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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Presiding Circuit Court Judge
The Honorable William H. Seals, Jr., Presiding Circuit Court Judge
The Honorable William P. Keesley, Presiding Circuit Court Judge

Circuit Court Case No. 2022-CP-22-00650
Court of Appeals Case No. 2026-000265

Frank Henderson and Antioch Group.....Appellants,

v.

Abundance Home Care and Tyrhonda Priest.....Respondents,

REQUEST FOR LEAVE TO MAKE MOTIONS PURSUANT TO RULE 60, SCRPC

Appellants Frank Henderson and Antioch Group hereby respectfully move this Court for leave to make motions to the circuit court pursuant to Rule 60 of the South Carolina Rules of Civil Procedure and for remand without prejudice for a hearing before the circuit court on their post-trial motions. This is an urgent matter, and Appellants respectfully request that this Court hear and rule on it as swiftly as practicable. Appellants further request that this appeal be held in abeyance pending the Court’s ruling on this Motion.

This is an appeal from a series of successive erroneous orders by the circuit court, which culminated in the issuance of a default judgment in the amount of nearly three million dollars to the Defendants, as well as the appointment of a receiver over the property of ten

(10) corporations that are not parties to the action and that have never been served with notice or process.

Mindful of the potential pitfalls of issue preservation, the undersigned counsel served their Notice of Appeal on February 4, 2026, so as to preserve for appellate review the multiple issues arising from both the Order of Judgment and the Order Appointing Receiver, as well as the errors within the series of intermediate orders entered prior to judgment. *See* Notice of Appeal, filed February 5, 2026; *see also* S.C. Code § 14-3-330 (“if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment”).

However, upon reviewing the record and in consultation with their clients, it has become clear to the undersigned attorneys that certain relief from the underlying orders is best sought in the lower court, first, by virtue of a motion pursuant to Rule 60, SCRPC. The text of Rule 60 obligates Appellants to request leave of this Court in order to file such a motion with the circuit court. *See* Rule 60, SCRPC (“During the pendency of an appeal, leave to make the motion must be obtained from the appellate court.”).

Among other grounds for Rule 60 relief, the undersigned have identified:

1. That the Order Appointing Receiver is void for lack of jurisdiction, failure of due process, and insufficient notice, pursuant to Rule 60(b)(4)¹;
2. That the Order of Judgment is void for insufficient notice and lack of service pursuant to Rule 60(b)(1);
3. That the Order of Judgment, as well as multiple intermediate orders are the product

¹¹ *See* Plaintiffs’ / Appellants’ Motion to Stay Execution of Judgment and to Vacate Order Appointing Receiver, attached hereto as Exhibit 1.

of mistake, surprise, or excusable neglect, pursuant to Rule 60(b)(1);

4. That the Order of Judgment and multiple intermediate orders are the product of intrinsic and extrinsic fraud and/or misrepresentation pursuant to Rule 60(b)(3);
5. That the Order of Judgment and multiple intermediate orders should be set aside due to newly-discovered evidence, pursuant to Rule 60(b)(2).

Particularly as to the Order Appointing Receiver, this is an urgent, emergency matter.

Currently, the receiver is exercising dominion over ten (10) non-parties to this action as further set forth in the Motion to Stay Execution of Judgment and to Vacate Order Appointing Receiver, attached hereto as Exhibit 1 and incorporated as if fully set forth herein. Defendants are seeking to use the receivership to enforce and execute on the judgment. Significantly, the clerk of court for Georgetown County has rejected and retracted counsel's efforts to file their Motion to Stay Execution of Judgment and to Vacate Receivership in the court below, citing the pending appeal. (See Exhibit 2, correspondence with the clerk of court).

Appellants therefore respectfully request that this Court would grant them leave to file a motion (or motions) pursuant to Rule 60, SCRPC with the circuit court.

Moreover, there is currently pending in the circuit court Appellants' Motion pursuant to Rules 52, 54, 55, 59, and 60, filed January 14, 2026². This Motion has not been scheduled for a hearing due to the filing of a Notice of Appeal. Appellants respectfully request that the lower court be permitted to hear and decide that motion, as well. See *Otten v. Otten*, 287 S.C.

² See Plaintiffs' Motion For Relief Under Rules 52, 54, 55, 59, And 60 Of Orders Filed Oct. 24, 2025 (Form 4), and Jan. 5, 2026, and Opposition To Emergency Motion For Receivership, filed with the trial court on Jan. 14, 2026. A full hearing on this Motion has not been set by the trial court (although the trial court did have a partial hearing, as to the portion of the motion that is in opposition to receivership), and Appellants respectfully request that this Court permit it to be heard on remand.

166, 337 S.E.2d 207 (1985) (remanding to circuit court for consideration of party's motions made pursuant to Rule 59 and Rule 60, SCRPC).

Appellants respectfully ask this Court to hold this appeal in abeyance, without prejudice to Appellants, pending the Court's decision on this Motion and during such time as the case may be on remand to the circuit court for determination of relief under Rule 60, SCRPC.

Respectfully submitted,

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March 4, 2026
Charleston, South Carolina

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SC Court of Appeals

EXHIBIT 1

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF COMMON PLEAS

Case No: 2022-CP-22-00650

Frank Henderson and Antioch Group,
Plaintiffs/Counterclaim Defendants,

v.

Abundance Home Care and
Tyrhonda Priest,

Defendants/Counterclaim Plaintiffs.

**PLAINTIFFS FRANK HENDERSON
AND ANTIOCH GROUP'S
MOTION TO STAY
EXECUTION OF JUDGMENT
AND TO VACATE THE
APPOINTMENT OF RECEIVER**

**(PRIORITY MATTER - EXPEDITED
HEARING REQUESTED)**

Pursuant to Rule 62, SCRPC, Rule 241, SCACR¹, and S.C. Code § 18-9-130, Plaintiffs/Counterclaim Defendants Frank Henderson and Antioch Group (“Plaintiffs”) hereby move for a stay of execution of the judgment against them in this action by Defendants/Counterclaim Plaintiffs Abundance Home Care and Tyrhonda Priest (“Defendants”). Plaintiffs further move the Court to vacate its appointment of the receiver.

Plaintiffs respectfully request the Court grant an expedited hearing pursuant to Rules 40(A)(2) and 40(H), SCRPC. This is an urgent “priority matter” due to ongoing active efforts by Defendants to enforce the judgment, including through the improper appointment of a receiver over persons and property that are not the subject of this action nor parties to it, and the rapidly-escalating costs associated therewith.²

¹ Rule 241(d), SCACR, requires that this Motion to Stay “first be made to the lower court . . . which entered the order or decision on appeal.”

² As of the date of this filing, the receiver has charged more than \$60,000 for his five weeks of service.

PROCEDURAL BACKGROUND

Although this case has a lengthy procedural history, with numerous orders that are the subject of Plaintiffs' Notice of Appeal, Plaintiffs will discuss in this Motion to Stay/Vacate Receivership only those procedural events that are pertinent to this motion:

1. On December 16, 2025, this Court issued its Form 4 Order of Judgment, indicating a more complete written order was to follow. *See* Rule 203(b)(1), SCACR (stating that a form order is not a final judgment for appellate purposes until the court enters the "more complete order or judgment."); *see also see also* Rule 54(a), SCRCP, defining "Judgment" as "any decree or order which dismisses the action as to any party or finally determines the rights of any party."
2. On December 17, 2025, before final appealable judgment, Defendants filed an Emergency Motion for Appointment of Receiver. Defendants did not serve this Motion on the numerous non-party corporations whose assets they apparently sought to make subject to the receivership—and indeed the Emergency Motion for Appointment of Receiver does not even identify them, other than as "other entities which Plaintiffs have any ownership interest or control of or participation in." *This net is so vague and broad it could theoretically include Costco, if Plaintiffs have a membership there.* Further, Defendants did not serve this motion properly on Plaintiffs, who were in default and unrepresented.
3. On December 29, 2025, the Defendants filed the first of four Lis Pendens in Greenville County, identifying fifteen (15) parcels of real property, only two (2) of which are held in the name of a judgment debtor in this action. *See* Greenville County Case No. 2025-LP-23-00929.

4. On January 2, 2026 and January 6, 2026, attorneys Wesley D. Few and Ryan L. Beasley, respectively, filed notices of appearance in this action on behalf of Plaintiffs.
5. On January 5, 2026, this Court issued its Order of Judgment, entering default judgment against the Plaintiffs in the amount of Two Million, Eight Hundred Seventy Thousand, Sixty Dollars and Ninety-One Cents (\$2,870,060.91). Importantly, if this Order of Judgment was the product of a proposed order that was drafted and submitted by the Defendants, then Defendants violated Rule 5, SCRPC, by failing to serve a copy of the proposed order on the attorneys for Plaintiffs. Rule 5(b)(3), SCRPC (“Any party providing a proposed order, proposed findings of fact or conclusions of law, or proposed judgment or other paper to the court for its consideration in any pending matter shall serve the same on all counsel of record at the same time and by the same means.”). This failure by Defendants materially hindered Plaintiffs’ counsel’s defense against the proposed order, including by depriving Plaintiffs’ counsel of the opportunity to review and comment on the proposed order.³
6. On January 9, 2026, the Defendants filed the second of four Lis Pendens in Greenville County, identifying the same fifteen (15) parcels of real property, only two (2) of which are held in the name of a judgment debtor in this action. *See* Greenville County Case No. 2026-LP-23-00029.
7. On January 14, 2026, Plaintiffs timely filed a Motion for Relief, seeking to set aside the default and for relief from—and to void—the default judgment, including pursuant to Rules 52, 54, 55, 59, and 60 of the South Carolina Rules of Civil Procedure; Plaintiffs also

³ The Note to the 1994 Amendment to Rule 5(b)(3) states, *inter alia*, “Thus opposing counsel will have the opportunity to review and comment on the proposed order before it is signed.”

- opposed the Defendants' Motion for Receivership within the same Motion for Relief.
8. On January 14, 2026, Plaintiffs contemporaneously filed the Affidavit of Frank Henderson in support of their Motion for Relief.
 9. On January 14, 2026, the Defendants submitted a proposed order, appointing a receiver. **The proposed order went far beyond the relief sought within the motion itself, naming ten (10) non-party limited liability companies and *sua sponte* sweeping them away into an all-encompassing receivership.** Defendants failed to serve this proposed order on the numerous non-parties identified in the order (but not named in the underlying motion), whom the proposed order purported to make subject to the drastic remedy of receivership. Moreover, counsel for Plaintiffs was not given the opportunity to review and comment on the proposed order.
 10. On January 15, 2026, this Court filed its Order Appointing L. Walter Tollison, III, Esquire as Receiver. **The Order reaches beyond the jurisdiction of this court to force persons and property that are not parties to this action, and who have never been served with process nor given the opportunity to be heard, into a receivership that far exceeds the limited scope and purpose of a Chapter 15 or Chapter 33 receivership.**
 11. On January 29, 2026, the Defendants filed the third of four Lis Pendens in Greenville County, again identifying the same fifteen (15) parcels of real property, only two (2) of which are held in the name of a judgment debtor in this action. *See* Greenville County Case No. 2026-LP-23-00094.
 12. Plaintiffs served their Notice of Appeal on February 4, 2026⁴.

⁴ Plaintiffs are preparing to file with the Court of Appeals a request for leave to make an additional motion pursuant to Rule 60, SCRPC, and also for remand so that this circuit court can hear argument on Plaintiffs' pending Motion for Relief, filed January 14, 2026. The grounds for this request will include that

13. On Feb. 6, 2026, counsel to Plaintiffs communicated with counsel for the Defendants, requesting that the three (3) Lis Pendens filed in Greenville County be dismissed because only two (2) of the fifteen (15) properties identified in these Lis Pendens are real property held in the name of a judgment debtor.
14. On February 18, 2026, the Defendants filed a *fourth* Lis Pendens in Greenville County, again identifying the same fifteen (15) parcels of real property, only two (2) of which are held in the name of a judgment debtor in this action. *See* Greenville County Case No. 2026-LP-23-00153.
15. On February 24, 2026, counsel for the Plaintiffs emailed counsel for the Defendants requesting that they withdraw the four (4) Lis Pendens filed in Greenville County, purporting to attach real property of numerous non-parties to this action, specifically as can be seen of record in Greenville County filed as (i) 2025-LP-23-00929, (ii) 2026-LP-23-00029, (iii) 2026-LP-23-00094, and (iv) 2026-CP-23-00153.
16. On February 26, 2026, counsel for the Plaintiffs emailed counsel for the Defendants requesting that counsel address the overly broad scope of the existing Receivership Order, and specifically its application to the ten (10) non-parties identified therein, any of which are also identified on the Defendants' Lis Pendens identified above.
17. On February 27, 2026, Defendants filed a Writ of Execution with this Court, requesting the Sheriff of Georgetown County to satisfy the Judgment out of Plaintiffs' property.
18. On February 28, 2026, counsel for Defendants communicated with the Receiver, copying counsel to the Plaintiffs, stating that Defendants' counsel intends on "starting

Plaintiffs were not served properly with notice of the default judgment hearing, and for this additional reason the judgment is void and without effect.

supplementary proceedings and seeking to execute on all proceeds that are being held by the Receiver regarding Frank Henderson and Antioch Group.” (Exhibit 1).⁵

ARGUMENT

This Court should require Defendants to stop their efforts to execute on the judgment for two reasons: first, because the Order of Judgment is not yet final due to still-pending motions for reconsideration and to alter and amend the judgment; and second because Plaintiffs are willing to post a supersedeas bond to stay execution of the judgment. The posting of such bond by Plaintiffs will eliminate the need for a receiver, as a matter of statutory law; alternatively, prior to enforcing a judgment against Plaintiffs’ property, Defendants must be required to post a bond in double the amount of the property already bound up in the receivership, pursuant to S.C. Code § 18-9-130(A)(2). Moreover, this Court should vacate the Order Appointing Receiver because Defendants obtained the order in violation of due process, the rules of court, and statutory law.

1. This Court should stay all proceedings to enforce the judgment, pursuant to Rule 62(b), SCRPC.

First, the Order of Judgment is not final until such time as this Court has ruled on the components of Plaintiffs’ Motion for Relief that concern Rule 52(b), Rule 60, and Rule 59, SCRPC. This Court is expressly authorized to issue an order of supersedeas “pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or . . . of a motion for amendment to the findings or for additional findings made pursuant to Rule 52(b).” *See* Rule 62(b), SCRPC.

⁵ For the reasons as shown in this timeline of events, the undersigned affirms that any further consultation regarding the substance of this motion would serve no useful purpose.

Plaintiffs' Motion for Relief from the judgment and default has not yet been heard by this Court, and as a practical and procedural matter, this Court should grant this Motion to Stay – and it should suspend all execution of the underlying judgment – until such time as this Court has heard and ruled on the Plaintiffs' Motion for Relief. Although Plaintiffs identified numerous grounds for relief from the judgment, the crux of their Motion for Relief is that **manifest injustice results from the default judgment, here, which is the product of attorney abandonment, mistake, lack of notice, insufficient service, lack of due process, including striking a party's pleadings based on alleged misconduct of a third-party, speculative damages, intrinsic and extrinsic fraud and misrepresentation**, and because the judgment is void, as well as other good cause which exists to set aside the entry of default and default judgment.

Plaintiffs respectfully request that this Court would stay execution on the judgment, pending a hearing and ruling on Plaintiffs' post-judgment motions.

2. This Court should stay all proceedings to enforce the judgment, pursuant to Rule 62(d), SCRPC and S.C. Code § 18-9-130(A).

Second, pursuant to Rule 62(d) SCRPC and S.C. Code § 18-9-130(A), Plaintiffs respectfully request that this Court accept security from Plaintiffs in the form of a supersedeas bond and thereby stay the execution of judgment during the pendency of the appeal. Plaintiffs request that this Court hold an emergency hearing on the merits and amount of such bond, before Plaintiffs' property is lost or wasted. *See* S.C. Code § 18-9-130(A)(1)(b) (limiting the amount of supersedeas bond to one million dollars); *see also* S.C. Code § 18-9-130(A)(2) (requiring bond by party seeking to enforce sale of property, in the amount of double the value of the appraised property); *see also* Exhibit 1 (email from

Defendants' attorneys expressing their intent to begin enforcing the judgment against property being controlled by the Receiver, including that of non-parties to this action).

Plaintiffs stand ready and willing to post the statutory bond necessary to stay execution of the judgment, pending appeal, and they respectfully request that the Court would set the bond pursuant to S.C. Code § 18-9-130(A)(1)(b).

3. The applicable statute requires the receivership to be dissolved when bond is posted.

Plaintiffs further request that, upon execution and filing of a supersedeas bond, that the Court vacate the appointment of the receiver pursuant to S.C. Code § 15-65-60, Rule 221, SCACR, and S.C. Code § 18-9-130. Because the limited purpose of a receivership is to “receive” specific property and preserve it for the sole purpose of satisfying a judgment, an order appointing a receiver must also set a bond sufficient to release that property from receivership. *See* S.C. Code §§ 15-65-50 (“No receiver shall be appointed before judgment when bond is offered.”) and -60 (“Effect of bond given after appointment; return of property. . . upon the due execution and filing of such bond thereafter before final judgment in the cause the court or judge shall vacate the appointment of such receiver and direct the redelivery of the property to the party from whose possession it was taken”); *Welch v. Advance Auto Parts, Inc.*, 916 S.E.2d 320, 335, 445 S.C. 640, 667 (2025) (“Finally, we note Atlas Turner retains the right to post a bond to lift the Receiver appointment.”).

Although the Order Appointing Receiver in this case does not set a bond⁶, the controlling statute here, where a Notice of Appeal has been served, is S.C. Code § 18-9-130,

⁶ This is a material flaw in the Order. The statute states that “there shall be inserted in the order of appointment a clause fixing the value of the property for which the bond may be given . . .” S.C. Code § 15-65-60 (“Effect of bond given after appointment; return of property”).

which identifies the bond necessary to stay the execution of a judgment on appeal. Accordingly, this Court should permit Plaintiffs to submit to the Court the required supersedeas bond as security for the judgment, and the receivership should be forthwith dissolved.

Alternatively, if the Defendants insist on maneuvering the receivership to force a sale of Plaintiffs' property to satisfy the judgment, then *Defendants* must be required to give a bond "in double the appraised value of the property or double the amount of the judgment." S.C. Code § 18-9-130 ("Effect of notice of appeal on execution of judgment; sale of defendant's property").

Not only should the receivership be dissolved as a matter of course upon the setting and posting of a bond, but this Court should also vacate its Order Appointing a Receiver for the reasons discussed next:

- 4. This Court must vacate its Order Appointing a Receiver and hold Defendants responsible for the approximately \$60,000.00 in fees and costs accrued by the Receiver in the six weeks since his appointment.**

The Order Appointing a Receiver violates due process, basic principles of personal jurisdiction, and statutory law by purporting to authorize control over non-parties to this action and their real and personal property.

A receivership is a "harsh and drastic remedy, one to be granted only with great caution." *Penn Mut. Life Ins. Co v. Cudd*, 172 S.C. 88, 172 S.E. 787, 788 (1934). But the appointment of a receiver in this action was apparently accomplished by Defendants submitting a motion and proposed order to this Court, without proper notice to the Plaintiffs, and without the statutorily-mandated service on and notice to non-party corporations. *See* S.C. Code § 15-65-20; Rules 3, 4, and 5, SCRPC. As such, **the Order is deeply problematic**

and should be vacated immediately. Defendants must be required to bear the costs of the receiver to date, pursuant to S.C. Code § 15-65-90. The appointment vastly exceeds the statutory limitations on receiverships and the restricted circumstances under which they may be imposed.

A. Defendants failed to provide required notice to Plaintiffs, and the order violates due process and statutory law.

First, Defendants fatally failed in their notice obligations to the Plaintiffs, and the Order Appointing Receiver is therefore void. Prior to seeking the appointment of a receiver, a party is strictly obligated to provide “notice of the application for such appointment” to parties to the action, as well as to “any person or corporation” affected by the application:

No receiver of the property of any person or corporation shall be appointed by any court or judge, either in term time or at chambers, without notice of the application for such appointment to the party to the action whose property is sought to be put in the hands of a receiver and to any party to the action in possession of such property claiming an interest therein under any contract, lease or conveyance thereof from the alleged owner. At least four days’ notice of the application must be given, unless the court shall, upon it being made to appear that delay would work injustice, prescribe a shorter time.

S.C. Code § 15-65-20 (emphasis added). Among other problems, the Defendants failed to provide the required four days’ notice when they submitted their proposed order granting sweeping relief not set forth in the underlying motion.

Defendants’ due process obligation to provide notice is reinforced and echoed by the rules of court, which mandate service of all written motions on parties to the action, particularly new or additional claims for relief. *See* Rule 5(a), SCRPC. Here, Defendants did not request the relief of a receivership within their Counterclaims against Plaintiffs. So, their motion to the court for the appointment of a receiver seeks a “new or additional claim for relief” under Rule 5(a), SCRPC and S.C. Code § 15-65-20. The Rule is very specific that, as to

parties in default, unrepresented by counsel—as applies to the Plaintiffs here—the *Defendants were required to go one step further and serve Plaintiffs with their application for the appointment of a receiver “in the manner provided for serving of summons in Rule 4.”* Rule 5, SCRCF (“pleadings asserting new or additional claims for relief against [parties in default] shall be served upon them in the manner provided for serving of summons in Rule 4.”). Defendants failed to do this. At best, the record (which contains no certificate of service) shows only that Defendants filed a copy of a letter, with no proof it was mailed, addressed to the wrong address⁷, containing only an email indicating that a hearing had been set for the motion they never served. This “notice” was insufficient under Rule 4, SCRCF.

In sum, Defendants’ Answer and Counterclaims, filed March 16, 2023, is devoid of any request for the appointment of a receiver in its prayer for relief, or otherwise, and therefore Defendants were obligated to serve the Motion for Appointment of a Receiver on Plaintiffs in accordance with Rule 4, SCRCF. They failed to do this.

This Court should therefore vacate the Order Appointing Receiver as to Plaintiffs and Plaintiffs’ property for failure of notice and lack of due process.

As discussed next, as to non-parties to this action, the receivership is a nullity and Defendants are statutorily obligated to pay all fees and damages associated with the improper appointment.

B. This Court lacked jurisdiction over non-parties to this action and the Order Appointing Receiver is therefore void as to the property of non-parties.

The Order Appointing Receiver purports to exercise dominion over ten (10) entities

⁷ The letter, dated December 18, 2025 (filed on December 29, 2025), is addressed to Plaintiff Henderson at “14 Antioch Drive,” which Defendants *knew* was not his correct address. Further, Plaintiff Antioch Group is a limited liability company that identifies the address of its registered agent on the Secretary of State’s online database as 5 C Street—but Defendants did not use that mailing address, either.

that are not parties to this action and which have never been served with process. Personal jurisdiction is a basic prerequisite to the exercise of judicial power over any person or entity – and without it, a court order is void. “A judgment is void and without legal effect if a court does not have jurisdiction.” *Baddourah v. McMaster*, 433 S.C. 89, 96, 856 S.E.2d 561, 565 (2021); *Thomas & Howard Co. v. T.W. Graham & Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995); citing *Coogler v. Cal. Ins. Co. of San Francisco, Cal.*, 192 S.C. 54, 58-59, 5 S.E.2d 459, 461 (1939) (“[N]o order or judgment affecting the rights of a party . . . should be made or rendered without [proper] notice to the party whose rights are to be thus affected . . .”). “Void judgments are defined as those from courts that lacked personal or subject matter jurisdiction, or failed to provide due process.” *Innovative Waste Mgmt. Inc. v. Crest Energy Partners GP, LLC*, 815 S.E.2d 780, 781 (Ct. App. 2018).

The fundamental procedural steps to attach personal jurisdiction (i.e. naming an entity as a defendant and then serving it with process and summons) did not happen here, and the Order Appointing a Receiver should therefore be vacated as to the ten (10) entities who are not parties to this action but were wrongly subjected to a receivership here, *without any notice or opportunity to be heard*. *Id.*; see also Rules 3 and 4, SCRCPP; *State v. Sanders*, 118 S.C. 498, 502, 110 S.E.2d 808, 810 (1920) (“The purpose of the summons is to acquire jurisdiction of the person of the defendant . . .”).

Without personal jurisdiction, this Court was powerless to act. But act it did, pursuant to the Defendants’ proposed order. The Order holds, for example:

L. Walt Tollison, III, Esq. (“TOLLISON”) is hereby appointed as Receiver to ascertain by investigation and to take possession of and secure assets and income of Plaintiffs or other third party entities to which Plaintiffs have any direct or indirect ownership interest in or any control of, **including but not limited to, the following entities: [1] Heart of the Carolinas, LLC, [2] Faith, Hope, and Charity Residential Care, LLC, [3] Miller Place Residential Care,**

LLC, [4] Sherman Residential Care, LLC, [5] Ruby Donald Residential Care, LLC, [6] Ruby Donald Real Estate, LLC, [7] Palmetto Breakfast Club, LLC, [8] Palmetto Holdings Greer, LLC, [9] Jackson Frank, LLC, and [10] Palmetto Business Partners, LLC (all of the foregoing herein referred to as the “Plaintiffs’ Property” or “property”).

(Order Appointing Receiver, filed Jan. 15, 2026, at p. 4) (emphasis added) (*see also* pp. 4-10, imparting shockingly broad powers to the Receiver over non-parties and their property, under threat of contempt, without notice or due process).

These ten (10) non-party entities were never named in this action, never served with process, never filed an answer or other responsive pleading, and never appeared through counsel to submit to the court’s authority. They did not invoke the judgment of the court or otherwise waive jurisdictional objections by a general appearance; rather, they are strangers to the underlying dispute whose first involvement came when the court *sua sponte*⁸ extended the receivership to them. Because the Due Process Clause protects an individual’s interest in not being subjected to binding judicial decrees by a court that lacks personal jurisdiction, these non-party entities cannot be made subject to invasive relief – seizure of assets, takeover of bank accounts, and restriction of corporate acts – without constitutionally adequate service and an opportunity to be heard.

Under the settled rule that a judgment entered in the absence of personal jurisdiction is void, those aspects of the Order Appointing Receiver that purport to bind, direct, or restrain non-party entities are a nullity and must be declared void and vacated as to each and every one of those ten (10) non-party entities.

⁸ Even if the Motion for Appointment of Receiver had been served on the ten (10) nonparties, the motion itself does not even identify them by name and instead vaguely and amorphously refers to them as “other entities.”

C. As to non-parties to this action, the Order Appointing the Receiver further violates statutory law which exclusively limits a judgment creditor's recourse to distributional interests, only.

The Order Appointing Receiver, if it is not void, violates the process and limitations set forth in S.C. Code § 33-44-504. This statute “provides the exclusive remedy by which a judgment creditor of a member [of a limited liability company] may satisfy a judgment out of the judgment debtor’s distributional interest in a limited liability company.” S.C. Code § 33-44-504 (“Rights of creditor”). The Order at pp. 3-6 and ¶ 6 purports to acknowledge this limited means of enforcing a judgment against a judgment debtor’s membership interest in a Limited Liability Company (“LLC”), yet the Order goes far beyond any such limited relief, in effect to permit or require the Receiver to exercise total control over any non-party LLC that the judgment debtors may hold an interest.

Among other procedural problems, the Defendants failed to go through the mandatory statutory process (including service of process and application to the court) of obtaining a charging order. Moreover, the Defendants radically overreached by orchestrating an Order that dramatically exceeds the strictly limited access to “a judgment debtor’s distributional interest” to give the Receiver control, six ways to Sunday, over the assets and property of non-party limited liability companies. For example, as to Heart of the Carolinas, LLC, the Receiver has demanded to be involved in any and all aspects of a potential sale of this entity, which could have the effect of disrupting the underlying contract.

For this additional reason, this Court should vacate its Order Appointing Receiver.

D. Defendants are statutorily obligated to pay all costs of their ill-gotten receivership.

Acknowledging the gravity of a receivership appointment, the Legislature built in safeguards. Specifically, the receivership statute directs that “the party procuring the

appointment” is responsible for paying all “costs,” “charges,” “expenses,” and “actual damages” that flow from an improper appointment. S.C. Code § 15-65-90. Because the Defendants here wrongly procured the appointment of a receiver in violation of due process, the rules of court, and statutory law, this Court should order that Defendants pay all costs, charges, expenses, and actual damages associated with the appointment. Plaintiffs reserve the right to have their actual damages “ascertained and assessed” in accordance with S.C. Code § 15-65-90.

CONCLUSION

Plaintiffs respectfully request that this Court permit Plaintiffs to post the bond required by S.C. Code § 18-9-130, and thereby stay Defendants’ efforts to enforce the monetary judgment in this case.

Furthermore, this Court should vacate its Order Appointing Receiver, for the reasons set forth above, and issue an order requiring that Defendants pay for all amounts associated with the improper, ill-gotten appointment of a receiver over non-parties to this action.

[signature appears on the next page]

Respectfully submitted,

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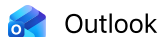
rlb@ryanbeasleylaw.com

Attorneys for Plaintiffs

Frank Henderson and Antioch Group

March 2, 2026

Charleston, South Carolina

**EXHIBIT 2****Re: [EXTERNAL]- Re: 2022CP2200650****From** Ainsley Tillman <Ainsley.Tillman@fordwallace.com>**Date** Tue 3/3/2026 3:43 PM**To** Cynthia Kinder <ckinder@gtcounty.org>; April Carlson <acarlson@gtcounty.org>; Common Pleas <CommonPleas@gtcounty.org>**Cc** Mills Ariail <mills@rmalawoffice.com>; Wes Few <wes@wesleyfew.com>; Ryan Lewis Beasley <rlb@ryanbeasleylaw.com>; Justin Mihalic <justin@rmalawoffice.com>; Walt Tollison <walt.tollison@thetollisonlawfirm.com>

Hello,

Thank you so much for this information. I absolutely understand that Judge Hyman may choose not to hear both motions (or certain parts of the Motion to Stay), but I would like to get the Motion filed with the court, as is, so that it is of record in the court index. In order to do that, do I need to pay double the filing fee (which I am glad to do)?

Sincerely,
Ainsley

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

T. 843.266.1289

E. Ainsley.Tillman@FordWallace.comW. www.FordWallace.com

RECEIVED
Mar 04 2026
SC Court of Appeals

From: Cynthia Kinder <ckinder@gtcounty.org>**Sent:** Tuesday, March 3, 2026 3:36 PM**To:** Ainsley Tillman <Ainsley.Tillman@fordwallace.com>; April Carlson <acarlson@gtcounty.org>; Common Pleas <CommonPleas@gtcounty.org>**Cc:** Mills Ariail <mills@rmalawoffice.com>; Wes Few <wes@wesleyfew.com>; Ryan Lewis Beasley <rlb@ryanbeasleylaw.com>; Justin Mihalic <justin@rmalawoffice.com>; Walt Tollison <walt.tollison@thetollisonlawfirm.com>**Subject:** Re: [EXTERNAL]- Re: 2022CP2200650

Good afternoon,

I spoke to Judge Hyman about this before I rejected the filing. He said that the Motion to Stay Execution can be heard, but the Motion to Vacate cannot be heard because the case is on appeal. Therefore, it would be easier for the case if the two motions were separated so that one could be filed now and be put on a motion roster and the other could be filed later after the case comes back from the Court of Appeals.

Respectfully,

Cindy Kinder

Common Pleas Court Coordinator
Georgetown County Clerk of Court
Post Office Box 479
401 Cleland Street
Georgetown, SC 29442
843-545-3216

From: Ainsley Tillman <Ainsley.Tillman@fordwallace.com>**Sent:** Tuesday, March 3, 2026 3:32 PM**To:** April Carlson <acarlson@gtcounty.org>; Common Pleas <CommonPleas@gtcounty.org>**Cc:** Mills Ariail <mills@rmalawoffice.com>; Wes Few <wes@wesleyfew.com>; Ryan Lewis Beasley <rlb@ryanbeasleylaw.com>; Justin Mihalic <justin@rmalawoffice.com>; Walt Tollison <walt.tollison@thetollisonlawfirm.com>**Subject:** [EXTERNAL]- Re: 2022CP2200650

[CAUTION] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I received the below retraction notice on my filing, which I made yesterday afternoon.

May I please simply pay two filing fees, which I am happy to do?

Respectfully, I have never encountered this issue in other civil court circuits. Typically, the clerk of court simply accepts all filings (so long as the appropriate fee is paid), and then the judge decides whether to hear a matter, in light of the appeal.

I've copied all counsel on this email, as I do notice that a lot of our filings are being retracted.

Many thanks for your help!

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
W. www.FordWallace.com

To: Ainsley Fisher Tillman ainsley.tillman@fordwallace.com
From: efiledonotreply@sccourts.org
Date: 2026-03-02 18:39:34.633
Subject: Your electronic filing, Re: 2022CP2200650 - (140) Breach of Contract - Motion/Stay of Execution of Judgment, was rejected by CIRCUIT COURT.

Case Number: 2022CP2200650
Case Type: (140) Breach of Contract
Document Type: Motion/Stay of Execution of Judgment
Document Type: Exhibit/Filing of Exhibits

Reason(s) rejected: I am rejecting this filing because this it two motions in one therefore needs two filing fees. However, only the Motion to Stay Execution can be heard while the case is on appeal. You will need to separate the motions and only file the Motion to Stay Execution. Please correct and resubmit.

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**RECEIVED**

**Mar 04 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Presiding Circuit Court Judge  
The Honorable William H. Seals, Jr., Presiding Circuit Court Judge  
The Honorable William P. Keesley, Presiding Circuit Court Judge

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Circuit Court Case No. 2022-CP-22-00650  
Court of Appeals Case No. 2026-000265

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Frank Henderson and Antioch Group.....Appellants,

v.

Abundance Home Care and Tyrhonda Priest.....Respondents,

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**PROOF OF SERVICE**

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I certify that on March 4, 2026, I served Appellants' *Request for Leave to Make Motions Pursuant to Rule 60, SCRPC* on all Respondents by sending the same to the below-listed attorneys of record at their email addresses of record with the AIS:

R. Mills Ariail, Jr.  
Law Office of R. Mills Ariail, Jr.  
114-C Poinsett Highway  
Greenville, SC 29609  
864-232-9390 | [mills@rmalawoffice.com](mailto:mills@rmalawoffice.com)

*and*

Justin D. Mihalic  
Ariail Law Firm  
114-C Poinsett Highway  
Greenville, SC 29609  
(864) 232-9390 | [justin@rmalawoffice.com](mailto:justin@rmalawoffice.com) *Attorneys for Respondents*

Respectfully submitted,

FORD WALLACE THOMSON LLC

s/Ainsley F. Tillman

Ainsley F. Tillman, S.C. Bar No. 70551

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

715 King Street

Charleston, South Carolina 29403

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*Attorneys for Appellants*

*Frank Henderson and Antioch Group*