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**SC Court of Appeals**

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

Appellate Case No.: 2025-001651

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APPEAL FROM CHARLESTON COUNTY COURT OF COMMON PLEAS

Charleston County Court of Common Pleas Case No. 2025-CP-10-1379

The Honorable Maite Murphy, Circuit Court Judge

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APPEAL FROM CHARLESTON COUNTY MAGISTRATES COURT

Magistrate Court Case No. 2025-CV-10-11200030

The Honorable Sheryl M. Perry, Ravenel Magistrate Judge

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Hill Family 2008 Trust and Yvonne Herold, Trustee,

Respondents,

v.

Teresa Hill,

Appellant.

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**BRIEF OF APPELLANT TERESA HILL**

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**STATEMENT OF JURISDICTION**

This Court has jurisdiction over this appeal pursuant to S.C. Code Ann. § 14-8-200 and Rule 203, SCACR. Appellant Teresa Hill timely filed her Notice of Appeal on August 14, 2025, within thirty (30) days of the Circuit Court's Order of August 7, 2025 denying reconsideration of its July 16, 2025 Order affirming the Ravenel Magistrate Court's Writ of Ejectment. The Circuit Court case number is 2025-CP-10-1379, and the underlying Magistrate Court case number is 2025CV1011200030. Proof of Service of the Notice of Appeal was filed on August 26, 2025.

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**STATEMENT OF THE ISSUES PRESENTED FOR REVIEW**

**I.** Whether the Ravenel Magistrate Court lacked subject matter jurisdiction over this ejectment action where no landlord-tenant relationship exists between the parties and the dispute fundamentally involves title to real property.

**II.** Whether Respondent Hill Family Trust 2008 of Arizona has standing to maintain an ejectment action where no trust document has ever been produced, filed with any court, or recorded with the Charleston County Register of Deeds.

**III.** Whether Appellant's constitutional right to due process was violated by defective service of process, inadequate notice, and the forcible entry into her property by law enforcement prior to any lawful hearing.

**IV.** Whether the deed underlying Respondent's claim to ownership is void or voidable due to fraud, undue influence, or the incapacity of the signatories, where the deed was purportedly signed in 2008 but not recorded until 2023 — fifteen years later — after one signatory had died and another was severely incapacitated with Alzheimer's disease.

**V.** Whether Appellant holds an equitable ownership interest in the property through constructive trust, equitable estoppel, and unjust enrichment, based on thirty-five years of continuous investment, occupancy, and reliance on partnership agreements, such that ejectment is improper.

**VI.** Whether Appellant has established title to the property through adverse possession based on open, notorious, continuous, exclusive, and hostile possession for thirty-five years, exceeding the statutory period.

**VII.** Whether the Circuit Court erred in summarily affirming the Magistrate's order without addressing undisputed constitutional violations, jurisdictional defects, and equitable claims.

**VIII.** Whether a bond requirement under S.C. Code Ann. § 27-37-130 is applicable where no tenancy exists and where prior courts have previously denied the same bond request.

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**STATEMENT OF THE CASE**

This case arises from the attempted ejectment of Teresa Hill ("Appellant"), an attorney who has occupied, managed, operated her law practice from, and in substantial part resided at 6209 Savannah Highway, Ravenel, South Carolina (the "Property") for over thirty-five years, since the building was constructed in 1989-1990.

On January 27, 2025, Respondent Hill Family Trust 2008 of Arizona ("Trust"), through alleged Trustee Yvonne H. Herold, filed an Application for Ejectment at the Ravenel Magistrate Court (Case No. 2025CV1011200030). Appellant was never personally served with the complaint or any pleadings. The Magistrate Court constable allegedly made two unsuccessful personal service attempts, and thereafter sent a certified letter, which Appellant maintains was improperly handled. Appellant did not receive the certified letter and there is no USPS green card

signed by her. On March 7, 2025, the Ravenel Magistrate, Sheryl M. Perry, issued a Writ of Ejectment in Appellant's absence.

The Magistrate's Return states that on March 12, 2025, the Writ was allegedly posted on the Property door. On March 13, 2025, Appellant filed a timely Notice of Civil Appeal to the Charleston County Court of Common Pleas, after encountering significant technical difficulties with the South Carolina electronic filing system requiring intervention at the Supreme Court level. On that same date, Appellant notified the Magistrate Court of the appeal by letter requesting the Magistrate's Return. Despite the filed appeal, on March 14, 2025, three (3) huge Charleston County Sheriff's Deputies and the Ravenel Constable forcibly entered Appellant's property with leaving patrol cars with blue flashing lights in her law office parking lot and violently push their way into her office and forcibly detained her.

The Circuit Court (Judge Maite Murphy) held a virtual hearing on June 26, 2025. The Magistrate's Return was not made available online until the morning of the hearing — depriving Appellant of adequate preparation time. Respondent's attorneys filed their Notice of Appearance the night before the hearing despite being involved prior to that date. On July 16, 2025, the Circuit Court entered an Order affirming the Magistrate without explanation beyond a single sentence finding "no error of law nor of fact." Appellant filed a Motion to Reconsider on July 29, 2025. On August 7, 2025, the Circuit Court denied the Motion to Reconsider without substantive analysis. Appellant timely filed her Notice of Appeal to this Court on August 14, 2025.

On September 19, 2025, Respondent moved the Court of Appeals to dismiss the appeal and enforce ejectment or alternatively require a bond of \$720,000. On November 19, 2025, this Court denied Respondent's motion to dismiss and enforce ejectment. Respondent then filed a

separate motion for bond before the Circuit Court. On February 5, 2026, Appellant filed a Response in Opposition to the Motion for Bond. The appellate brief of Teresa Hill follows.

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## **STATEMENT OF THE FACTS**

### **A. Construction and Ownership of the Property**

In approximately 1989-1990, Teresa Hill and her law partners — William McAlister Hill, Sr. ("Mackie Hill") and his son G. Thomas Hill ("Tommy Hill"), Teresa's then-husband — came together to in their law practice founded in 1990, Hill, Hill, and Hill to construct a law office building at 6209 Savannah Highway, Ravenel, South Carolina. The building was modeled after a structure in Mississippi Teresa located in Mississippi and Teresa and Tommy went to the architect to obtain permission to build a replica of the building in Ravenel, South Carolina. Appellant personally selected the design, secured construction financing by going to the bank, assisted in managing construction, and was present from the earliest stages of building. During Hurricane Hugo, Appellant helped pull down wall studs to protect the structure. (Record, June 26, 2025 Hearing Transcript ("Tr.") at 12-13.) Appellant, Tommy Hill, and Mackie Hill went to the bank to secure financing for the building.

The understanding and agreement among the law partners was that the property and law firm Hill, Hill & Hill, and subsequently Hill & Hill would pass to the younger partners, Tommy Hill and Teresa Hill, after a ten (10) year period of work and contribution. Appellant worked well in excess of ten (10) years in the firm to earn her ownership interest, and then has exclusively occupied and operated her practice out of the building for an additional twenty-five (25) years thereafter, totaling over thirty-five (35) years of continuous occupancy. (See Memo in Opposition to Motion to Compel Bond at 2-4.)

## **B. Appellant's Thirty-Five Years of Continuous Occupancy**

From the day the building opened in 1990, Appellant has held a key, the exact same key, to the front door of her office building at 6209 Savannah Highway, Ravenel, South Carolina. She has never been given "permission" to occupy the property because her occupancy of the building was as an owner.

During the early years (the first 10 years), to allow payment of the building's financial obligations, Appellant and Tommy Hill, along with their four children, lived in the attic space above the law offices. All four of their children were brought home from Roper Hospital to 6209 Savannah Highway; those children are now adults over the age of thirty. (Tr. at 13-14; Memo in Opposition at 4.)

Evidence of Appellant's decades of occupancy permeates the building: children's growth chart marks on the walls, crayon drawings, and the physical infrastructure of a working law practice with 35 years of files, books, and client records. Appellant has selected every piece of furniture, every bucket of paint, and every architectural element of the building. She has never entered into a rental agreement with anyone, has never paid rent, and has never acknowledged the authority of any landlord over the property. (Tr. at 12-13, 17.) Funds from the law practice of Hill, Hill, & Hill were used to pay for the law office building.

## **C. The Suspicious 2008 Deed Recorded in 2023**

The entire foundation of Respondent's claim rests upon a Quit-Claim Deed (Book 1204, Page 792) purportedly executed on August 8, 2008, conveying the Property from W. McAlister Hill, W.M. Hill, and William McAlister Hill (all the same person) and Mable T. Hill to Yvonne H. Herold as Trustee of the Hill Family Trust. This deed was not recorded with the Charleston

County Register of Deeds until September 25, 2023 — a delay of fifteen (15) years. (Response to Appeal, Exhibit A; Recorder's Page.)

The delay of fifteen years in recording is not merely unusual; it is deeply questionable and suspicious. The deed was filed with the Charleston County ROD only after one of the purported signatories, W. McAlister Hill was deceased and after Mable T. Hill had become severely incapacitated due to Alzheimer's disease. The notary on the deed is identified as W.M. Hill — who is the son of the grantor and who had a direct conflict of interest in notarizing an instrument that conveyed his parents' property to his sister, Yvonne Herold, as Trustee. (Motion to Reconsider at 6-7; Tr. at 13.)

Appellant has known and worked alongside W. McAlister Hill for decades and contends that the signatures on the deed do not reflect her former father-in-law's and law partners authentic signature. (Tr. at 13.) No trust document has ever been produced by Respondent in any court proceeding — not in the Magistrate Court, not in the Circuit Court, and not in this appeal. (Motion to Compel Trust and Will, *passim*.) Appellant filed a Motion to Compel Production of the Trust and the Charleston County Court of Common Pleas has never scheduled the motion to compel for a hearing. Appellant tried to obtain the trust in a second bite at the apple motion hearing for a bond which Respondents were allowed in Common Pleas in March of 2026 but Judge Van Slambrook refused to allow the Trust issue to be addressed. The Order from that hearing has not been signed or filed.

#### **D. The Ejectment Proceedings and Procedural Irregularities**

The Application for Ejectment filed January 27, 2025 in the Charleston County Magistrates Court asserted a "landlord-tenant" relationship and withdrew "permission to occupy building and land" as the ground for ejectment. Yet neither Respondent nor any of its

predecessors ever had a rental agreement with Appellant — no lease, no rental payments, no landlord-tenant relationship of any kind. (Writ of Ejectment; Memo in Opposition at 3.)

Constable Cassie Watson allegedly made two personal service attempts (January 28 and January 31, 2025) and was unable to serve Appellant. A certified letter was mailed February 5, 2025, and was returned undelivered. Despite this, the Magistrate issued the Writ of Ejectment on March 7, 2025. (Magistrate's Return at 1-2.) Appellant was never served by Constable Watson. Appellant was also never served by certified mail.

When Appellant attempted to appeal using the South Carolina e-filing system on March 13, 2025, the system rejected her filing repeatedly. After contacting the Supreme Court support line and the Charleston County Clerk of Court, and after the Clerk initially agreed but then reversed its agreement to accept an email copy, Appellant drove to the Charleston County Courthouse and filed her appeal in hard copy at 4:12 p.m. on March 13, 2025, attaching a Certificate of Technical Failure. (Certificate of Technical Failure; Magistrate's Return documents.) To drive to Charleston from Ravenel and make it there on park at that time of day is almost impossible but Appellant made it there to file the appeal of the Writ of Ejectment. Appellant kept calling the court in route to the Charleston County Courthouse to obtain permission to file a hard copy of the appeal of the writ of ejectment she was not told until she reach Lockwood Boulevard that the hard copy would be accepted.

The next morning, March 14, 2025, three Sheriff's deputies and Ravenel Constable Watson forcibly entered Appellant's law business with three cars with blue lights flashing. Though Appellant handed them a copy of the filed, time-stamped appeal and asked them not to enter, they forcibly proceeded injuring Appellant. As one deputy later stated to a the James Island magistrate court, "She was somehow able to get off an appeal." (Motion to Reconsider at 4-5.)

The Ravenel Magistrate's Return of Sheryl M. Perry was not filed until June 25, 2025 which was the day before the June 26, 2025 Charleston County Court of Common Pleas appellate hearing. The Magistrates Return was not available online to Appellant until the morning of the hearing. Respondent's attorneys filed their Notice of Appearance for the first time the evening before the hearing June 25, 2025 hearing in the Court of Common Pleas. (Note: The Notice of Appearance of those Attorneys is no longer downloadable on the courts website.) Appellant received no email notifications of filings despite her email address being in the system. (Motion to Reconsider at 5-6.)

#### **E. Circuit Court Proceedings and Orders**

At the June 26, 2025 virtual hearing, Respondent's counsel argued that Appellant was a mere "tenant" and that documents in the record showed Trust ownership. Appellant clearly articulated that she was never a tenant, that she built and co-owned the property under a partnership agreement, that she was never served, and that the deed was fraudulent. The hearing transcript reflects that Appellant also noted the business and property were specifically excluded from her divorce proceedings with Tommy Hill. (Tr. at 12-16.)

The Circuit Court's July 16, 2025 Order contained a single conclusory statement affirming the Magistrate: "Upon review of the record, the Court finds no error of law nor of fact and affirms the holding of the lower court." No analysis was provided of the jurisdictional defects, the fraud allegations, the due process violations, or the equitable claims. (Order Affirming Magistrate's Court Eviction.) The Motion to Reconsider was denied with equal brevity on August 7, 2025: "And this Order is Respectfully Denied." (Order Denying Reconsideration.)

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## STANDARD OF REVIEW

On appeal from the Circuit Court's decision sitting in its appellate capacity, the Court of Appeals reviews questions of law de novo. *Judy v. Judy*, 266 S.C. 164, 222 S.E.2d 29 (1976). Subject matter jurisdiction is a question of law reviewed de novo. *Ex parte Georgetown County School District*, 342 S.C. 637 (2000). Constitutional questions, including due process violations, are reviewed de novo. *Purdy v. Moise*, 223 S.C. 298, 75 S.E.2d 605 (1953). Equitable matters, including constructive trust and unjust enrichment, are reviewed de novo on appeal. *Lusk v. Lusk*, 338 S.C. 310, 526 S.E.2d 603 (Ct. App. 2000). Factual findings are reviewed for any probative evidence supporting the finding. *Hunnicuttt v. Rickenbacker*, 268 S.C. 333, 233 S.E.2d 440 (1977).

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## ARGUMENT

### **I. THE MAGISTRATE COURT LACKED SUBJECT MATTER JURISDICTION OVER THIS ACTION BECAUSE NO LANDLORD-TENANT RELATIONSHIP EXISTS AND THE DISPUTE INVOLVES TITLE TO REAL PROPERTY.**

The threshold question in any eviction action brought under South Carolina's ejectment statutes is whether the court has subject matter jurisdiction. That jurisdiction in the Magistrate Court is predicated entirely on the existence of a landlord-tenant relationship. See S.C. Code Ann. § 27-37-10 et seq. Where no such relationship exists, the Magistrate Court cannot acquire jurisdiction, and any order it enters is void.

Here, there has never been a rental agreement, lease, or any landlord-tenant arrangement of any kind between Appellant and Respondent or any predecessor. Appellant did not move into the Property as a tenant — she moved in as an owner, co-investor, and law partner at the time the building was completed in 1990. She went to the bank with her law partners to secured the

construction financing, selected the design, oversaw construction, and occupied the Property continuously for thirty-five years without ever paying rent, signing a lease, or being given "permission" to occupy what she understood to be her own property. (Tr. 12-13; Memo in Opposition, §§ II, IV.)

Respondent's own Application for Ejectment acknowledged this difficulty: rather than alleging failure to pay rent or lease violations, it listed as its sole ground that "permission to occupy building and land are withdrawn." But permission can only be "withdrawn" if it was first granted; and permission is the hallmark of a licensee or permissive occupant, not a landlord-tenant relationship. The Magistrate Court form itself instructs petitioners to attach a "lease or other written proof" of the tenancy — no such document exists here because none was ever created. (Response to Appeal, Exhibit B.)

The threshold question in any ejectment action is whether the Magistrate Court possesses subject matter jurisdiction. That jurisdiction under S.C. Code Ann. § 27-37-10 et seq. exists only when a landlord-tenant relationship is present. Where no such relationship exists, any order entered by the Magistrate is void.

The South Carolina Supreme Court recently addressed this issue in *Rivers v. Smith*, Op. No. 28260 (S.C. Sup. Ct. Feb. 19, 2025). In *Rivers*, the Court held that a magistrate court has authority to conduct an ejectment proceeding when it makes a factual determination that a landlord-tenant relationship exists, even if the occupant challenges the purported landlord's title. The *Rivers* case, however, is materially distinguishable on multiple grounds. First, *Rivers* involved a residential dwelling where the occupants had lived rent-free for years under a permissive arrangement with the prior owner that the magistrate found ripened into an oral month-to-month tenancy. Here, the Property at 6209 Savannah Highway is a commercial

building constructed in 1989–1990 specifically to house a law office. Appellant has occupied and operated her active law practice from the building for over thirty-five years — never as a residential tenant, but as an owner, co-investor, and law partner under a partnership agreement. Second, unlike *Rivers*, Respondent has never established even a colorable landlord-tenant relationship. There is no lease, no rental agreement, no history of rent payments, and no evidence that permission to occupy was ever granted by Respondent or its predecessors. Respondent’s own Application for Ejectment relies solely on the assertion that “permission to occupy building and land are withdrawn” — language that at most describes a revocable license, not a tenancy. Appellant has held the keys, selected the design, secured financing, managed construction, and continuously treated the Property as her own since its completion, without ever acknowledging any landlord. Because no landlord-tenant relationship ever existed, the Ravenel Magistrate Court lacked subject matter jurisdiction from the outset.

This dispute fundamentally involves competing claims to title and complex equitable issues that exceed the limited scope of a summary ejectment proceeding and must be resolved in a court of general jurisdiction.

Importantly, this dispute fundamentally involves competing claims to title in real property. Appellant asserts direct ownership interest, adverse possession, constructive trust, equitable estoppel, and partnership agreement claims — all of which require resolution of title questions reserved exclusively for courts of general jurisdiction such as the Court of Common Pleas, sitting in equity. See S.C. Code Ann. § 27-37-10 (Magistrate jurisdiction limited to landlord and tenant relationships). The Magistrate Court has no jurisdiction to determine title. *Hunnicut v. Rickenbacker*, 268 S.C. 333, 233 S.E.2d 440 (1977). Because title is genuinely

disputed here, the Circuit Court sitting on appeal should have dismissed the action for lack of jurisdiction rather than affirming it.

Additionally, the amount in controversy here vastly exceeds the Magistrate Court's \$7,500 jurisdictional limit. The Property is a multi-parcel commercial building occupied by an active law practice, with a value far exceeding that threshold. This provides an independent ground for finding that the Magistrate lacked jurisdiction.

## **II. RESPONDENT LACKS STANDING TO BRING THIS ACTION BECAUSE NO EVIDENCE OF A VALID TRUST HAS BEEN PRODUCED.**

Standing is a threshold requirement to maintain any action. To have standing, a party must demonstrate it is a real party in interest with a valid legal interest to assert. *McCormick v. McCormick*, 328 S.C. 45, 491 S.E.2d 179 (Ct. App. 1997). A trust has no legal existence as a separate entity without a valid trust instrument; the trustee's authority to act on behalf of a trust derives entirely from that instrument. S.C. Code Ann. § 62-7-101 et seq. (South Carolina Trust Code).

Throughout these proceedings — from the initial Magistrate filing through the Circuit Court appeal and into this Court — Respondent has never produced the Hill Family Trust 2008 of Arizona instrument. No trust document has been filed in the Magistrate Court, filed in the Circuit Court, recorded with the Charleston County Register of Deeds, or served on any party including Appellant as an alleged beneficiary's family member. (Motion to Compel Trust and Wills, passim; Motion to Reconsider, § 1.)

The only document Respondent has offered is the 2008 Quit-Claim Deed transferring property to "Yvonne H. Herold, as Trustee of the Hill Family Trust." A deed referencing a trust does not establish the trust's existence, validity, or terms. *Cason v. Cason*, 281 S.C. 356, 315

S.E.2d 772 (Ct. App. 1984). Without the trust instrument, this Court cannot determine: (a) whether the trust was validly created; (b) whether Yvonne Herold is properly designated as trustee; (c) what powers the trustee holds; (d) who the beneficiaries are; or (e) whether this action is authorized by the trust's terms.

The South Carolina Trust Code imposes specific requirements for trust creation and administration. S.C. Code Ann. § 62-7-402. A purported trustee who cannot produce the trust instrument has not met the burden of demonstrating the legal basis for her authority. The complete absence of any trust documentation is a fundamental and fatal defect in Respondent's case. The Magistrate Court should never have entertained the action, and the Circuit Court erred by affirming an ejectment order based on claims by an entity that has failed to demonstrate its legal existence or authority.

Notably, Respondent's own Response to Appeal referred to the trust as "Hill Family 2008 Trust (Note: Of South Carolina not Arizona as declared in Defendant's Appeal)." This admission that even Respondent is uncertain of the trust's proper designation further demonstrates the profound evidentiary gap at the heart of this case. No trust document has been produced to resolve even this basic question.

### **III. APPELLANT WAS DENIED DUE PROCESS THROUGH DEFECTIVE SERVICE OF PROCESS AND DEPRIVATION OF ADEQUATE NOTICE.**

The Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the South Carolina Constitution guarantee that no person shall be deprived of property without due process of law. At a minimum, due process requires notice

reasonably calculated to apprise the party of the pendency of the action and an opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

Service of process was fatally defective in this case. The Ravenel constable was unable to personally serve Appellant on two attempts — January 28 and January 31, 2025. A certified letter mailed February 5, 2025 was returned undeliverable. (Magistrate's Return at 1-2.) Appellant maintains she was never served with the ejectment pleadings — not by constable, not by process server, and not by certified mail. She first learned of the Writ of Ejectment when it was posted on her office door.

Despite having no actual notice of any hearing or opportunity to be heard on the merits, the Magistrate entered a Writ of Ejectment against Appellant. The very next day after the Writ was posted, law enforcement forcibly entered her occupied business with blue lights flashing and deputies forcibly entering and detaining her — before she had any meaningful opportunity to exercise her rights. Although she had technically filed her appeal on March 13, 2025, and given notice to the Ravenel Magistrate but the deputies still forced entry on March 14, 2025, causing harm to Appellant, disrupting her law practice, injuring her, humiliating her and allowing others to video the Charleston County Deputies forcing their way into office.

The numerous procedural irregularities that followed compounded these constitutional violations: the Magistrate's Return was not filed until June 25, 2025, one day before the appellate hearing, making meaningful preparation impossible. Even though Ravenel Magistrate Perry filed the Return on June 25<sup>th</sup> it was not available online for Appellant to access until the day of the hearing. Respondent's attorneys filed their first Notice of Appearance the evening before the hearing; Appellant received no email notifications of filings despite providing her contact

information; and Appellant learned of the Circuit Court's affirmance order on July 28, 2025, via the online portal — with no direct email notification. (Motion to Reconsider, §§ 3-4.)

Appellant also contends that the transcript of the June 26, 2025 virtual hearing is incomplete. Specifically that portions of the hearing, including Judge Murphy's denial of the bond request made by counsel for Respondent, were omitted. In a virtual hearing conducted by technology, the recording should be available as a check on the accuracy of the transcript, but this has been refused. (Memo in Opposition, § 2.) The outline of Charleston County Courts irregularities were enumerated in the hearing at length giving specific difficult encounters with Joy Jones. All of this information was omitted from the court transcript of the June 26, 2025 hearing. The fact that a link was not sent to Appellant was omitted also. Additionally, some detail of the alleged trust which were given in the June 26, 2025 hearing were omitted from the transcript. The Appellant asserts the June 26, 2025 transcript is far from a complete transcript of the hearing in the Charleston County Court of Common Pleas.

These cumulative violations of due process — from defective service through the hearing and its aftermath — are not mere technical irregularities. They go to the heart of Appellant's right to be heard before losing her home and her law practice and building of thirty-five years. This case is about a nonowners and nonlawyers not only selling Appellants building but also selling her law practice. S.C. Const. Art. I, § 3, 12 U.S. Const. Amend. XIV.

#### **IV. THE DEED UNDERLYING THE TRUST'S CLAIM IS TAINTED BY FRAUD, INCAPACITY, AND UNDUE INFLUENCE AND SHOULD NOT SUPPORT AN EJECTMENT ORDER.**

Respondent's entire claim of ownership rests on a Quit-Claim Deed executed August 8, 2008, and recorded September 25, 2023 which is fifteen (15) years after its purported execution. This extraordinary fifteen (15) year delay in recording raises grave concerns about the deed's

authenticity, the capacity of the grantors, and the exercise of undue influence. (Exhibit A to Response to Appeal; Recorder's Page.)

The deed was recorded only after W. McAlister Hill, one of the law partners and grantors, had died, and after his wife Mable T. Hill had reportedly become severely incapacitated by Alzheimer's disease. Under South Carolina law, a grantor lacking testamentary and contractual capacity cannot validly execute a deed. *Smith v. Widener*, 397 S.C. 468, 725 S.E.2d 52 (Ct. App. 2011). A deed obtained through undue influence is voidable. *Penny v. Green*, 357 S.C. 583, 594 S.E.2d 171 (Ct. App. 2004).

The deed was both prepared and notarized by G. Thomas Hill ("Tommy Hill") — the son of the grantors and the former husband of Appellant — who had a direct and undisclosed conflict of interest. An attorney or notary who prepares a deed transferring property from his own parents to his sister, while having made representations to his wife that the property would pass to them, cannot be said to have acted without conflict. (Motion to Reconsider, § 5(b); Tr. at 13.) The South Carolina Recording Act, S.C. Code Ann. § 30-7-10, protects innocent parties against unrecorded instruments; the fifteen-year delay in recording deprived Appellant of any constructive notice of the transfer, allowing her to continue investing in and paying for the property throughout the entire intervening period.

Appellant has personal knowledge of W. McAlister Hill's signature through decades of professional collaboration, and she contends the signature on the deed is not authentic. (Tr. at 13.) These fraud allegations have never been heard on the merits in any eviction or equity proceeding because the Magistrate Court — which lacks jurisdiction over title disputes — was the only forum in which they were presented, and neither that court nor the Circuit Court addressed them substantively.

An ejectment order resting on a potentially fraudulent deed, executed while grantors were incapacitated, notarized by a conflicted party, and concealed for fifteen years, cannot stand.

These issues require full evidentiary inquiry in a court of equity.

## **V. APPELLANT HOLDS AN EQUITABLE OWNERSHIP INTEREST THROUGH CONSTRUCTIVE TRUST, EQUITABLE ESTOPPEL, AND UNJUST ENRICHMENT DOCTRINES THAT PRECLUDE EJECTMENT.**

For the purpose of argument if it is assumed that Respondent could establish nominal record title through the disputed 2008 deed), equity requires that this Court recognize Appellant's substantive ownership interest and preclude ejectment on multiple independent grounds.

**A. Constructive Trust.** A constructive trust arises by operation of law when a party holds property that in equity and good conscience belongs to another. *Babb v. Babb*, 233 S.C. 243, 104 S.E.2d 330 (1958). The elements are: (1) the existence of a confidential or fiduciary relationship; (2) a promise, express or implied; (3) a transfer of property in reliance on that promise; and (4) unjust enrichment if the promise is not enforced. *Bass v. Bass*, 272 S.C. 177, 249 S.E.2d 905 (1978).

All four elements are satisfied here. Appellant was in a confidential law partnership relationship with W. McAlister Hill and G. Thomas Hill for many decades. There was an express agreement — understood and relied upon by all partners — that the Property and the law firm would pass to the younger partners, Tommy and Teresa Hill, as consideration for their years of work, sacrifice, and profits. In reliance on this promise, Appellant worked for well over ten years without taking bonuses, lived in the building's attic with her husband and four children for over ten years to reduce the firm's overhead, and

invested her entire professional life in building the law practice housed at 6209 Savannah Highway. To allow Respondent to now take the Property — through a deed of suspicious origin — and effectively sell Appellant's thirty-five-year law practice out from under her would constitute a profound unjust enrichment.

**B. Equitable Estoppel.** Equitable estoppel prevents a party from asserting rights inconsistent with prior conduct when another party has reasonably relied on that conduct to her detriment. *Fountain v. Fountain*, 352 S.C. 544, 575 S.E.2d 229 (Ct. App. 2003). For thirty-five years, W. McAlister Hill, Tommy Hill, and the partnership allowed and encouraged Appellant to treat the Property as her own — making improvements, operating her law practice, and living in the building. Not once in three and a half decades did anyone assert a landlord-tenant relationship or demand rent. Appellant reasonably relied on this conduct, forgoing other opportunities and investing her life's work in this Property. Respondent and her predecessors are equitably estopped from now claiming that Appellant was merely a permissive occupant.

**C. Unjust Enrichment.** Unjust enrichment occurs when one party receives a benefit at the expense of another under circumstances that make retention inequitable. *Lusk v. Lusk*, 338 S.C. 310, 526 S.E.2d 603 (Ct. App. 2000). Respondent seeks to obtain, through ejectment, the windfall of a building that Appellant helped plan, construct, and finance; a thriving law practice built over thirty-five years of Appellant's professional effort; and the accumulated goodwill, client relationships, and institutional knowledge of Appellant's legal career — all while Respondent herself has contributed nothing to the Property's value. To permit Respondent to walk away with this benefit would be unconscionable.

These equitable defenses cannot be adjudicated in a Magistrate Court eviction proceeding. They require a full evidentiary hearing before the Master in Equity or the Court of Common Pleas sitting in equity. The summary ejectment process was simply not designed for, and cannot accommodate, the complex equitable claims at issue here.

#### **VI. IN THE ALTERNATIVE, APPELLANT HAS ESTABLISHED TITLE BY ADVERSE POSSESSION.**

Under South Carolina law, adverse possession ripens into title after ten years of open, notorious, continuous, exclusive, and hostile possession under a claim of right. S.C. Code Ann. § 12-51-90 et seq.; *Fender v. Fender*, 285 S.C. 260, 329 S.E.2d 263 (1985). Each element is established by the undisputed facts of this case.

Appellant's possession has been open and notorious: she has operated a law firm at the Property under her own name since 1990, in a prominent South Carolina Highway 17 location in Ravenel. Her possession has been continuous: she has been in the building conducting business and/or residing for thirty-five years, with no interruption or abandonment. Her possession has been exclusive: she has managed the Property, held the keys, maintained the building, and controlled access to it. Her possession has been hostile and under a claim of right: she has consistently maintained throughout these proceedings that she is an owner, not a tenant, and has acted in all respects as an owner.

Appellant's possession began at or about the time of the building's completion in 1990 and has continued without interruption for over thirty-five years — far exceeding the ten-year statutory period. The purported 2008 deed, even if valid, does not defeat an adverse possession claim that matured before 2008 and continued thereafter without acknowledgment of any superior title. *Rushing v. McKinney*, 370 S.C. 280, 633 S.E.2d 917 (Ct. App. 2006).

Additionally, Respondent or its predecessors never asserted any claim to the Property or challenged Appellant's possession during any of the thirty-five years prior to filing the ejectment action in 2025 — after the deed was finally recorded in 2023. A claimant's inaction for over three decades while another party makes substantial improvements and investments in property is powerful evidence of acquiescence that defeats any adverse possession counter-argument. *Gilliam v. Gilliam*, 224 S.C. 391, 79 S.E.2d 428 (1953).

#### **VII. THE CIRCUIT COURT ERRED IN AFFIRMING THE MAGISTRATE'S ORDER WITHOUT CONDUCTING AN INDEPENDENT REVIEW OF UNDISPUTED CONSTITUTIONAL AND JURISDICTIONAL DEFECTS.**

When a circuit court sits in an appellate capacity reviewing a magistrate court order, it is obligated to conduct a meaningful review of questions of law de novo. A circuit court's conclusory affirmance, without any analysis of the jurisdictional defects, constitutional violations, standing issues, and fraud allegations squarely presented, is legal error.

The Circuit Court's Order states only that "upon review of the record, the Court finds no error of law nor of fact." This is not an analysis; it is a conclusion without reasoning. Where the court below lacked subject matter jurisdiction, no amount of deferential review can cure that defect, a void order must be vacated, not affirmed. Similarly, a constitutional due process violation is a question of law requiring de novo review, and the record here is replete with due process failures that the Circuit Court never addressed.

Furthermore, when Appellant moved for reconsideration under Rule 59(e), SCRPC, presenting seventeen distinct legal and equitable grounds for relief, the Circuit Court again provided no analysis, denying the motion with the single notation: "And this Order is

Respectfully Denied." This level of cursory review falls below the standard required when fundamental constitutional and property rights are at stake.

This Court should independently review all legal questions presented and, at minimum, remand for a full evidentiary hearing before the Master in Equity addressing the title dispute, equitable claims, and fraud allegations.

#### **VIII. THE BOND REQUIREMENT IS INAPPLICABLE AND HAS BEEN PREVIOUSLY DENIED.**

Respondent has repeatedly sought to impose a bond requirement on Appellant's appeal. S.C. Code Ann. § 27-37-130 provides for a bond in connection with appeals from magistrate court to circuit court in ejectment matters. It does not extend to appeals to the Court of Appeals, as this Court itself recognized when it denied Respondent's September 2025 motion to dismiss and enforce ejectment. (Memo in Opposition, §§ III, XVII-XVIII.)

Furthermore, during the June 26, 2025 Circuit Court hearing, Judge Murphy denied Respondent's counsel's request for a bond requirement — a ruling that Respondent did not seek to reconsider. Respondent cannot now seek to reimpose a condition that the Circuit Court already denied. However Respondent had this issue heard again by Judge Dale VanSlambrook in March of 2026. The order has not been signed but the proposed order granting the Respondents request was drafted by Respondents and has been submitted to Judge Dale VanSlambrook.

More fundamentally, the bond statute presupposes a landlord-tenant relationship — it is designed to compensate a landlord for "reasonable rent" during a pending appeal. Where no tenancy has ever existed, no rent has ever been due, and no rental agreement has ever been executed, there is no basis for a rent-based bond calculation. A bond of \$265,074.48 based on

purported "reasonable rent" of \$7,363.18 per month is speculative, excessive, and punitive in the absence of any established tenancy.

The South Carolina Court of Appeals' November 19, 2025 denial of Respondent's motion to dismiss and enforce ejectment confirms that this Court has already determined that the appeal may proceed without the imposition of mandatory bond. Any continued attempts to require bond should be denied.

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### **CONCLUSION**

For the foregoing reasons, Appellant Teresa Hill respectfully requests that this Court:

- 1. Reverse the Circuit Court's Order affirming the Ravenel Magistrate Court's Writ of Ejectment and Order denying reconsideration;**
- 2. Hold that the Ravenel Magistrate Court lacked subject matter jurisdiction over this action due to the absence of a landlord-tenant relationship and the presence of a genuine title dispute;**
- 3. Hold that Respondent lacks standing to maintain this action due to the complete failure to produce any trust documentation establishing the existence of the Hill Family Trust 2008 of Arizona or the authority of Yvonne Herold as Trustee;**
- 4. Dismiss the ejectment action with prejudice; OR in the alternative,**
- 5. Remand this matter to the Charleston County Court of Common Pleas for a full evidentiary hearing on: (a) the validity of the deed and the trust; (b) Appellant's equitable ownership claims, including constructive trust, equitable estoppel, and**

**unjust enrichment; (c) Appellant's adverse possession claim; (d) the due process violations; and (e) the interests of all necessary parties including prior law firm partners and trust beneficiaries; AND**

- 6. Stay enforcement of the Writ of Ejectment pending resolution of this appeal and any remand proceedings; AND**
- 7. Deny any motion requiring Appellant to post an appellate bond, as no landlord-tenant relationship exists and as prior courts have already denied such requests.**

Respectfully submitted,

S/ *Teresa Hill*

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Date: April 6, 2026

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**CERTIFICATE OF SERVICE**

I, Teresa Hill, hereby certify that I have served the foregoing Brief of Appellant upon the below-named attorneys for Respondent by depositing a true and correct copy thereof in the United States Mail, postage prepaid, and/or by electronic service through the South Carolina Court of Appeals e-filing system, addressed as follows:

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