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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 HORRY COUNTY  
Court of Common Pleas  
R. Markley Dennis, Jr., Judge of the South Carolina Business Court

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Appellate Case No. 2021-000767

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C. Barry Dykes and Barbara Eisenhardt, Individually and Derivatively On Behalf Of The Wild Wing Plantation Property Owners' Association, Inc.,..... Appellants,

v.

Wild Wing Company, LLC; Sunstar, LLC; Ralph R. Teal, Jr.; SLF IV/SBI Wild Wing, LLC; SLF IV/SBI JV, LLC; SLF IV/SBI Properties MM, LLC; SLF IV/SBI Development Holdings, LLC; Wild Wing Residential Development, LLC; Stratford Land Manager, L.P. d/b/a Stratford Land; Stratford Land Fund IV, L.P.; SB Investments LLC; Realstar Management, LLC; Graeme T. Black; H. Gilford Edwards; Founders Wild Wing, LLC; Founders Group International, LLC; Dan Liu; Xian "Nick" Dou; Rick Schultz; Rick Taylor And Thomas Plankers.....Respondents,

Wild Wing Plantation Owners' Association, Inc.,..... Nominal Defendant.

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**APPELLANTS' RETURN TO MOTIONS FOR COSTS**

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**Attorney for Appellants**

C. Barry Dykes and Barbara Eisenhardt, Individually and Derivatively On Behalf Of The Wild Wing Plantation Property Owners' Association, Inc. ("Appellants") oppose the award of any costs and fees in connection with the above-referenced matter filed by any party. This Return is intended to address all of the Motions for Cost that have been filed which are reflected below:

- Motion for Costs by Founders Wild Wing, LLC; Founders Group International, LLC; and Dan Liu – Filed by Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.;
- Motion for Costs by SLF IV/SBI Wild Wing, LLC; SLF IV/SBI JV, LLC; SLF IV/SBI Properties MM, LLC; SLF IV/SBI Development Holdings, LLC; Wild Wing Residential Development, LLC, SB Investments, LLC, and Realstar Management, LLC – Filed by Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.;
- Motion for Costs by Wild Wing Company, LLC and Sunstar, LLC – Filed by Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.;
- Motion for Costs by Rick Shultz, Rick Taylor, and Thomas Plankers – Filed by Richardson Plowden Robinson, P.A.;
- Motion for Costs by Stratford Land Manager, L.P. d/b/a Stratford Land and Stratford Land Fund IV, L.P. – Filed by Talley Law Firm, P.A. and Johnson Smith Hibbard & Wildman LawFirm, LLP;
- Motion for Costs by Ralph R. Teal, Jr., Graeme T. Black, and H. Gilford Edwards – Filed by Copeland, Stair, Valz & Lovell, LLP.

In response to the Motions for Costs and Attorney's Fees, the decision to award costs and attorney's fees is discretionary, which was confirmed by the Supreme Court in *Austin v. Stokes-Craven Holding Corp.*, 406 S.C. 187, 199-200 (2013). In that case the Supreme Court stated, "it is within this Court's discretion whether to award fees and costs under Rule 222."

Appellants brought claims against a number of parties, including a number of LLCs and individuals who controlled and directed those LLCs and/or were members of The Wild Wing Plantation Property Owners' Association, Inc.'s ("Wild Wing POA") Board of Directors during the operative time period. In Appellants' Final Brief (pp 3-4), Appellants summarized the parties, stating:

As noted, the Defendants, who are the Respondents in this appeal, are comprised of three groups of entities and people. The first group consists of four different entities that had the rights of the “Declarant” under the Wild Wing Regime Documents which are described more fully below. The Declarants, and the dates they held the Declarant rights, are listed below:

<b>Declarant</b>	<b>Date Range of Rights</b>
<i>Wild Wing Company, LLC</i>	<i>9/26/06-12/22/10</i>
<i>SLF IV/SBI Wild Wing, LLC</i>	<i>12/22/10-11/09/11</i>
<i>Wild Wind Residential Development, LLC</i>	<i>11/09/11-04/13/15</i>
<i>Founders Wild Wing, LLC</i>	<i>04/13/15-Present</i>

The second group of Defendants/Respondents are individuals who served as members of the Board of Directors for the Association. They were all appointed to the Board of Directors by the Declarants, which have always controlled the Association and still do. The Defendants/Respondents who served as members of the Board of Directors, and the Declarants for whom they served, are listed below:

<b>Defendant Board Members</b>	<b>Related Declarant</b>
<i>Ralph R. Teal, Jr. (Sunstar/Realstar/SB Investments) Gilford Edwards (Sunstar/Realstar)</i>	<i>Wild Wing Company, LLC</i>

<i>Ralph R. Teal, Jr. (Sunstar/Realstar/SB Investments)</i> <i>Graeme Black (Realstar)</i> <i>Gilford Edwards (Sunstar/Realstar)</i>	<i>SLF IV/SBI Wild Wing, LLC</i>
<i>Ralph R. Teal, Jr. (Sunstar/Realstar/SB Investments)</i> <i>Graeme Black (Realstar)</i> <i>Gilford Edwards (Sunstar/Realstar)</i>	<i>Wild Wind Residential Development, LLC</i>
<i>Rick Schultz</i> <i>Rick Taylor</i> <i>Tom Plankers</i>	<i>Founders Wild Wing, LLC</i>

*The third and final group of Defendants/Respondents are people and entities that were members of, or related to, the Declarants. Those Defendants/Respondents either controlled the actions of the Declarants and the members of the Board of Directors or participated in the siphoning of assets from the Declarants. To assist this Court, we attached a detailed chart of all the Defendants/Respondents and some of their relationships to our Memorandum in Support of Plaintiffs’ Motion for Summary Judgment, (Exhibit C, R. pp. 1570-1571).*

The Motions for Costs have been made by four different law firms, with one firm, Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A. (“Bellamy Firm”), making three separate motions. The Bellamy Firm filed one Respondents’ Brief in the Court of Appeals for their clients, joined in a collective Respondents Supplemental Reply Brief (and one brief in response to the Petition for Writ of Certiorari), each brief for all of its clients. Now the Bellamy Firm has broken its clients into three different subgroups for purposes of their request for attorney’s fees.

As a threshold matter, none of the Motions for Costs are supported by proof of payment of any costs or attorney’s fees. They simply state the amount of \$2,500.00 for attorney’s fees, without

proof that the Respondents included in the Motion paid those fees. That is particularly important where, as here:

1. Many of the LLCs that were sued, in fact most, were sham entities with no assets or income;
2. Insurance coverage drove the selection of at least two firms, Copeland, Stair, Valz & Lovell, LLP (“Copeland Stair”) (which came into the case in 2017) and Richardson Plowden Robinson, P.A. (“Richardson Plowden”) (which came into the case in 2019), meaning the insureds likely paid no costs at all.
3. The Talley Law Firm did not enter the case until 2020, when the case was three years old. The firm appeared only for Stratford Land Manager, LP d/b/a Stratford Land and Stratford Land Fund IV, LP, without explanation. Those entities had been represented by the Bellamy Firm since 2017, which continued to represent the other SLF entities.

The Appellants brought a single claim, seeking the payment of money owed by the Respondents to the Wild Wing POA. While the claim spanned a period of several years of non-payment, it was one claim. The Respondents defended collectively, meaning, they all asserted the same defenses uniformly. The Respondents were not adverse to one another.

The fact that Respondents chose to be represented by different law firms, rather than one firm, was their decision and was not compelled by Appellants’ claims. Whether that decision was made by preference of attorney, or insurance carriers, Appellants should not be effectively punished by those decisions in the form of costs for each law firm involved.

Another factor preponderating against an award of attorney’s fees is the nature of the action itself. In conformance with Rule 23, *SCRCP*, when Appellants identified accounting

irregularities involving the Declarant controlled Board of Directors, in 2016, they investigated that and demanded that the Board seek redress for that. (Dykes letter dated January 23, 2017 to Board of Directors at Association, R. p. 1889). Only after the Board failed to act did Appellants file this claim, which they aggressively pursued for nine (9) years, which was their duty and obligation under Rule 23. Once begun, the Appellants were obligated to see it through and to advance the cause. See Rule, 23, *SCRCP*, (“The action shall not be dismissed or compromised without the approval of the court and notice of the proposed dismissal or compromise shall be given to shareholders or members in such manner as the court directs.”) In doing so, Appellants devoted hundreds of hours of their time to the litigation and incurred substantial costs of their own to prosecute the case. (See Affidavit of Robert Lyles, attached as Exhibit 1).

Critically, in devoting themselves, their time and their money to this claim, Appellants were not acting for themselves but were instead protecting the interests of the Wild Wing POA, which the Declarant controlled Board failed to do. Appellants did not seek any personal gain or recovery against any of the Respondents separate and apart from their small interest as members of the Wild Wing POA. To impose attorney’s fees upon Appellants would be unfair and inequitable under the circumstances.

The imposition of attorney’s fees against the Appellants would also inhibit, rather than advance, South Carolina’s stated policy of protecting homeowners from self-dealing and other abuses inherent with Declarant controlled HOA and POA boards. South Carolina has recognized the conflicts inherent in Declarant controlled boards and has developed a body of law to address it. See, *Walbeck v. I’On Company*, 439 S.C. 568, 889 S.E. 2d 537 (2023); *Concerned Dunes West Citizens v. Georgia Pacific*, 349 S.C.251, 562 S.E. 2d 663 (2002); and *Goddard V Fairways Dev.*, 310 S.C. 408, 415, 426 S.E.2d 828, 832 (Ct. App. 1993). The imposition of fees in this case would

certainly chill other HOA and POA members from pursuing claims to root out and address the results of self-dealing and other abuses resulting from Declarant controlled boards

For the foregoing reasons, Appellants oppose the award of attorney's fees to any of the Respondents in this case.

*s/Robert T. Lyles, Jr.*  
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**Attorneys for Appellants**

Sullivan's Island, South Carolina

April 2, 2026

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
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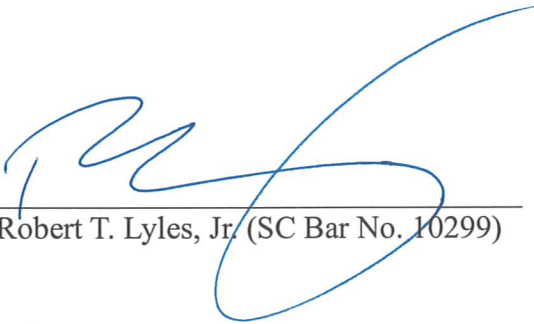
**AFFIDAVIT OF ROBERT T. LYLES, JR.**

**PERSONALLY APPEARED** before me, Robert T. Lyles, Jr., who being duly sworn deposes and says:

1. I am over the age of eighteen (18) and the assertions made in this Affidavit are true and are based upon my personal knowledge.
2. I am an attorney practicing law in the firm of Lyles & Associates, LLC, of which I am a principal.

3. This Affidavit is submitted in support of Appellants' Return to All Respondents' Motions for Costs.
4. Lyles & Associates, LLC was retained by Appellants in 2017 as a contingency fee matter. Since then, I have worked for my clients (Appellants) and have received all invoices for costs and fees, including expert fees, related to this matter on behalf of my clients.
5. In prosecuting this matter, expenses and costs, including expert fees, from 2017 through April 2, 2026, total \$43,429.79.

FURTHER AFFIANT SAITH NOT.



Robert T. Lyles, Jr. (SC Bar No. 10299)

SWORN to before me this 2<sup>nd</sup> day of April, 2026.

Cynthia R. Worstam  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 1-29-2034

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APPEAL FROM HORRY COUNTY  
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Appellate Case Number 2025-002300

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C. Barry Dykes and Barbara Eisenhardt, Individually and Derivatively On Behalf Of The Wild Wing Plantation Property Owners’ Association, Inc., .....Appellants,

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Wild Wing Plantation Owners’ Association, Inc., ..... Nominal Defendant.

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**PROOF OF SERVICE**

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I certify that I have served a copy of Appellants’ Return to Motions of Costs to each of the following counsel of record via electronic mail on April 2, 2026, as follows:

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LLC; Wild Wing Residential Development,  
LLC; SB Investment, LLC; Realstar  
Management, LLC; Founders Wild Wing, LLC;  
Founders Group International, LLC; and Dan  
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