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Apr 02 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2026-000690
Case No. 2024-CP-07-00156

Queens Grant Regime, II, Inc., Horizontal Property Regime,
..... Respondent,

vs.

Greenwood Resorts and Communities, Inc. d/b/a Palmetto Dunes
Resort and Callaway Brands, Inc. d/b/a Top Tracer Golf,
..... Appellants,

**APPELLANTS GREENWOOD RESORTS AND
COMMUNITIES, INC. D/B/A PALMETTO DUNES
RESORT AND CALLAWAY BRANDS, INC. D/B/A TOP
TRACER GOLF'S REPLY TO RESPONDENT'S
RESPONSE IN OPPOSITION PETITION FOR
SUPERSEDEAS**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF
APPEALS:

Appellants Greenwood Resorts and Communities, Inc., d/b/a
Palmetto Dunes Resort and Callaway Brands, Inc., d/b/a Top

Tracer Golf, by and through its undersigned counsel, submits this Reply to Respondent Queens Grant Regime, II, Inc., Horizontal Property Regime's Response in Opposition to Motion for Stay or Supersedeas of the trial court's February 13, 2026, Order Granting Temporary Injunctive Relief and Setting Rule 65(c) Bond and/or the March 30, 2026 Amended Order Granting Temporary Injunctive Relief and Setting Rule 65(c) Bond, and in support thereof states the following:

LAW/ANALYSIS

In response to Appellants' Petition for Supersedeas, Respondent sets forth only spurious arguments and conclusory statements in an attempt to avoid this Court reviewing the improper injunction granted in Respondent's favor. As further explained herein, Appellants have demonstrated that supersedeas is necessary and this Court must immediately stay the injunction.

I. SUPERSEDEAS IS NECESSARY TO REMEDY THE DENIAL OF IMPORTANT PROCEDURAL SAFEGUARDS.

As previously argued, Respondent waited until three days prior to the hearing on their motion for a temporary restraining

order to amend it to a motion for preliminary injunction, denying Appellants the required ten (10) day notice. The trial court heard Respondent's amended Motion, over Appellants' objection, cementing the denial of Appellant's procedural rights. Thereafter, Appellants assert that the February 13 Order was never operative. By its own terms, that Order provided for an injunction commencing on January 15, 2026, and running for a period of sixty (60) days, thus ending on March 16, 2026. (See **Exhibit 4**, p. 3.) Based on those parameters, the trial court found that a "low or nominal bond" was appropriate and set a Rule 65(c) bond at \$75,000 to "protect[] the enjoined party against damages proximately caused by the injunction" and stated that "[u]pon posting of the bond . . . this Order shall take immediate effect." (Id. p. 4.)

Respondent did not post a bond within the injunction period and, as a result, the February 13 Order was never operational. Regardless, on March 20, 2026, Respondent posted the bond and filed a procedurally improper "Rule 62(c) Motion to Modify", claiming that there was a "clerical error" in the February 13 Order

and the commencement date for the injunction must be changed to March 30, 2026. (See Exhibit 6.) Thereafter, the trial court directed Respondent's counsel to amend the order to provide the sixty days shall begin upon the filing of the necessary bond. (See Exhibit 8, 3/25/2026 McIntosh Email.) This resulted in the March 30 Order (see Exhibit 7) which, as further explained herein, materially changed the terms of the injunction and greatly increased the negative impact on Appellant and rendering the already "low or nominal bond" exponentially less effective without proper notice or opportunity to be heard.

By the terms of the March 30 Order, the injunction shutting down the Appellants' driving range is now extended into the busier spring season, an effect that does not appear to have been contemplated by the trial court based on the language in its February 13 Order. That issue is then exacerbated by the inclusion of ambiguous language in the Order making it unclear as to how or when the injunction may be lifted, resulting in the very real possibility that the injunction extends into the summer. (See id. pp. 2-3 ("Defendants are ordered to temporarily suspend the golf ball

hitting portions of the Defendants' TopTracer driving range for a period of sixty (60) days"), cf. p. 4 ("Sixty (60) days from the commencement of the suspension period, or as soon thereafter is practicable, the Court shall hold a hearing to determine whether or not the suspension or the bond should be modified in any way."))

II. EXTRAORDINARY CIRCUMSTANCES EXIST TO ALLOW APPELLANTS TO PROPERLY SEEK SUPERSEDEAS FROM THIS COURT.

Respondent's argument that Appellant's Petition must be dismissed because they did not first seek supersedeas from the trial court lacks merit entirely. Rule 241(d)(1), SCACR, clearly allows a party to apply for supersedeas directly from the Court of Appeals. Admittedly, those instances where relief may be sought directly from an appellate court are limited to instances where "extraordinary circumstances make it impracticable" to first seek relief from the lower court. Id. However, Appellants have demonstrated that extraordinary circumstances exist due to the trial court's aforementioned denial of Appellant's procedural rights, its delay in entering its Order Granting Temporary Relief, issuing an amended Order, again without opportunity to be fully heard or

considering the drastic impact its amendments will have, and altering what was an injunction with a definitive end date to one with no clear indication of any terms or conditions that must be met before the injunction will be lifted.

These are not mere gripes or reluctance on the part of Appellants to follow the trial court's orders. These issues are extraordinary insofar as they stem from extraordinary deviations from the clearly stated requirements for preliminary injunctions and are resulting in an extraordinary negative impact on Appellant. The trial court issued these defective Orders over Appellants' objections and protestations. Indeed, the trial court has already heard and summarily denied many of these same arguments and, as a result, it would be impracticable for Appellants to again request relief from the trial court. (See Exhibit 8.)

Again, these issues are compounding because, rather than being a limited sixty (60) day injunction in the off season, upon which the meager \$75,000 Rule 65(c) Bond was based, it is now running into the busier spring months and may very well extend through the summer months, causing irreparable harm to

Appellants that cannot be remedied.

Accordingly, Appellants have demonstrated extraordinary circumstances allowing them to seek supersedeas directly from this Court.

III. SUPERSEDEAS IS NECESSARY TO PRESERVE JURISDICTION OF THE APPEAL AND TO PREVENT A CONTESTED ISSUE FROM BECOMING MOOT.

Contrary to Respondent's assertions, Appellants' petition is verified and the facts and evidence presented via sworn affidavit demonstrate that supersedeas is necessary to preserve this Court's jurisdiction over the appeal and prevent a contested issue from becoming moot. In determining whether it should grant supersedeas, this Court "should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot." Rule 241(c)(2), SCACR.

This Court was vested with exclusive jurisdiction over the issues presented in Appellant's Notice of Appeal. See, e.g., Rule 205, SCACR. Specifically, Appellants argue that the temporary injunction should never have been issued and Appellants are being

wrongfully subjected to a curtailment of its business operations, leading to significant financial losses. Respondent's conclusory argument that the issue of whether injunctive relief was properly granted remains live misses the point entirely. The issue is greater in scope. Appellants are being subjected to significant financial losses by a procedurally and facially defective Order.¹ If supersedeas is not granted, this case will likely proceed to trial where the issues presented in the appeal reach a conclusion one way or the other, negating this Court's jurisdiction before it may issue an opinion. Likewise, supersedeas is necessary to prevent these hotly contested issues from being rendered moot.

Appellants have vigorously challenged the "low or nominal bond" set by the trial court. If this Court does not grant supersedeas, the issues surrounding the trial court's issuance of a "low or nominal bond" will be moot. Indeed, the verified information provided to this Court shows that the driving range

¹ As previously argued, the trial court's Orders lack the necessary analysis and conclusions required of an order granting temporary injunctive relief. Specifically, there is no finding that Respondent has shown a likelihood of success on the merits. See Compton v. S.C. Dep't of Corr., 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011).

generated a total of \$359,325 in revenue in the first half of 2025, which averages \$59,887.50 a month. (See **Exhibit 1**, Franseen Affidavit, ¶ 7.) Assuming the injunction would expire in sixty days, Appellants would lose \$119,775. The Bond set by the trial court is a mere 62.6%. However, the actual impact would be much worse.

Appellants' TopTracer data shows that the driving range is more than twice as busy between April and September than it is during the other months in the year. (See id. p. 5.) Roughly two thirds of visitors came between April and September.

Extrapolating the revenue presented by sworn affidavit, there is an average monthly revenue of \$79,850 between April and September. The Bond is therefore less than the loss in revenue Appellants will suffer in a single month if the injunction is allowed to continue. Additionally, with the prospect of the trial court keeping the injunction in place for months, Appellants' losses could easily rise well into the hundreds of thousands of dollars. And, this does not even take into account lost revenue from the golf course due to golfers choosing to play at a different course due

to the driving range being shut down.

Accordingly, if this Court does not grant supersedeas, Appellants will lose any opportunity to have the bond corrected and, by the time the Court addresses the merits of the appeal, the damage will have been done, divesting this Court of jurisdiction and rendering the contested issues moot.

IV. SUPERSEDEAS IS NECESSARY TO PRESERVE THE STATUS QUO AND PREVENT IRREPARABLE HARM TO APPELLANT.

“The purpose of a supersedeas is to stay proceedings in the trial court, to preserve the status quo pending the determination of the appeal, and to preserve to appellant the fruits of a meritorius appeal where they might otherwise be lost to him.” Graham v. Graham, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990) (quoting 4A C.J.S. Appeal & Error § 662 at 494-95 (1957)). The status quo for nearly sixty years has been for Appellants’ driving range to be operational. Even when taking into account the Respondent’s assertion that the issues with errant golf balls became a substantive issue in March 2021, the status quo for the last five years has been for Appellants’ driving range to be

operational with the TopTracer upgrades.

Respondent's claim that it is subjected to a heightened risk of irreparable harm is simply false. The TopTracer data shows that any risk of harm to Respondent was greatly reduced well before Respondent ever filed suit. Indeed, affidavits presented by Appellants and verified data show that between May and September 2021, there was a total of 8,368 errant golf balls, nearly 55 a day. The uncontested data further shows that errant golf balls were reduced by over 80%, to levels commensurate with the pre-TopTracer levels, by those same months in 2023.

Conversely, Respondent has shown no risk of irreparable harm. It is uncontested that no physical injuries have been reported as a result of an impact from an errant golf ball. While an injury may well be a possibility, that has always been the case on Respondent's property. Moreover, Respondent has failed to present any evidence of even recent property damage. The only evidence of property damage Respondent has produced consists of two repair estimates from June 2024. The fact of the matter is that Respondents cannot show irreparable harm in the absence of the

injunction, but Appellants have demonstrated significant and irreparable harm caused to them by the injunction.

Consequently, supersedeas is necessary to preserve the status quo and prevent irreparable harm to Appellants.

WHEREFORE, Appellants respectfully request that this Court enter an order staying or imposing a supersedeas of the February 13, 2026, Order Granting Temporary Injunctive Relief and Setting Rule 65(c) Bond and March 30 Amended Order Granting Temporary Injunctive Relief and Setting Rule 65(c) Bond.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

COLLINS & LACY, P.C.

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TOP TRACER GOLF

**APPELLANTS GREENWOOD
RESORTS AND COMMUNITIES,
INC. D/B/A PALMETTO DUNES
RESORT AND CALLAWAY
BRANDS, INC. D/B/A TOP TRACER
GOLF'S REPLY TO
RESPONDENT'S RESPONSE IN
OPPOSITION PETITION FOR
SUPERSEDEAS**

April 2, 2026
Columbia, South Carolina

EXHIBIT 8

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Apr 02 2026

SC Court of Appeals

From: McIntosh, Lawton Law Clerk (Carson Neeves) <Imcintoshlc@sccourts.org>
Sent: Wednesday, March 25, 2026 10:33 AM
To: Christian Stegmaier; Gregg Alford; McIntosh, Lawton Secretary (Tammy Jennings)
Cc: Victoria Gill; Monica M. McGee; Evan M. Gessner; Robert S. Forney
Subject: RE: 2024-CP-07-00156 Queens Grant II HPR v. Greenwood et. al.

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Good morning,

Judge McIntosh asked me to forward the following message to y'all:

Mr. Alford, pls amend the order to provide the sixty (60) days shall begin upon the filing of the necessary bond—it was not a scrivener's error –the intent of my order to stop the operations while defendants develop a concrete plan to rectify the situation—I whole heartedly disagree with Mr. Stegmaier's interpretation—there is no need for a hearing -thank you
Lawton

Sincerely,
Carson

Carson Neeves

Law Clerk for Judge R. Lawton McIntosh

Tenth Judicial Circuit of the State of South Carolina
PO BOX 8002 Anderson, SC 29622
Imcintoshlc@sccourts.org | (864-260-4059)

From: Christian Stegmaier <cstegmaier@collinsandlacy.com>
Sent: Tuesday, March 24, 2026 1:34 PM
To: Gregg Alford <gregg@alfordlawsc.com>; McIntosh, Lawton Secretary (Tammy Jennings) <Imcintoshsc@sccourts.org>; McIntosh, Lawton Law Clerk (Carson Neeves) <Imcintoshlc@sccourts.org>
Cc: Victoria Gill <general@alfordlawsc.com>; Monica M. McGee <mmcgee@collinsandlacy.com>; Evan M. Gessner <egessner@collinsandlacy.com>; Robert S. Forney <rforney@collinsandlacy.com>
Subject: RE: 2024-CP-07-00156 Queens Grant II HPR v. Greenwood et. al.

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Judge McIntosh-

Please see attached Defendants' motion in opposition of Plaintiff's attempt to modify the injunction. It has been filed with the Beaufort County Clerk of Court right now.

In short: Plaintiff's inaction to timely post a bond caused this order to become inoperative, *if it ever was operative*, and they now seek to modify this order to cure their inaction. Defendants ask this motion be denied and this case now return to the regular Beaufort County docket for disposition on the merits.

Thank you.

Respectfully,

Christian Stegmaier
Cell 803-467-9699

From: Gregg Alford <gregg@alfordlawsc.com>
Sent: Tuesday, March 24, 2026 12:47 PM
To: McIntosh, Lawton Secretary (Tammy Jennings) <lmcintoshsc@sccourts.org>; McIntosh, Lawton Law Clerk (Elizabeth Moody) <lmcintoshlc@sccourts.org>
Cc: Christian Stegmaier <cstegmaier@collinsandlacy.com>; Victoria Gill <general@alfordlawsc.com>
Subject: 2024-CP-07-00156 Queens Grant II HPR v. Greenwood et. al.

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Dear Judge McIntosh:

Attached please find Plaintiff's Rule 62(c) Motion to Modify Injunction which has been filed with the Clerk. In addition the requisite bond has been posted with the Clerk.

I am writing to request a 15 minute zoom hearing on this motion at the Court's earliest convenience.

Respectfully,

--

Gregory M. Alford
Alford Law Firm, LLC
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Hilton Head, SC 29938
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In light of the Amended Order of the S.C. Supreme Court effective February 4, 2022 (Order 2020-04-03-01), we will be serving discovery via e-mail only.

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**Apr 02 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
R. Lawton McIntosh, Circuit Court Judge

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..... Respondent,

vs.

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Resort and Callaway Brands, Inc. d/b/a Top Tracer Golf,  
..... Appellants,

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**PROOF OF SERVICE**

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I hereby certify that I have served **APPELLANTS  
GREENWOOD RESORTS AND COMMUNITIES, INC.  
D/B/A PALMETTO DUNES RESORT AND CALLAWAY  
BRANDS, INC. D/B/A TOP TRACER GOLF'S REPLY TO  
RESPONDENT'S RESPONSE IN OPPOSITION PETITION**

**FOR SUPERSEDEAS** upon all parties by electronic mail to the  
below listed counsel on April 2, 2026, at the following address:

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*Counsel for Plaintiffs*

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

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**APPELLANTS GREENWOOD  
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