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Apr 21 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 RETURN TO
RESPONDENT'S MOTION TO DISMISS PETITION**

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 and pursuant to Rule 240(e), SCACR, submit
this Return to Respondent's Motion to Dismiss Petition for Failure to Comply
with Rules 240 and 241, SCAR, and in opposition thereto states the following:

Respondent's Motion to Dismiss is based entirely on its argument that Appellants' Renewed Petition for Supersedeas is unverified and must therefore be dismissed for failing to comply with Rule 241(d)(3), SCACR. However, Respondent's pedantic approach ignores longstanding precedent establishing that our courts must prioritize function over form. See, e.g., Elam v. S.C. DOT, 361 S.C. 9, 25, 602 S.E.2d 772, 780 (2004) ("civil procedure and appellate rules should not be written or interpreted to create a trap for the unwary lawyer or party"); Brock v. Bd. of Adjustment & Appeals, 308 S.C. 539, 543, 419 S.E.2d 773, 776 (1992) ("substance will generally take precedence over technical rules in considering exceptions. Reviewing courts will construe an exception as liberally as allowed by the language so long as such construction does not mislead the adverse party to his prejudice") (citing Allen v. Hatchell, 242 S.C. 458, 131 S.E.2d 516 (1963); Burke v. Davidson, 298 S.C. 370, 380 S.E.2d 839 (Ct. App. 1989); Bartles v. Livingston, 282 S.C. 448, 319 S.E.2d 707 (Ct. App. 1984)).

Appellants maintain that their previously filed Petitions, based entirely on verified factual assertions contained in several affidavits that were appended thereto, were verified in accordance with Rule 241(d)(3), SCACR. Indeed, when analyzing whether a particular filing was properly verified, the South

Carolina Supreme Court has considered whether an attached affidavit met the requirements. See Rockland Indus. v. Interior Designers, Inc., 263 S.C. 338, 341, 210 S.E.2d 468, 469 (1974). Following the function over form approach, the proper analysis is on whether the filings, in their entirety, meet the requirement, not whether the verification is included in the body of the main document itself. See id.

Nevertheless, in an abundance of caution and to assuage any concerns this Court may have regarding Appellants' Petition for Supersedeas, Appellants filed an Amended Renewed Petition for Supersedeas on April 20, 2026, which contains the necessary verification within the Petition itself. (See Appellants' Amended Renewed Petition for Supersedeas, p. 10.)

Consequently, to the extent Respondent's Motion to Dismiss has any merit, it has been rendered moot and must be denied.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

COLLINS & LACY, P.C.

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BRANDS, INC. D/B/A TOP TRACER GOLF

**APPELLANTS GREENWOOD RESORTS
AND COMMUNITIES, INC. D/B/A
PALMETTO DUNES RESORT AND
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PROOF OF SERVICE

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 RETURN TO RESPONDENT’S MOTION TO DISMISS
PETITION** upon all parties by electronic mail to the below listed counsel on
April 21, 2026, at the following address:

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Respectfully submitted,

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**PROOF OF SERVICE - APPELLANTS
GREENWOOD RESORTS AND
COMMUNITIES, INC. D/B/A PALMETTO
DUNES RESORT AND CALLAWAY
BRANDS, INC. D/B/A TOP TRACER
GOLF'S RETURN TO RESPONDENT'S
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April 21, 2026
Columbia, South Carolina