

IN THE COURT OF APPEALS OF SOUTH CAROLINA

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SC Court of Appeals

Appellate Case No. 2025-001651

Charleston County Court of Common Pleas Case No. 2025-CP-10-01379
Ravenel Magistrate Court Case No. 2025-CV-10-11200030

Hill Family 2008 Trust of Arizona and Yvonne H. Herold, Trustee,
Respondents,

v.

Teresa Hill,
Appellant.

**PETITION FOR SUPERSEDEAS
PURSUANT TO RULE 241(d), SCACR
AND
EMERGENCY MOTION FOR STAY**

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April 14, 2026

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I. INTRODUCTION

Appellant Teresa Hill, appearing pro se, respectfully petitions this Court pursuant to *Rule 241(d), SCACR*, for a writ of supersedeas staying enforcement of the Order Granting Respondents’ Motion to Require Bond and/or Enforce Ejectment, issued April 9, 2026, by the Honorable Dale E. Van Slambrook, Circuit Court Judge, Ninth Judicial Circuit (“April 9 Order”), pending final disposition of Appellate Case No. 2025-001651 by this Court.

The April 9 Order requires Appellant to post a bond of \$265,074.48 within five (5) days — **a deadline falling on April 14, 2026** — and authorizes law enforcement to physically remove Appellant from the property upon failure to post the bond. Appellant cannot post that bond. Without an immediate stay, Appellant will be forcibly evicted from her thirty-five-year law office, current residence and totally disrupt her livelihood before this Court can rule on her pending appeal.

Today, April 14, 2026, the South Carolina Supreme Court declined original jurisdiction and expressly directed that any request to stay enforcement of the ejectment order should be made by a petition for supersedeas to this Court or the Court of Common Pleas, where the appeal is currently pending. *Supreme Court Order, Appellate Case No. 2026-000894* (April 14, 2026). Appellant files this petition immediately upon receipt of that order. The April 9 Order requires Appellant to post a bond of \$265,074.48 within five (5) days was issued by the Court of Common Pleas so Teresa Hill is filing the petition with this court since it is the appeals court in which the case is currently pending.

II. JURISDICTION

This Court has jurisdiction over this petition pursuant to *Rule 241(d), SCACR*, which authorizes a party to petition the appellate court in which an appeal is pending for a writ of supersedeas staying enforcement of an order while the appeal is under review. The appeal of the Writ of Ejectment and Circuit Court affirmance is pending before this Court as Appellate Case No. 2025-001651. On November 19, 2025, this Court denied Respondents’ motion to dismiss the appeal and enforce ejectment or bond, confirming that this Court has jurisdiction over the pending

matter. However, this Court stated that the Circuit Court should hear the bond issue. After which the Trust filed with the court of common pleas a motion to set bond or enforce ejectment which was heard by The Honorable Dale VanSlambrook. He issued an Order on April 9 which requires Appellant to post a bond of \$265,074.48 within five (5) days. Teresa Hill then filed a Writ of Mandamus with the South Carolina Supreme Court and a Motion for Emergency Stay.

The South Carolina Supreme Court has today, April 14, 2026, specifically directed Appellant to seek supersedeas in this Court. *Supreme Court Order, Appellate Case No. 2026-000894* “Any request to stay enforcement of the ejectment order should be made by a petition for supersedeas to the circuit court and/or the court of appeals, where an appeal of the order is currently pending in Appellate Case No. 2025-001651.” Teresa Hill filed a Motion for Reconsideration with the Charleston County Court of Common Pleas that will not be heard until at least nine days from today which is well beyond the five days set forth as the date to eject her from her law office because she cannot pay the bond.

III. STATEMENT OF FACTS

A. Appellant’s Thirty-Five-Year Ownership and Occupancy

In 1989–1990, Appellant Teresa Hill and her then-law partners, W. McAlister (“Mackie”) Hill and G. Thomas (“Tommy”) Hill, financed, designed, and constructed the building at 6209 Savannah Highway, Ravenel, South Carolina (the “Property”). Appellant appeared at the bank with her law partners to secured construction financing, selected the architectural design, managed construction, and moved into the building when it opened in 1990 as a co-owner under a partnership agreement. The partners agreed that the Property and the law firm would pass to the younger partners—Tommy and Teresa Hill—after a period of work and financial contribution.

Appellant has occupied and operated her law practice continuously at the Property for over thirty-five (35) years. During the early years, she and Tommy Hill lived in the building’s attic with their four children so that law-firm revenue could service the building’s mortgage. All four children were brought home from the hospital to 6209 Savannah Highway. Appellant has never paid rent to any person or entity. She has never signed a lease. She has never acknowledged any landlord. Her key to the front door in 1990 is the same key she holds today.

B. The Fraudulent Quit-Claim Deed

Respondents' entire claim rests on a Quit-Claim Deed recorded at Book 1204, Page 792, Charleston County Register of Deeds, purportedly executed August 8, 2008, but not recorded until September 25, 2023—a concealment of fifteen (15) years. The Deed was prepared and notarized by G. Thomas Hill, Appellant's former husband and named law partner, who is the brother of the purported Trustee Yvonne Herold. By the time of recording, one grantor (W. McAlister Hill) was deceased and the other (Mable T. Hill) was severely incapacitated by Alzheimer's disease, making both unable to confirm or contest the Deed's authenticity. Appellant, who worked side-by-side with W. McAlister Hill for decades, attests the signatures are not authentic. No trust instrument has ever been produced in any court proceeding.

C. The Ejectment Proceedings and Prior Orders

On January 27, 2025, Respondents filed for ejectment at the Ravenel Magistrate Court. Appellant was never personally served. Certified mail was not delivered. On March 7, 2025, Magistrate Sheryl M. Perry issued a Writ of Ejectment. On March 13, 2025, Appellant filed a timely Notice of Appeal. Despite the pending appeal, on March 14, 2025, Charleston County Sheriff's Deputies forcibly entered Appellant's law office and injured her. Respondents had Appellant arrested for entering another part of the building. Again Charleston County Sherriff's deputies used excessive force and trumped up the charges to resisting arrest because Appellant fearfully would not open her door for them because they had no arrest warrant. They open air tackled her like a Pro football player would a little league player who never saw the tackle coming. There is real fear when it states in Judge Van Slambrooks order of April 9 that the Charleston County Sherriff's deputies will appear in 5 days and remove her from her law office that contains only items which belong to her and her law practice which is ongoing.

On June 26, 2025, Circuit Judge Maite Murphy heard the appeal of the Magistrates Court ejectment order. At that hearing, Trust counsel orally requested imposition of an appeal bond; Judge Murphy denied that request. On July 16, 2025, Judge Murphy affirmed the Magistrate's Order without ordering any bond. Respondents filed no motion for reconsideration of Judge Murphy's bond denial.

On August 8, 2025, Appellant filed a Notice of Appeal to this Court (Appellate Case No. 2025-001651). On November 19, 2025, this Court denied Respondents’ motion to dismiss the appeal and enforce ejectment, and held that consideration of a bond was “a motion more properly made to the circuit court.”

D. The April 9, 2026 Order Under Challenge

On January 29, 2026, Respondents filed in the Circuit Court a Motion to Require Bond and/or Enforce Ejectment. On March 23, 2026, a hearing was held before the Honorable Dale E. Van Slambrook—a different judge than Judge Murphy. Respondents presented no witnesses and no sworn affidavit. The only evidence supporting the rental-value figure of \$7,363.18 per month was an unsigned email from a generic Gmail account, the author of which was not in court, never sworn, never qualified as an expert, and not available for cross-examination. Appellant’s pending Motion to Compel Production of the Trust Instrument, filed July 30, 2025, was not heard.

On April 9, 2026, Judge Van Slambrook issued the April 9 Order, requiring Appellant to post a bond of \$265,074.48 (calculated as three years at \$7,363.18 per month) within five days and authorizing law enforcement to remove Appellant upon failure to post the bond. Appellant cannot pay the bond. On April 10, 2026, Appellant filed a Motion to Reconsider under Rule 59(e), SCRCF, which has not been ruled upon. On April 14, 2026, the South Carolina Supreme Court declined original jurisdiction and directed Appellant here.

IV. STANDARD FOR SUPERSEDEAS UNDER RULE 241(D), SCACR

Rule 241(d), SCACR authorizes this Court to issue a writ of supersedeas staying enforcement of an order while an appeal is pending. South Carolina courts consider four factors in evaluating a petition for supersedeas: (1) the petitioner’s likelihood of success on the merits of the pending appeal; (2) whether the petitioner will suffer irreparable harm without a stay; (3) whether the balance of hardships favors the petitioner; and (4) whether the public interest favors issuance of the writ. All four factors are satisfied here.

V. ARGUMENT

A. Appellant Has a Substantial Likelihood of Success on the Merits

1. The Magistrate Court and Circuit Court Lacked Subject Matter Jurisdiction Because No Landlord-Tenant Relationship Exists.

Magistrate court jurisdiction over ejectment under *S.C. Code Ann. § 27-37-10 et seq.* exists only where a landlord-tenant relationship is established as a matter of fact. *Rivers v. Smith*, Op. No. 28260 (S.C. Sup. Ct. Feb. 19, 2025). Appellant has never entered any rental agreement, written or oral; has never paid rent; and has occupied the Property as an owner under a partnership agreement since 1990. Respondents’ own Application for Ejectment admitted there was no lease, listing as the sole ground that “permission to occupy building and land are withdrawn.” Permission describes a license, not a tenancy. South Carolina law defines “tenant” as a person entitled under a *rental agreement* to occupy a dwelling unit. *S.C. Code Ann. § 27-40-210(15)*. No rental agreement exists. Because no landlord-tenant relationship was ever established, every court in this chain lacked subject matter jurisdiction, and the Writ of Ejectment is void. Also, the Trust failed to name all proper parties to the lawsuit as the law firms involved should have been named as parties to the legal action.

2. The April 9 Order Constitutes Improper Horizontal Appellate Review.

Judge Murphy denied Respondents’ request for a bond at the June 26, 2025 hearing. Respondents never moved to reconsider Judge Murphy’s ruling. The Order from June 26, 2025 hearing contained no order for bond. Specifically at the hearing Judge Murphy stated that she was not going to order a bond. The April 9 Order by Judge Van Slambrook—a co-equal Circuit Court judge—effectively reviews, vacates, and reverses Judge Murphy’s prior bond denial. Two circuit judges of co-equal authority cannot review each other’s orders. Appellate review of a Court of Common Pleas order lies in the Court of Appeals, not in a co-equal judge. The April 9 Order is void on this ground alone.

3. The Circuit Court Exceeded the Scope of This Court’s November 19, 2025 Remand.

This Court’s November 19, 2025 Order delegated one and only one matter to the Circuit Court: consideration of whether a bond should be required. It expressly denied Respondents’ motion to dismiss the appeal and to enforce ejectment. By authorizing immediate execution of the Writ of Ejectment upon non-payment of the bond, the Circuit Court accomplished indirectly what this Court refused to authorize directly. A lower court may not exceed the scope of an appellate remand. The enforcement provision of the April 9 Order encroaches on this Court’s exclusive appellate jurisdiction and is void.

4. The \$265,074.48 Bond Violates Constitutional Due Process and Is Based on Inadmissible Evidence.

The bond amount rests entirely on an unsigned email from a generic Gmail account. The author was never in court, never sworn, never qualified as an expert, and never subjected to cross-examination. A bond that dispossesses a litigant of her home and livelihood must be based on competent evidence admitted at a meaningful evidentiary hearing. *Griffin v. Illinois*, 351 U.S. 12 (1956) The impact of this bond is that it foreclose the ability to appeal which violates constitutional guarantees. The three-year appellate projection underpinning the \$265,074.48 figure was supported by no evidence whatsoever. Moreover, because no tenancy has ever existed, there is no legally cognizable “rental value” that can serve as a basis for the bond calculation under *S.C. Code Ann.* § 27-37-130. The bond is constitutionally excessive, arbitrary, and designed to coerce Appellant into abandoning a meritorious appeal.

5. Respondents Lack Standing Because No Trust Instrument Has Ever Been Produced.

No trust instrument has been produced in any proceeding—not before the Magistrate, not before Judge Murphy, not before this Court, and not before Judge Van Slambrook. Without a trust instrument, there is no proven trust, no proven trustee, and no entity with legal standing to pursue ejectment or seek a bond. A court cannot adjudicate the rights of a nonexistent plaintiff. Appellant’s Motion to Compel Production of the Trust Document, filed July 30, 2025,

was never scheduled or heard. This threshold standing defect is fatal to Respondents' entire case.

6. The Underlying Deed Is Infected with Fraud, and Equitable Doctrines Independently Preclude Ejectment.

The Deed was concealed for fifteen years, executed while both grantors were either deceased or incapacitated, and notarized by a directly conflicted party. These fraud allegations have never been heard on the merits in any court of equity. Independently, doctrines of constructive trust, equitable estoppel, and unjust enrichment—arising from Appellant's thirty-five years of investment, occupancy, and partnership contribution—provide additional grounds on which this appeal is likely to succeed. Appellant also presents a substantial adverse possession claim, having openly, notoriously, continuously, exclusively, and hostilely occupied the Property for over thirty-five years, far exceeding South Carolina's statutory period.

B. Appellant Will Suffer Irreparable Harm Absent a Stay

Enforcement of the April 9 Order will cause irreparable harm of the gravest kind:

- 1) **Loss of law office and current residence.** Appellant will lose the building she financed, designed, built, and has occupied for thirty-five years. This harm is not compensable after the fact.
- 2) **Destruction of law practice.** Appellant's active law practice—including client files, active matters, and privileged communications—will be deposited on a public roadway. Client interests will be irreparably harmed. Appellant's license to practice law may be jeopardized through no fault of her own.
- 3) **Seizure of law practice by non-lawyers.** Non-lawyers—specifically, the Trust's agents—will gain access to Appellant's client files, business goodwill, and law practice, in direct violation of the South Carolina Rules Governing the Practice of Law, which prohibit non-lawyers from owning or operating a law practice.
- 4) **Mootness of this appeal.** Physical removal before this Court can act will moot the entire pending appeal. Appellant's constitutional right to appellate review will be permanently extinguished.

C. The Balance of Hardships Favors Appellant

The balance of hardships weighs overwhelmingly in Appellant’s favor. A stay preserves the status quo pending appeal—the same status quo that has existed for over thirty-five years. Respondents have never occupied the Property, have never received rent from the Property, have never incurred any expense related to the Property, and have contributed nothing to its construction or maintenance. They suffer no hardship from a brief stay. Appellant, by contrast, faces the total and irreversible destruction of her home, livelihood, and thirty-five-year law practice.

D. The Public Interest Favors a Stay

The public interest strongly supports issuance of a writ of supersedeas for four independent reasons:

(1) **Preserving appellate jurisdiction:** allowing a lower court to moot a pending appeal by enforcing the very order being appealed undermines the integrity of the appellate process.

(2) **Protecting due process:** preventing the summary dispossession of a party asserting a colorable ownership claim, equitable interests, and fraud allegations that have never been heard on the merits in any court of equity.

(3) **Protecting the legal profession and the public:** preventing non-lawyers from seizing an active law practice, accessing client files, and acquiring attorney-client privileged materials.

(4) **Honoring constitutional due process:** upholding the constitutional guarantee that no person shall be deprived of property without meaningful notice and an opportunity to be heard.

VI. BOND / SECURITY

Appellant respectfully requests that this Court issue the writ of supersedeas without requiring a bond or, in the alternative, fix any security at a nominal amount. Appellant is without the funds to pay. The purpose of supersedeas security is to protect the opposing party from harm during the stay. Here, Respondents face no harm from the continuation of the status quo—they have never occupied, collected rent from, or incurred costs related to the Property. Imposition of

any substantial bond would constitute a de facto denial of appellate review, for the same reasons the \$265,074.48 bond in the April 9 Order violates Appellant’s constitutional rights.

In the further alternative, if this Court determines that some security is appropriate, Appellant requests that the Court: (a) reduce the monthly rental-value figure from \$7,363.18, which was established through inadmissible hearsay, to a figure based on competent evidence; (b) reduce the multiplier from three years to a reasonable estimate of the time remaining in this appeal; and (c) allow Appellant a reasonable period to post any such reduced security.

VII. PRAYER FOR RELIEF

WHEREFORE, Appellant Teresa Hill respectfully requests that this Court grant the following relief:

1. Issue a Writ of Supersedeas pursuant to Rule 241(d), SCACR, staying enforcement of the April 9, 2026 Order Granting Respondents’ Motion to Require Bond and/or Enforce Ejectment, including the bond-posting deadline and the authorization for law enforcement to remove Appellant from the Property, pending final disposition of Appellate Case No. 2025-001651;
2. **Issue an emergency order, as soon as practicable on April 14, 2026, directing that no law enforcement officer execute or attempt to execute the Writ of Ejectment pending this Court’s disposition of this Petition;**
3. In the alternative, stay enforcement of the Writ of Ejectment on condition that Appellant post a reduced and constitutionally adequate security amount as determined by this Court following briefing, and allow Appellant a reasonable time to post such security;
4. In the further alternative, if any immediate stay is denied, issue an order allowing Appellant a reasonable period—not less than thirty (30) days—to safely remove client files, legal equipment, and the contents of her law office, and issue a protective order for the client files and privileged materials;
5. Direct that the pending Motion to Compel Production of the Trust Instrument be heard and resolved by the Circuit Court before any further enforcement of the Writ of Ejectment; and
6. Grant such other and further relief as this Court deems just and proper.

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Date: April 14, 2026

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VERIFICATION

I, Teresa Hill, being duly licensed to practice law in the State of South Carolina (Bar No. 15792), and appearing pro se in this matter, hereby verify under penalty of perjury pursuant to *S.C. Code Ann.* § 26-2-310 that the factual allegations in the foregoing Petition are true and correct to the best of my knowledge, information, and belief.

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of April, 2026, a true and correct copy of the foregoing Petition for Supersedeas and Emergency Motion for Stay was served upon the following by electronic mail and/or U.S. Mail, postage prepaid:

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Apr 14 2026
SC Court of Appeals

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Lower Court Judges:

The Honorable Dale E. Van Slambrook, Circuit Court Judge
Charleston County Court of Common Pleas, 100 Broad Street, Charleston, SC 29401

The Honorable Maite Murphy, Circuit Court Judge
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The Honorable Sheryl M. Perry, Ravenel Magistrate
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RECEIVED

Apr 14 2026

SC Court of Appeals

April 6, 2026

Via Email ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Hill Family Trust of Arizona 2008 vs Teresa Hill
Case No.: 2025-001651

Ms. Kitchings:

Attached you will find Petition for Supersedeas filed pursuant to Rule 241(d), SCACR, and for an emergency temporary stay of the April 9, 2026 Order of the Honorable Dale E. Van Slambrook until this Court can rule on the Petition.

This afternoon, April 14, 2026, the South Carolina Supreme Court declined original jurisdiction and expressly directed Appellant to file a petition for supersedeas in this Court (or the circuit court), where Appellate Case No. 2025-001651 is pending. Supreme Court Order, Appellate Case No. 2026-000894 (April 14, 2026) (attached as Exhibit A).

The April 9, 2026 Order requires Appellant to post a \$265,074.48 bond today, April 14, 2026 (the fifth and final day), after which law enforcement is authorized to physically remove her from her thirty-five-year law office and residence. Without an immediate temporary stay, Appellant will be forcibly ejected from her law office containing her files, equipment, and personal items before this Court can act on the Petition.

Because the Supreme Court has now directed this exact filing, and because the deadline expires today, Appellant respectfully requests that this Court:

1. Grant immediate consideration of the Petition; and
2. Enter a temporary stay of the April 9, 2026 Order (including the bond deadline and any ejection) until the Court rules on the Petition for Supersedeas.

This relief is necessary to preserve the status quo and prevent irreparable harm and mootness of the pending appeal.

Respectfully submitted,

Teresa Zachry Hill

Teresa Zachry Hill

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