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Jan 23 2026

SC Court of Appeals

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

Case No. 2025-002087

Sylecia mcintyre,

Appellant,

v.

WESTWOOD TOWNHOMES,

Respondent.

**MOTION TO SUPPRESS BOND UNDER RULE 240, SCACR
AND REQUEST FOR JUDICIAL NOTICE**

TO: THE HONORABLE COURT OF APPEALS

COMES NOW Appellant, Sylecia McIntyre, appearing specially and privately as Agent for the Principal, and respectfully moves this Court pursuant to Rule 240, SCACR, to suppress any bond requirement imposed in the underlying matter. In support thereof, Appellant shows as follows:

I. LACK OF VERIFIED LEDGER

The bond requirement imposed on November 17, 2025, was based on an unverified and disputed ledger. Respondent failed to present material evidence, including any sworn certificate of authority or certified account audit, to verify the debt or calculate an accurate balance. The Court's reliance on an unverified record deprived Appellant of due process. No verified ledger, itemized statement, or fiduciary accounting has been provided.

II. INTERNAL TRANSFER OF EQUITABLE INTEREST

Appellant has already performed by issuing instructions for internal transfer of equitable interest derived from collateral held in trust. Pursuant to the South Carolina Residential Landlord and Tenant Act, all rents and deposits are to be maintained in a separate trust account. Such treatment of funds triggers fiduciary obligations, and Respondent's failure to honor tender instructions or reconcile the escrow record constitutes a statutory breach.

Said documents establish Appellant's claim of right to secured collateral, including prepaid interest on rents and deposits, which—under S.C. law—must be maintained separately in a trust account. As a result, such interest was to be applied internally through transfer, not denied, delayed, or withheld under the pretext of non-payment. Respondent

has failed to rebut Appellant’s chain of claim or provide a verified ledger to justify any outstanding balance, deficiency, or claim of default.

III. JUDICIAL NOTICE REQUEST

Appellant respectfully moves this Court to take Judicial Notice of the following:

The Circuit Court record, including the November 17, 2025 bond hearing and related filings;

The June 13, 2025 redress packet, which included a Notice of Claim to Escrow Interest, Tender of Payment Instructions, appointment of fiduciary via IRS Form 56, and revocation of assumed power of attorney;

The appellate injunction return, submitted by Respondent’s co-counsel, which omitted three (3) pages of lease calculation data tied to HUD/USDA Form 3560, despite said pages being issued to Appellant at lease signing.

Respondent’s omission of these lease documents—particularly those governing rental subsidy and utility responsibility—constitutes material misrepresentation. Additionally, the lease version submitted lacks proper signatures, omits the registered agent, and reflects inconsistent naming of the landlord entity (“Westwood Townhomes” vs. “Westwood Town Homes”).

IV. PATTERN OF MISCHARACTERIZATION AND LACK OF FIRSTHAND KNOWLEDGE

The affidavit submitted by Kimberly Baker, a purported “Regional Manager,” lacks firsthand knowledge and mischaracterizes Appellant’s lease terms, subsidy status, and utility obligations. Ms. Baker never communicated with Appellant and provided statements implying direct knowledge without factual basis. The affidavit also uses inconsistent entity naming and omits required pages of the lease.

Furthermore, the lease was not executed by Keisha Norris, the individual repeatedly named as managerial authority, but instead by Ms. Baker—whose involvement was unknown to Appellant at the time of signing. These discrepancies raise questions of standing, authorization, and reliability of the record used to justify the bond.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

Issue an Order suppressing any bond requirement, as the account has been satisfied through performance and internal application of secured collateral;

Declare bond satisfaction met for the full twelve (12) month term of the lease;

Order bifurcation of all future hearings, including any pending Temporary Restraining Orders (TROs), to ensure each matter is addressed on its own merits;

Remand this matter for full hearing on the merits, with correction of the record to reflect material omissions and inconsistencies as set forth above.

Respectfully submitted this 23rd day of January, 2026.

/s/ Sylecia McIntyre

Sylecia McIntyre, Agent for Principal

1855 E Main St

Spartanburg, SC 29307

(864) 788-3274

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Case No. 2025-002087

Sylecia mcintyre,

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v.

WESTWOOD TOWNHOMES,

Respondent.

**[PROPOSED] ORDER GRANTING MOTION TO SUPPRESS BOND UNDER RULE 240,
SCACR**

THIS MATTER comes before the Court upon Appellant's Motion to Suppress Bond filed pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR), along with the supporting affidavit and attached exhibits.

After review of the record, the filings, and the applicable law, the Court finds good cause shown for the relief requested. The Appellant has submitted evidence of timely performance, instructions for internal transfer of equitable interest, and unrebutted tender attempts. The record further reflects that Respondent failed to produce any verified ledger, denial from the designated depository, or certificate of authority when challenged in the lower courts.

Accordingly, IT IS HEREBY ORDERED:

The requirement for posting bond in this matter is hereby SUPPRESSED;

Appellant's performance is deemed sufficient to satisfy the lease term for purposes of appellate review;

All further proceedings shall be bifurcated, with any pending motions, including but not limited to requests for injunctive or equitable relief, to be addressed individually on their own merits;

This matter is hereby REMANDED for a full hearing on the merits, and the record shall be corrected to include material omissions and discrepancies identified in Appellant's motion and affidavit.

IT IS SO ORDERED.

SIGNED AND ENTERED this ___ day of _____, 2026.

Judge of the South Carolina Court of Appeals

AFFIDAVIT IN SUPPORT OF MOTION TO SUPPRESS BOND

I, Sylecia McIntyre, Agent for the Principal, being duly sworn, depose and state the following in support of the attached Motion:

At the November 17, 2025 hearing, the bond determination was based on an unverified ledger and unsupported claims by Respondent.

A formal demand for certificate of authority as a procedural threshold for standing was made in both Magistrate Court and Circuit Court. No certificate was ever produced by Respondent, nor was its production compelled or ordered by either court.

No verified accounting ledger or audit of the trust account was presented to justify the amount imposed.

I issued formal instructions for internal transfer of equitable interest for the purpose of satisfying the account by set-off.

Said internal transfer covers the full twelve (12) month term of the lease.

At the Circuit Court hearing, I raised that I had submitted a tender of payment with attached instructions to be deposited with the application. Respondent never produced any receipt or denial from the depository, and I should not be penalized for her failure to forward the tender as instructed.

I affirm that my performance was timely and complete, and that the matter should proceed on its merits without financial barrier.

CERTIFICATION

I declare under penalty of perjury under the laws of the State of South Carolina that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 23rd day of January, 2026.

/s/ Sylecia McIntyre

Sylecia McIntyre, Agent for Principal
1855 E. Main Street, Suite 14-219
Spartanburg, SC 29307

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this day served a true and correct copy of the following pleadings by depositing the same in the United States Mail, properly addressed with first-class postage prepaid, and directed to the attorneys of record as listed below:

Documents Served:

- Motion to Suppress Bond Under Rule 240, SCACR
- Affidavit in Support of Motion
- Proposed Order

Served Upon:

Cassidy Coates Price, P.A.
Attn: Ross Plyler & Tiffany H.
P.O. Box 10529
Greenville, South Carolina 29603

I certify that the above-referenced documents were placed in a sealed envelope and deposited with the United States Postal Service on this date.

/s/ Sylecia McIntyre

Sylecia McIntyre, Agent for Principal

1855 E. Main Street, Suite 14-219

Spartanburg, SC 29307

Phone: 864-788-3274

Date: January 23, 2026

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PROOF OF SERVICE

I, Sylecia McIntyre, hereby certify under penalty of perjury that I have served a true and correct copy of the following documents:

- Motion to Suppress Bond Under Rule 240, SCACR
- Affidavit in Support of Motion
- Proposed Order

Upon counsel of record by depositing the same in the U.S. Mail, first-class postage prepaid, properly addressed as follows:

Cassidy Coates Price, P.A.
Attn: Ross Plyler and Tiffany H.
P.O. Box 10529
Greenville, South Carolina 29603

I certify that the above-referenced documents were placed in a sealed envelope and deposited with the United States Postal Service on this date.

/s/ Sylecia McIntyre

Sylecia McIntyre, Appellant

1855 E. Main Street, Suite 14-219

Spartanburg, SC 29307

Phone: 803-662-8281

Date: January 23, 2026