaneously with the filing of the same with the Court.

s/ Ainsley Tillman

*Attorney for Appellants*