

The South Carolina Court of Appeals

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

v.

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

Appellate Case No. 2026-000690

ORDER

Appellants are the operators of a driving range that abuts Respondent's property.¹ In 2021, Appellants incorporated new technology into their driving range that appears to have resulted in an increase in errant golf balls on Respondent's property. In January 2024, Respondent filed its summons and complaint seeking monetary damages and a permanent injunction requiring Appellants to cease operations and a motion for a temporary restraining order. Following a hearing on the motion for a temporary restraining order, the circuit court ordered the parties to mediation, which was held in December 2024.

On December 9, 2025, and a few days before a reconvened hearing on the motion for a temporary restraining order, Respondents filed an amended motion for temporary restraining order and/or preliminary injunction. The circuit court held a hearing, and on February 13, 2026, the circuit court filed an order granting temporary injunctive relief and setting a \$75,000 bond pursuant to Rule 65(c) of the South Carolina Rules of Civil Procedure. The order explained,

This Court and the parties have struggled with
identifying, much less implementing, intermediate safety

¹ We mirror the language used in the order on appeal without making any conclusions on the ownership of Respondent's property.

measures short of installing a net over 130 feet. Since [Appellants] appear to be unable or unwilling to install such a netting system, and the trespass, damage and endangerment has continued, this Court Orders as follows: (1) effective January 15, 2026, [Appellants] are ordered to temporarily suspend the golf ball hitting portions of [Appellants'] TopTracer driving range for a period of sixty days; (2) during this period of time, [Appellants] shall provide to the Court a concrete plan to modify the design and operations of the golf ball portions of [Appellants'] TopTracer driving range.

The order permitted "food and beverage operations and any other activities that do not involve driving golf balls" to continue. The circuit court "encourage[d] [Appellants] to immediately develop a professionally created and verified plan such that they can use to apply to the Court to reopen operations, partial operation, conduct test periods of operations, in order to resume maximum operational efficiency in a lawful manner which means without unreasonable trespass damage and endangerment to their neighbors." The order also required Appellants' proposed plan to be "reviewed and approved by an industry recognized expert, prior to submission for judicial consideration," allowed Appellants to apply to the court "at any time during the suspension to reopen any type of operations upon submission of a proposed plan," and provided that any application would be subject to court review and approval after notice to Respondent and an opportunity for Respondent to be heard. Finally, the order ordered a hearing to be held in sixty days "or soon thereafter," "to determine whether or not the suspension or the bond should be modified in any way."

On March 16, 2026, Appellants filed a notice of appeal from the February 13, 2026 order.

Respondents did not post a bond until March 20, 2026, at which time they moved to modify the dates of the injunction; Appellants opposed the amendment. On March 30, 2026, the circuit filed an amended order granting temporary injunctive relief and setting Rule 65(c) bond. The order modified (1) of its previous order to state: "[Appellants] are ordered to temporarily suspend the golf ball hitting portions of [Appellants'] TopTracer driving range for a period of sixty (60) days, which sixty (60) day period shall commence upon the filing of the required Rule 65(c) bond with the Beaufort County Clerk of Court. The Court notes that the Seventy-Five Thousand Dollar (\$75,000.00) bond was filed on March 20, 2026."

On March 30, 2026, Appellants filed an amended notice of appeal. That same day, Appellants filed a petition for supersedeas, seeking a stay of the February 13 and March 30, 2026 orders. Respondent filed a return, opposing the requested relief, and Appellants filed a reply.

After careful consideration, we remand this case to the circuit court for an expedited hearing on Appellants' petition for a writ of supersedeas. *See* Rule 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."). We express concern that Appellants appear to have been required to cease operations from January 15, 2026 until March 15, 2026, and that the sixty-day period was renewed without consideration of whether the amount of the nominal bond should increase. On remand, the court shall reconsider the amount of the bond in light of the ongoing nature of the injunction.

Appellants shall provide this court with status updates in writing every thirty days until the circuit court issues a written order on the petition for a writ of supersedeas. Further, Appellants shall provide this court with a copy of the circuit court's written order regarding the petition for a writ of supersedeas within ten days of receiving notice of the ruling. Thereafter, Appellants may renew their motion with this court if they choose.

Appellants' failure to provide this court with status updates every thirty days or to notify this court of the circuit court's ruling within ten days of receiving written notice of the ruling will result in dismissal of this appeal.

This appeal will not be held in abeyance pending the circuit court's ruling on Appellants' petition.



FOR THE COURT J.

Columbia, South Carolina

cc:

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FILED
Apr 03 2026

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The Honorable R. Lawton McIntosh