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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,

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APPELLANTS GREENWOOD RESORTS AND COMMUNITIES, INC. D/B/A PALMETTO DUNES RESORT AND CALLAWAY BRANDS, INC. D/B/A TOP TRACER GOLF'S REPLY TO RESPONDENT'S RETURN TO THE AMENDED RENEWED PETITION FOR SUPERSEDEAS

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, submits this Reply to Respondent Queens Grant Regime, II, Inc., Horizontal Property Regime's Return to Appellants' Motion for Stay or Supersedeas of the trial court's Order(s) Granting Temporary Injunctive

Relief and Setting Rule 65(c) Bond, and in support thereof state the following:[1]

LAW/ANALYSIS

The issue before this Court is whether supersedeas "is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot." Rule 241(c)(2), SCACR. Appellants have demonstrated that the issues raised in their Notice of Appeal will be rendered moot without a stay of the injunction, effectively destroying this Court's appellate jurisdiction. While Appellants contend that the issuance of the injunction itself was improper and must be reversed on appeal, Appellants further contend that the inadequacy of the "low or nominal" bond ordered by the trial court will result in Appellant incurring significant damages without recourse, an issue that will be rendered moot without supersedeas.

In opposing Appellants' Petition, Respondent attempts to shift the Court's focus to the underlying issues and allegations in this case, namely that Appellants' operation of its driving range allows errant golf balls to travel onto

[1] In its Return, Respondent references a "Motion to Dismiss Appellants' Second Amended Notice of Appeal". However, no such motion has been filed. The only motion to dismiss filed by Respondent pertained to this Petition and, as shown in Appellants' Return thereto, that Motion has been rendered moot. (See 4/21/2026 Appellants' Return to Motion to Dismiss Petition for Supersedeas.) Nevertheless, any issue with Appellants' Second Amended Notice of Appeal will be addressed in a separate filing.

Respondent's property, causing property damage and risking physical injury. Respondent even goes so far as to argue that "Rule 241 does not permit supersedeas to avoid economic inconvenience, particularly where doing so would allow a known and continuing danger to persist." Respondent grossly misapprehends the scope and purpose of Rule 241 and the state of the law regarding temporary injunctions.

In support of its position, Respondent first cites to Carter v. Lake City Baseball Club, Inc., wherein our Supreme Court outlined the threshold for a court to "interfere by injunction to stay the wrong and protect the complainants' property and personal rights from hurt or destruction." 218 S.C. 255, 271-72, 62 S.E.2d 470, 477 (1950). In Carter, the trial court dissolved a temporary restraining order that had been granted at the time the action was instituted and held that the claimants were not entitled to injunctive relief. See id. at 259, 62 S.E.2d at 472. On appeal, the South Carolina Supreme Court reversed and remanded with instructions that a permanent injunction be entered. See id. at 273, 62 S.E.2d at 478. Respondent then cites to Shaw v. Coleman, where this Court noted that any inconvenience the defendant experienced as a result of a **permanent** injunction enjoining him from operating a shooting range on his property was outweighed by the safety

benefits to the plaintiffs. See 373 S.C. 485, 498, 645 S.E.2d 252, 259 (Ct. App. 2007).

Our Supreme Court's holding in Carter and this Court's holding in Shaw are inapplicable here because they dealt with **permanent** injunctions, not temporary injunctions. As such, the standards applied in those cases were different. Moreover, a bond was never an issue in those cases. Appellants are challenging and seeking redress from a **temporary** injunction, which cannot be issued without issuance of a bond in an amount that is sufficient to protect Appellants. See Rule 65(c), SCRCP; Atwood Agency v. Black, 374 S.C. 68, 73, 646 S.E.2d 882, 884 (2007) (holding that a security bond that is insufficient to protect appellants in the event the injunction is ultimately deemed improper does not satisfy Rule 65(c)). Respondent's position is therefore completely without support. Moreover, Respondent's failure to address the inadequacy of the bond in its Return highlights the futility of their position.

Appellants have demonstrated that supersedeas is necessary to preserve the status quo and preserve to Appellants the fruits of their pending appeal. See Graham v. Graham, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990) (quoting 4A C.J.S. Appeal & Error § 662 at 494-95 (1957) ("The purpose of a supersedeas is to stay proceedings in the trial court, to preserve the status quo

pending the determination of the appeal.") In response, Respondent again attempts to shift the Court's focus, claiming that the status quo this Court must consider is the pre-TopTracer state of affairs. However, Respondent appears to conflate the status quo a court must contemplate when considering a temporary injunction with the status quo this Court must consider when determining the necessity of supersedeas.

Of the handful of cases in this jurisdiction that mention "status quo" in the context of supersedeas, the issue is not specifically addressed, and the appeal is decided on other issues. However, it must be noted that in cases where supersedeas is granted, the status quo is the state of affairs that existed prior to the entry of the challenged order. For example, in Schwartz v. Schwartz, this Court noted that after the family court entered an order regarding the custody of a minor child, the South Carolina Supreme Court issued a writ of supersedeas holding the custody change in abeyance to maintain the status quo pending the appeal. See 311 S.C. 303, 304, 428 S.E.2d 748, 749 (Ct. App. 1993). Supersedeas operates to stay an order and maintain things as they were before the order was entered. If Respondent's view were correct, supersedeas could never be granted.

Consequently, supersedeas is necessary to preserve the status quo and

prevent irreparable harm to Appellants.

WHEREFORE**,** Appellants respectfully request that this Court enter an order staying or imposing a supersedeas of the trial court's Order(s) Granting Temporary Injunctive Relief and Setting Rule 65(c).

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

COLLINS & LACY, P.C.

By: *s/Christian Stegmaier*

CHRISTIAN STEGMAIER
SC Bar No. 68648
cstegmaier@collinsandlacy.com
EVAN M. GESSNER
SC Bar No. 77704
egessner@collinsandlacy.com
ROBERT S. FORNEY
SC Bar No. 101923
rforney@collinsandlacy.com
Post Office Box 12487
Columbia, SC 29211
803.256.2660 (voice)
803.771.4484 (fax)

ATTORNEYS FOR APPELLANT GREENWOOD RESORTS AND COMMUNITIES, INC. D/B/A PALMETTO DUNES RESORT AND CALLAWAY BRANDS, INC. D/B/A TOP TRACER GOLF

APPELLANTS GREENWOOD RESORTS AND COMMUNITIES, INC. D/B/A PALMETTO DUNES RESORT AND CALLAWAY BRANDS, INC. D/B/A TOP TRACER GOLF'S REPLY TO RESPONDENT'S RETURN TO THE AMENDED RENEWED PETITION FOR SUPERSEDEAS

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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 REPLY TO RESPONDENT'S RETURN TO THE AMENDED RENEWED PETITION FOR SUPERSEDEAS** upon all parties by electronic mail to the below listed counsel on April 30, 2026, at the following address:

Gregory M. Alford, Esquire
Alford Law Firm, LLC
Post Office Drawer 8008
Hilton Head Island, SC 29938
gregg@alfordlawsc.com
Counsel for Plaintiffs

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

COLLINS & LACY, P.C.

By: *s/Christian Stegmaier*

CHRISTIAN STEGMAIER
SC Bar No. 68648
cstegmaier@collinsandlacy.com
EVAN M. GESSNER
SC Bar No. 77704
egessner@collinsandlacy.com
ROBERT S. FORNEY
SC Bar No. 101923
rforney@collinsandlacy.com
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