

The South Carolina Court of Appeals

Hill Family Trust 2008 of Arizona, and Yvonne Herold,
Respondents,

v.

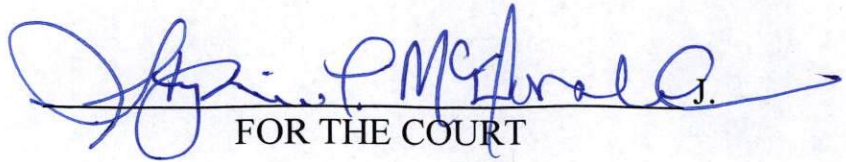
Teresa Hill, Appellant.

Appellate Case No. 2025-001651

ORDER

On September 19, 2025, Respondents moved to dismiss the appeal and enforce ejectment on the grounds Appellant failed to post the statutorily-required bond to maintain an appeal pursuant to section 27-37-130 of the South Carolina Code (2007), ejectment orders are not stayed on appeal, and Appellant has refused to vacate the property. In the alternative, Respondents request Appellant be required to immediately post a bond in the amount of \$720,000. Appellant did not file a return.

After careful consideration, we deny Respondent's motion to dismiss the appeal and enforce ejectment. *Compare* S.C. Code Ann. § 27-40-800(f)(1) (2007) ("Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. The judge of the court having jurisdiction shall order stay of execution upon the undertaking.") *with* § 27-37-130 (providing (1) an appeal to the circuit court in an ejectment case will not stay ejectment unless the tenant shall give an appeal bond and (2) if the tenant fails to file the bond within five days after service of the notice of appeal the appeal shall be dismissed by the "trial magistrate."). Further, we deny Respondent's alternative request for Appellant to post a bond because consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court.


FOR THE COURT

Columbia, South Carolina

FILED
Nov 19 2025

cc:

Teresa Zachry Hill, Esquire
Daniel Scott Slotchiver, Esquire
Anna Elizabeth Richter, Esquire
Jesse Sanchez, Esquire