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Jul 08 2026

SC Court of Appeals

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' REPLY TO APPELLANT'S RETURN
TO RENEWED MOTION TO DISMISS APPEAL**

Respondents Hill Family 2008 Trust and Yvonne Herold, Trustee ("Respondents") submit this Reply in support of their Renewed Motion to Dismiss Appeal (the "Motion") and in response to Appellant's Return filed July 7, 2026 (the "Return").

I. Appellant Fabricated Her Authorities, Never Read the Cases She Cited, and Did No Legal Research.

Appellant admits that her Initial Brief rests on fabricated authority. At least eight of the sixteen South Carolina cases she cited do not exist. And the cases she cited that do exist are cited for propositions they do not address: a setoff case for the proposition that an incapacitated grantor cannot execute a deed, an alimony modification case for undue influence, a contract formation case for adverse possession. (Motion at 7; Motion Exhibit K). Appellant did not just supply fabricated cases. She did not read the cases she cited at all. She could not have read the eight that

do not exist, and no one who read the others would cite them for the propositions in her Brief. By her own account, she did not locate her authorities in the reporters, and she verified them only against the same source that supplied them. (Return at 4). That is not verification, and it is not legal research. None of this is surprising. When Appellant appealed the ejectment order to the Circuit Court, she filed no brief and cited no authority of any kind. (Motion Exhibit M).

Respondents deliberately did not move to strike the fabricated authorities or the Brief. Striking the Brief would reward Appellant with a second opportunity to brief the appeal, and she is not entitled to one. Appellant is a licensed South Carolina attorney bound by Rule 3.3 of the Rules of Professional Conduct, Rule 407, SCACR, which prohibits knowingly making a false statement of law to a tribunal, and by Rule 8.4, which prohibits conduct involving dishonesty and misrepresentation. An attorney who should know better does not get a second chance to do what the rules required the first time.

The Return attributes the Brief to significant time constraints and personal circumstances. The Brief was filed on April 6, 2026. Appellant did not alert this Court. She did not move to amend or withdraw the Brief in April, in May, or in June. She asked to withdraw it on July 7, 2026, the day after Respondents filed the Motion demonstrating, case by case, that her authorities do not exist. Appellant did not address the problem when time permitted. She addressed it when she was found out. This was not an oversight involving one or two citations. It was wholesale use of cases that do not exist and that Appellant did not bother to read in the first place, let alone verify. The Court should not reward Appellant with a second bite at the apple. The appeal should be dismissed.

II. The Bond Is a Statutory Requirement for Maintaining the Appeal, and Without It the Appeal “Shall Be Dismissed.”

The statute is not ambiguous about dismissal. It provides that if the tenant does not file the required bond within five days after service of the notice of appeal, “such appeal shall be

dismissed.” S.C. Code Ann. § 27-37-130. “Where the statute’s language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning.” *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578 (2000). The Circuit Court applied that rule and found 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.” (Motion Exhibit B at ¶¶ 16-17).

The Return argues that the statute directs dismissal “by the trial magistrate.” The bond in this case was not set by the magistrate because the case had already moved beyond the magistrate court: it had been appealed to and heard by the Circuit Court, and it was pending in this Court when the bond question arose. This Court properly directed that course, holding on November 19, 2025 that consideration of a bond was a motion more properly made to the circuit court. (Motion Exhibit A). Respondents made that motion, and the Circuit Court set the bond at \$265,074.48 after a hearing at which Appellant appeared and was heard. (Motion Exhibit B). Both this Court and the Supreme Court then reviewed Judge Van Slambrook’s Order and denied Appellant’s motions to avoid posting the bond. (Motion Exhibits D and E). The Supreme Court read the Order as requiring the bond to be posted within five days “or her appeal would be dismissed,” citing Section 27-37-130, and 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.” (Motion Exhibit E). Under Appellant’s reading, once an ejectment appeal leaves the magistrate court, no court could dismiss it for failure to post the bond the statute requires. That is not what the statute says, no court in this case has read it that way, and the Return cites no case that has. The bond is a statutory requirement for maintaining the appeal. Appellant never posted it, and the appeal should be dismissed.

III. There Is Nothing for This Court to Review.

The Circuit Court was sitting in its appellate capacity when it heard Appellant's appeal from the magistrate court. *See* S.C. Code Ann. § 18-7-170; *Vacation Time of Hilton Head Island, Inc. v. Kiwi Corp.*, 280 S.C. 232, 234, 312 S.E.2d 20, 21 (Ct. App. 1984). The Return does not dispute that Appellant filed no brief or memorandum of law in the Circuit Court, and it does not dispute that she cited no rule, statute, or case at the June 26, 2025 hearing. (Motion Exhibit M). Issues not raised to and ruled upon by the circuit court sitting in its appellate capacity are not preserved for review by this Court. *City of Columbia v. Ervin*, 330 S.C. 516, 519-20, 500 S.E.2d 483 (1998); *Rogers v. State*, 358 S.C. 266, 269-70, 594 S.E.2d 278 (Ct. App. 2004); *A & I, Inc. v. Gore*, 366 S.C. 233, 621 S.E.2d 383, 387 (Ct. App. 2005) ("Issues not raised to or ruled upon by the lower court are not preserved for appellate review.") (citing *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000)).

Additionally, this Court's review of the Circuit Court's affirmance is limited to whether it was controlled or affected by an error of law, and the affirmance is presumed to have been made upon the merits where the testimony is sufficient to sustain it. *City of Charleston Hous. Auth. v. Brown*, 437 S.C. 514, 520, 878 S.E.2d 913, 916 (Ct. App. 2022); *Bowers v. Thomas*, 373 S.C. 240, 244-45, 644 S.E.2d 751 (Ct. App. 2007); *Parks v. Characters Night Club*, 345 S.C. 484, 490, 548 S.E.2d 605 (Ct. App. 2001). An error of law requires law and Appellant presented no law to the Circuit Court. Accordingly, the appeal should be dismissed.

IV. Appellant Cannot Avoid the Bond by Appealing the Order That Required It.

The filing fee for the second notice of appeal remains unpaid despite two deficiency letters warning that the matter will be dismissed absent correction. (Motion Exhibits H and I). Appellant's only response was an email asking the Clerk to reconsider the fee. By letter dated July 7, 2026, the

Clerk advised Appellant that if she wishes the Court to consider her request, she must serve and file a motion pursuant to Rule 240, SCACR, and that no further action will be taken on her email. Appellant has filed no such motion, and the fee remains unpaid. More fundamentally, appealing an order that requires a statutory bond does not make the bond requirement go away. The bond is a threshold requirement for maintaining the appeal, not an issue an appellant preserves by refusing to satisfy it. Judge Van Slambrook's Order states repeatedly that the appeal shall be dismissed if the bond is not posted. (Motion Exhibit B at ¶¶ 14, 17, 22). The Supreme Court read the Order the same way. (Motion Exhibit E). As set forth in Section II above, this Court and the Supreme Court have both reviewed that Order and denied Appellant's motions to avoid posting the bond, and the Supreme Court directed that Appellant "within ten days of the date of this order, either pay the bond or vacate the premises," stating that "[n]o further extensions shall be permitted." (Motion Exhibits D and E). The bond was never posted, in either appeal.

CONCLUSION

For these reasons and those stated in the Motion, Respondents respectfully request that this Court dismiss the appeal. Appellant concedes that her Initial Brief rests on fabricated authority, and the second chance she requests is not a remedy. Appellant never posted the bond that S.C. Code Ann. § 27-37-130 requires to maintain an appeal from an ejectment action, and the Circuit Court, this Court, and the Supreme Court have each declined to relieve her of it. And Appellant preserved nothing for this Court to review, having filed no brief and cited no law before the Circuit Court sitting in its appellate capacity. Any one of these grounds, standing alone, warrants dismissal. Respondents renew their request that all remaining deadlines for perfecting this appeal

be held in abeyance pending resolution of the Motion,¹ and request such other and further relief as this Court deems just and proper.

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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**ATTORNEYS FOR RESPONDENTS
HILL FAMILY 2008 TRUST AND
YVONNE HEROLD, TRUSTEE**

July 8, 2026
Mount Pleasant, South Carolina

¹ The Return suggests that Respondents' Initial Brief "was due the last time on July 6, 2026." (Return at 6). A motion to dismiss an appeal automatically stays the time limits for perfecting the appeal until the motion is decided. Rule 240(b), SCACR. In addition, Appellant has asked to withdraw the very Brief to which Respondents would be responding. In any event, Respondents respectfully submit that the appeal should be dismissed for any one of the reasons cited herein and in Respondents' Motion.

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v.

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PROOF OF SERVICE

The undersigned hereby certifies that on July 8, 2026, he served a true and accurate copy of *Respondents' Reply to Appellant's Return to Renewed Motion to Dismiss Appeal* upon Appellant by electronic mail directed to Appellant's email address designated in the South Carolina Attorney Information System (AIS), as follows: hilllawfirm@pm.me

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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**ATTORNEY FOR RESPONDENTS
HILL FAMILY 2008 TRUST AND
YVONNE HEROLD, TRUSTEE**

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Via Email (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**RE: Hill Family 2008 Trust and Yvonne Herold, Trustee v. Teresa Hill
Appellate Case No. 2025-001651**

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the following:

1. Respondents' Reply to Appellant's Return to Renewed Motion to Dismiss Appeal; and
2. Proof of Service.

All counsel of record, including Appellant, have been served as reflected in the enclosed Proof of Service. If you have any questions or require anything further, please do not hesitate to contact me.

Thank you for your attention to this matter.

Respectfully,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

Attorney for Respondents

cc: Teresa Hill (via email)
Daniel S. Slotchiver, Esq.
Anna E. Richter, Esq.

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