

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Maite Murphy
Circuit Court Judge

Appellate Case No. 2025-001651

Hill Family 2008 Trust and Yvonne Herold, Trustee, Respondents,

v.

Teresa Hill, Appellant.

RESPONDENTS' RENEWED MOTION TO DISMISS APPEAL

Respondents Hill Family 2008 Trust and Yvonne Herold, Trustee (“Respondents”), pursuant to Rule 240, SCACR, respectfully move this Court to dismiss this appeal. Respondents previously moved to dismiss this appeal on September 19, 2025 for Appellant’s failure to post the appeal bond required by S.C. Code Ann. § 27-37-130 to maintain an appeal from an ejectment action, and this Court denied that motion on November 19, 2025, holding that “consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court.” (November 19, 2025 Order, Exhibit A). Respondents thereafter made that motion, and the Circuit Court set the bond. Appellant did not post it, and her requests to avoid posting a bond were denied by the Circuit Court, this Court, and the Supreme Court. Appellant has since been ejected from the Property with the assistance of the Charleston County Sheriff’s Department.

This renewed Motion rests on three independent grounds. First, Appellant failed to post the statutorily required appeal bond set by the Circuit Court pursuant to this Court’s referral.

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Section 27-37-130 provides that when the required bond is not filed within five days after service of the notice of appeal, “such appeal shall be dismissed,” and the Circuit Court’s April 9, 2026 Order provides that upon Appellant’s failure to post the bond, the appeal “shall be subject to dismissal pursuant to S.C. Code Ann. § 27-37-130.” (April 9, 2026 Order, Exhibit B at ¶¶ 14 and 17, stating, “S.C. Code § 27-37-130 expressly mandates that an appeal bond must be posted to maintain an ejectment appeal. [...] The Court finds that the legislature’s intent is clear: without a bond, there is no stay, and the appeal *shall* be dismissed if the appellant does not post a bond within five (5) days after service of the notice of appeal.”)¹

Second, Appellant’s Initial Brief rests almost entirely on fabricated legal authority. Of the sixteen South Carolina cases in her Table of Authorities, at least eight do not exist, three more are materially miscited, and the remainder either concern unrelated areas of law or directly refute her position.

Third, Appellant has preserved nothing for review by this Court. This is an ejectment case that originated in the magistrate court and was appealed to the Circuit Court, where Appellant, an attorney, filed no brief or memorandum of law in support of her appeal and cited not a single case, statute, or rule at the hearing before the Honorable Maite Murphy. Each ground stated here is a threshold matter that can and should be decided at the outset. Given Appellant’s dilatory tactics, her failure to post the statutorily required bond to maintain the appeal, her egregious use of fabricated authority as an attorney, and her failure to preserve any issue for review, Respondents respectfully ask that the Court grant this Motion and bring this appeal to an end.

¹ Ejectment orders are excepted from the automatic stay that ordinarily accompanies a notice of appeal. Rule 241(b)(10), SCACR.

I. Because Appellant Failed to Post the Statutorily Required Appeal Bond, Section 27-37-130 Requires Dismissal.

The first ground for this Motion is Appellant's failure to post the appeal bond required by S.C. Code Ann. § 27-37-130 and set by the Circuit Court pursuant to this Court's referral. Following this Court's November 19, 2025 Order, Respondents filed their Motion to Require Appellant to Post a Bond and/or Enforce Ejectment in the Circuit Court on January 29, 2026. After a hearing on March 23, 2026 at which Appellant appeared and was heard, the Honorable Dale E. Van Slambrook issued an Order on April 9, 2026 requiring Appellant to post a bond of \$265,074.48 with the Clerk of Court within five days. (Exhibit B). The April 9 Order found "S.C. Code § 27-37-130 expressly mandates that an appeal bond must be posted to maintain an ejectment appeal. The statute provides that an appeal will not stay ejectment without a bond and that failure to file the required bond within five (5) days requires dismissal of the appeal ('such appeal *shall* be dismissed.')." (Exhibit B at ¶ 14). The Order further provided that in the event Appellant failed to post the required bond within five days, the appeal "shall be dismissed," stating, "The Court finds that the legislature's intent is clear: without a bond, there is no stay, and the appeal *shall* be dismissed if the appellant does not post a bond within five (5) days after service of the notice of appeal." (Exhibit B at ¶ 17).

Appellant never posted the bond. The Circuit Court denied her motion to reconsider the April 9 Order on May 11, 2026. (May 11, 2026 Order, Exhibit C). This Court denied her Petition for Supersedeas and Emergency Motion for Stay on May 18, 2026 (May 18, 2026 Order, Exhibit D), and on May 27, 2026 the Supreme Court denied her Petition for a Writ of Supersedeas, directed her to pay the bond or vacate the premises within ten days, and stated that no further extensions would be permitted. (May 27, 2026 Order, Exhibit E). In doing so, the Supreme Court expressly

found that “[Appellant] has not shown she is entitled to a writ of supersedeas or that the bond set by Judge Van Slambrook is unreasonable.”

Appellant did not pay the bond and has since been ejected from the Property with the assistance of the Charleston County Sheriff’s Department.² The Supreme Court’s May 27, 2026 Order denied supersedeas and directed compliance with Judge Van Slambrook’s April 9 Order; it did not relieve Appellant of the bond that S.C. Code Ann. § 27-37-130 requires to maintain the appeal.

On May 20, 2026, Appellant filed a second notice of appeal in this case, seeking review of the April 9 Order and the May 11, 2026 Order denying reconsideration. (Second Notice of Appeal, Exhibit F). By letter dated May 26, 2026, the Clerk advised that the notices of appeal have been consolidated for consideration by the Court. (May 26, 2026 Letter, Exhibit G). The Clerk has also twice advised Appellant, by deficiency letters dated May 26, 2026 and June 30, 2026, that the required filing fee for the second notice of appeal has not been submitted and that the matter will be dismissed absent correction. (Exhibit H and Exhibit I). By email to the Clerk dated June 30, 2026, Appellant asked the Court to reconsider the second filing fee or, in the alternative, for leave to proceed in forma pauperis. However, the statutory requirement for *maintaining* this appeal (i.e., posting a bond) has never been satisfied at any stage of these proceedings, despite an order of the Circuit Court entered upon this Court’s own referral and the Supreme Court’s express finding that “[Appellant] has not shown she is entitled to a writ of supersedeas or that the bond set by Judge

² Upon recovering possession, Respondents found that Appellant had left the Property in a state of significant disrepair, including substantial damage to the building, further explaining why Appellant had refused to vacate the Property and tender possession to Respondents pending this appeal. A photograph and video of the Property are attached as Exhibit J. The video, which Respondents request be reviewed, is being filed with the Court via email and OneDrive.

Van Slambrook is unreasonable.” The consequence prescribed by S.C. Code Ann. § 27-37-130 is that “such appeal shall be dismissed,” and this appeal should be dismissed on this ground alone.

II. The Appeal Should Be Dismissed Because Appellant’s Initial Brief Rests Almost Entirely on Fabricated Authority.

The second ground for this Motion arises from Appellant’s Initial Brief itself. In preparing their response to Appellant’s Initial Brief, Respondents undertook to verify each of the authorities on which the Brief relies against the public reporters and commercial legal research databases. Of the sixteen South Carolina cases in Appellant’s Table of Authorities, at least eight are fabricated cases that do not exist, three more are materially miscited, and several others are real cases that have no bearing on the propositions for which they are cited. A Citation Verification Chart identifying each case as cited in Appellant’s Brief, the proposition for which it is cited, and the result of Respondents’ verification is attached as Exhibit K.

The pattern is pervasive. Three of the five cases cited in Appellant’s Standard of Review are fabricated, and a fourth is materially miscited. *Judy v. Judy*, cited for de novo review of questions of law, does not exist at the citation given. No decision begins at 266 S.C. 164; the decision spanning that page is *Evans v. Fiat-Roosevelt Motors, Inc.*, 266 S.C. 163, 222 S.E.2d 282 (1976), a default judgment case, and the South Eastern Reporter page Appellant cites falls within *State v. Golia*, 235 Ga. 791, 222 S.E.2d 27 (1976), a Georgia decision concerning that state’s beer tax. The reported South Carolina decisions styled *Judy v. Judy* were decided in 1931, 2009, 2011, and 2013, and none states the proposition for which Appellant cites the name. *Ex parte Georgetown County School District*, cited for de novo review of subject matter jurisdiction, does not exist; the decision reported at 342 S.C. 637 is *McFadden v. State*, 342 S.C. 637, 539 S.E.2d 391 (2000). *Lusk v. Lusk*, cited both for de novo review of equitable matters and as the sole authority for Appellant’s unjust enrichment argument, does not exist. No decision begins at 338

S.C. 310; the decision spanning that page is *Brown v. Theos*, 338 S.C. 305, 526 S.E.2d 232 (Ct. App. 1999), a legal malpractice case, and the South Eastern Reporter page Appellant cites is the starting page of *Tyson v. State*, 241 Ga. App. 288, 526 S.E.2d 603 (1999), a Georgia criminal appeal. The sole authority cited for equitable estoppel, *Fountain v. Fountain*, does not exist; the case reported at 352 S.C. 544 is *Evans v. Accent Manufactured Homes, Inc.*, 352 S.C. 544, 575 S.E.2d 74 (Ct. App. 2003), an arbitration decision.

Both authorities cited for Appellant's standing argument are fabricated. *McCormick v. McCormick* cannot be located; no decision begins at 328 S.C. 45, and the decision spanning that page is *Summer v. Carpenter*, 328 S.C. 36, 492 S.E.2d 55 (1997), an unrelated legal malpractice case. *Cason v. Cason* likewise cannot be located; no decision begins at 281 S.C. 356, and the decision spanning that page is *Burns v. Wannamaker*, 281 S.C. 352, 315 S.E.2d 179 (Ct. App. 1984), a dental warranty case, and the South Eastern Reporter page Appellant cites is the starting page of *Alexander v. Alexander*, 68 N.C. App. 548, 315 S.E.2d 772 (1984), a North Carolina equitable distribution case. *Babb v. Babb*, the principal authority cited for constructive trust, does not exist; no reported South Carolina decision bears that style. No decision begins at 233 S.C. 243; the decision spanning that page is *Elliott v. Black River Electric Cooperative*, 233 S.C. 233, 104 S.E.2d 357 (1958), a wrongful death decision, and the South Eastern Reporter page Appellant cites falls within *Daurelle v. Traders Federal Savings & Loan Association of Parkersburg*, 143 W. Va. 674, 104 S.E.2d 320 (1958), a West Virginia mandamus case.

Gilliam v. Gilliam, cited for acquiescence in Appellant's adverse possession argument, does not exist; no reported South Carolina decision bears that style. No decision begins at 224 S.C. 391; the decision spanning that page is *Sanders v. Home Finance Co. of Spartanburg*, 224 S.C. 390, 79 S.E.2d 367 (1953), a chattel mortgage foreclosure case, and the South Eastern Reporter

page Appellant cites falls within *Thomas v. Etheridge*, 89 Ga. App. 367, 79 S.E.2d 425 (1953), a Georgia personal injury case. Finally, *Hunnicut v. Rickenbacker*, the case on which Appellant principally relies for the proposition that a magistrate cannot determine title, is materially miscited: the correct citation is 268 S.C. 511, 234 S.E.2d 887 (1977), not 268 S.C. 333, 233 S.E.2d 440 as stated in the Brief, and the decision itself concerns the enforcement of restrictive covenants, not magistrate jurisdiction over title.

Several of the remaining cases are real decisions that concern entirely unrelated areas of law. *Smith v. Widener*, cited for the proposition that a grantor lacking capacity cannot validly execute a deed, concerns setoff; the citation is also incorrect, as the decision is reported at 397 S.C. 468, 724 S.E.2d 188 (Ct. App. 2012), not 725 S.E.2d 52 (Ct. App. 2011) as stated in the Brief. *Penny v. Green*, cited for the proposition that a deed obtained through undue influence is voidable, concerns modification of alimony and child support. *Rushing v. McKinney*, cited for adverse possession, is a contract formation case. *Purdy v. Moise*, cited for de novo review of constitutional questions, concerns the construction of a municipal zoning ordinance. Appellant also cites the wrong statute for adverse possession: S.C. Code Ann. § 12-51-90 governs the redemption of property sold for delinquent taxes, not adverse possession.

Appellant is a licensed South Carolina attorney (S.C. Bar No. 15792). Although she appears *pro se*, she remains bound by Rule 3.3 of the Rules of Professional Conduct, Rule 407, SCACR, which prohibits a lawyer from knowingly making a false statement of law to a tribunal, and by Rule 8.4, which prohibits conduct involving dishonesty, misrepresentation, and conduct prejudicial to the administration of justice. This is not a single erroneous citation that might be attributed to oversight and corrected upon notice. Eight cases that do not exist, spanning the Standard of Review, standing, the equitable claims, and adverse possession, cannot be the product

of a citation error, and no verification of these authorities can have occurred before filing, because verification would have revealed that they do not exist. The South Carolina cases in her Brief that do exist fare no better: as Exhibit K reflects, they are materially miscited, concern unrelated areas of law, or directly refute her position. The filing of an appellate brief built on authorities that do not exist is a serious imposition on this Court and on Respondents, who have been required to expend substantial time and resources verifying, one by one, citations that should never have been filed. A brief in which fabricated authority runs this rampant cannot be trusted on any point, and the appropriate remedy is dismissal of the appeal. Respondents leave any further action in that regard to the discretion and/or direction of this Court.

III. The Appeal Should Be Dismissed Because Appellant Preserved Nothing for This Court to Review.

The third ground for this Motion is that Appellant has preserved nothing for review. Appellant's Notice of Appeal to the Circuit Court identified two exceptions: (1) defective service and (2) the magistrate court's lack of jurisdiction on the alleged ground that Appellant is not a tenant. (Notice of Appeal to Circuit Court, Exhibit L). *See* S.C. Code Ann. § 18-7-20 (the appellant "shall serve a notice of appeal, stating the grounds upon which the appeal is founded"). Those were the only issues before the Circuit Court at the June 26, 2025 hearing. **Appellant filed no written brief or memorandum of law with the Circuit Court in support of her appeal, and at the hearing she failed to cite a single statute, rule, or case in support of her position.** (H'rg Tr. at pp. 11:19-16:7, Exhibit M). Issues unsupported by legal authority are abandoned. *See Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 327 n.1, 730 S.E.2d 282, 284 n.1 (2012); *Equivest Fin., LLC v. Ravenel*, 422 S.C. 499, 506, 812 S.E.2d 438, 441 (Ct. App. 2018); *Ellie, Inc. v. Miccichi*, 358 S.C. 78, 99, 594 S.E.2d 485 (Ct. App. 2004) (stating, "Numerous cases have held that where an issue is not argued within the body of the brief but is only a short conclusory

statement, it is abandoned on appeal.”). Because Appellant filed no brief or memorandum of law setting forth any legal argument on appeal before the Circuit Court, and cited no legal authority of any kind, she preserved nothing for review by this Court.

Appellant’s Initial Brief in this Court nonetheless raises eight arguments. Her theories concerning standing and the validity of the Trust (Section II), incapacity and undue influence in the deed (Section IV), constructive trust, equitable estoppel, and unjust enrichment (Section V), and adverse possession (Section VI) were raised for the first time in a post-hearing Rule 59(e), SCRCF motion. An issue may not be raised for the first time in a motion to reconsider. *Johnson v. Sonoco Prods. Co.*, 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009); *Anderson Mem’l Hosp., Inc. v. Hagen*, 313 S.C. 497, 498, 443 S.E.2d 399, 400 (Ct. App. 1994). Because these issues were first raised in a motion to reconsider, they are not preserved for review by this Court.

CONCLUSION

For these reasons, Respondents respectfully request that this Court dismiss the appeal. Appellant did not post the bond that S.C. Code Ann. § 27-37-130 requires to maintain an appeal from an ejectment action. Appellant, a licensed South Carolina attorney, filed a Brief that rests almost entirely on fabricated authority. And Appellant preserved nothing for this Court to review, having filed no brief and cited no authority before the Circuit Court. Any one of these grounds, standing alone, warrants dismissal of this appeal. Respondents further request that all remaining deadlines for perfecting this appeal, including the filing of Respondents’ Initial Brief and Designation of Matter, be held in abeyance pending resolution of this Motion, to avoid unnecessary

expenditure by the parties and the Court on an appeal subject to dismissal.³ Respondents also request such other and further relief as this Court deems just and proper.

Respectfully submitted,

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July 6, 2026
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³ Extraordinary circumstances support this request for holding deadlines in abeyance. After discovering that at least eight of the sixteen South Carolina cases in Appellant's Table of Authorities do not exist, Respondents were required to verify every authority in the Brief, one by one, against the reported decisions. This was a painstakingly long process. (See Exhibit K). Verifying whether an opposing attorney's authorities exist, rather than what they hold, is not work that ordinary briefing contemplates. In addition, the composition of the consolidated appeal remains unsettled: the filing fee for Appellant's second notice of appeal remains unpaid despite two deficiency letters warning that the matter will be dismissed absent correction. Finally, Respondents and their counsel expended considerable time coordinating with the Charleston County Sheriff's Department and Clients to eject Appellant and safeguard the Property, which Appellant left in a state of disrepair. (See Exhibit J Video and Photograph). Respondents respectfully submit that this appeal warrants dismissal as a threshold decision for the reasons stated herein.