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**Sep 28 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Maite Murphy  
Circuit Court Judge

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Appellate Case No. 2025-001651

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

v.

Teresa Hill, Appellant.

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INITIAL BRIEF OF RESPONDENTS

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HILL FAMILY 2008 TRUST AND  
YVONNE HEROLD, TRUSTEE**

## TABLE OF CONTENTS

|                                                                                                                                                 |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----|
| TABLE OF AUTHORITIES .....                                                                                                                      | ii |
| COUNTER STATEMENT OF ISSUES ON APPEAL .....                                                                                                     | iv |
| PRELIMINARY STATEMENT .....                                                                                                                     | 1  |
| STATEMENT OF THE CASE.....                                                                                                                      | 3  |
| STANDARD OF REVIEW .....                                                                                                                        | 9  |
| ARGUMENT.....                                                                                                                                   | 9  |
| I.        THIS APPEAL SHOULD BE DISMISSED .....                                                                                                 | 9  |
| A. Appellant Never Posted the Statutory Appeal Bond, and the Unappealed Orders<br>Requiring It Are the Law of the Case .....                    | 9  |
| B. Appellant’s Brief Rests on Fabricated Authority, and She Preserved Nothing for<br>This Court to Review .....                                 | 15 |
| II.      THE MAGISTRATE COURT HAD JURISDICTION AND AUTHORITY TO<br>ISSUE THE WRIT OF EJECTMENT .....                                            | 16 |
| III.    RESPONDENT HAS STANDING TO BRING THIS ACTION, AND<br>APPELLANT’S CHALLENGE TO THE TRUST IS NOT PRESERVED FOR<br>REVIEW .....            | 20 |
| IV.    APPELLANT’S DUE PROCESS RIGHTS WERE NOT VIOLATED: SHE<br>RECEIVED ACTUAL NOTICE AND WAS AFFORDED A FULL OPPORTUNITY<br>TO BE HEARD ..... | 21 |
| V.     APPELLANT’S UNPRESERVED AND UNPROVEN ALLEGATIONS OF DEED<br>FRAUD DO NOT DEFEAT THE EJECTMENT ORDER .....                                | 23 |
| VI.    APPELLANT’S EQUITABLE CLAIMS ARE NOT PRESERVED AND DO NOT<br>DEFEAT THE EJECTMENT ORDER.....                                             | 24 |
| VII.   APPELLANT’S ADVERSE POSSESSION CLAIM IS NOT PRESERVED, IS<br>UNSUPPORTED, AND CONTRADICTS HER OWN FACTUAL NARRATIVE ..                   | 25 |
| VIII.  THE CIRCUIT COURT’S AFFIRMANCE WAS PROPER.....                                                                                           | 26 |
| CONCLUSION.....                                                                                                                                 | 27 |

## TABLE OF AUTHORITIES

### Cases

|                                                                                                      |                       |
|------------------------------------------------------------------------------------------------------|-----------------------|
| <i>Anderson Mem’l Hosp., Inc. v. Hagen</i> , 313 S.C. 497, 443 S.E.2d 399 (Ct. App. 1994).....       | 2                     |
| <i>Atl. Coast Builders &amp; Contractors, LLC v. Lewis</i> , 398 S.C. 323, 730 S.E.2d 282 (2012) ..  | 3, 13, 16             |
| <i>Berry v. Zahler</i> , 220 S.C. 86, 66 S.E.2d 459 (1951).....                                      | 8, 15                 |
| <i>Bruce v. Durney</i> , 341 S.C. 563, 534 S.E.2d 720 (Ct. App. 2000) .....                          | 19                    |
| <i>Carlisle v. Prior</i> , 48 S.C. 183, 26 S.E. 244 (1897).....                                      | 11                    |
| <i>City of Charleston Hous. Auth. v. Brown</i> , 437 S.C. 514, 878 S.E.2d 913 (Ct. App. 2022).....   | 18                    |
| <i>Clanton v. Clanton</i> , 229 S.C. 356, 92 S.E.2d 878 (1956).....                                  | 14                    |
| <i>Cummings v. Varn</i> , 307 S.C. 37, 413 S.E.2d 829 (1992) .....                                   | 21, 24                |
| <i>Dawkins v. Mozie</i> , 399 S.C. 290, 731 S.E.2d 342 (Ct. App. 2012) .....                         | 26                    |
| <i>Ellie, Inc. v. Miccichi</i> , 358 S.C. 78, 594 S.E.2d 485 (Ct. App. 2004) .....                   | 3                     |
| <i>Equivest Fin., LLC v. Ravenel</i> , 422 S.C. 499, 812 S.E.2d 438 (Ct. App. 2018).....             | 3, 16                 |
| <i>Hadfield v. Gilchrist</i> , 343 S.C. 88, 538 S.E.2d 268 (Ct. App. 2000).....                      | 26                    |
| <i>Hodges v. Rainey</i> , 341 S.C. 79, 533 S.E.2d 578 (2000) .....                                   | 10                    |
| <i>Horn v. Blackwell</i> , 212 S.C. 480, 48 S.E.2d 322 (1948) .....                                  | 10, 11                |
| <i>Hunnicut v. Rickenbacker</i> , 268 S.C. 511, 234 S.E.2d 887 (1977).....                           | 19                    |
| <i>Johnson v. Sonoco Prods. Co.</i> , 381 S.C. 172, 672 S.E.2d 567 (2009) .....                      | 2, 16, 20, 23, 24, 25 |
| <i>Judy v. Martin</i> , 381 S.C. 455, 674 S.E.2d 151 (2009).....                                     | 14                    |
| <i>Mullane v. Central Hanover Bank &amp; Trust Co.</i> , 339 U.S. 306 (1950).....                    | 22                    |
| <i>Parks v. Characters Night Club</i> , 345 S.C. 484, 548 S.E.2d 605 (Ct. App. 2001).....            | 9, 26                 |
| <i>Rivers v. Smith</i> , 446 S.C. 293, 919 S.E.2d 545 (2025) .....                                   | passim                |
| <i>Shirley’s Iron Works, Inc. v. City of Union</i> , 403 S.C. 560, 743 S.E.2d 778 (2013) .....       | 13                    |
| <i>Skydive Myrtle Beach, Inc. v. Horry County</i> , 428 S.C. 638, 837 S.E.2d 485 (2020) .....        | 8, 15                 |
| <i>State v. 192 Coin-Op. Video Game Mach.</i> , 338 S.C. 176, 525 S.E.2d 872 (2000).....             | 9                     |
| <i>Town of Mount Pleasant v. Roberts</i> , 393 S.C. 332, 713 S.E.2d 278 (2011).....                  | 11                    |
| <i>Watertoys, LLC v. S.C. Dep’t of Revenue</i> , Op. No. 6154 (S.C. Ct. App. filed July 29, 2026) .. | 11, 12                |
| <i>Wheeler v. Hyler</i> , 228 S.C. 584, 91 S.E.2d 265 (1956) .....                                   | 10, 11, 13            |
| <i>Wilder Corp. v. Wilke</i> , 330 S.C. 71, 497 S.E.2d 731 (1998) .....                              | 16, 20, 23, 24, 25    |

### Statutes

|                                  |        |
|----------------------------------|--------|
| S.C. Code Ann. § 12-51-90.....   | 25     |
| S.C. Code Ann. § 12-60-3370..... | 11     |
| S.C. Code Ann. § 15-67-210.....  | 25     |
| S.C. Code Ann. § 15-67-610.....  | 18     |
| S.C. Code Ann. § 18-7-20.....    | 2      |
| S.C. Code Ann. § 22-3-10.....    | 17, 19 |

|                                 |           |
|---------------------------------|-----------|
| S.C. Code Ann. § 27-37-20.....  | 17        |
| S.C. Code Ann. § 27-37-40.....  | 17        |
| S.C. Code Ann. § 27-37-130..... | passim    |
| S.C. Code Ann. § 27-37-155..... | 18        |
| S.C. Code Ann. § 27-40-800..... | 8, 14, 15 |

## **Rules**

|                             |                  |
|-----------------------------|------------------|
| Rule 59(e), SCRCF .....     | 2, 6, 16, 23, 27 |
| Rule 241(b)(10), SCACR..... | 14               |
| Rule 269, SCACR.....        | 1, 8             |

## **COUNTER STATEMENT OF ISSUES ON APPEAL**

- I. SHOULD THIS APPEAL BE DISMISSED WHERE APPELLANT NEVER POSTED THE APPEAL BOND REQUIRED BY S.C. CODE ANN. § 27-37-130 TO MAINTAIN AN APPEAL FROM AN EJECTMENT ORDER, THE CIRCUIT COURT ORDERS REQUIRING THE BOND AND PROVIDING FOR DISMISSAL ARE FINAL AND UNAPPEALED?
- II. DID THE MAGISTRATE COURT HAVE JURISDICTION AND AUTHORITY TO ISSUE THE WRIT OF EJECTMENT WHERE THE CIRCUIT COURT AFFIRMED THE MAGISTRATE'S ORDER, FINDING NO ERROR OF LAW OR FACT?
- III. SHOULD APPELLANT'S ARGUMENTS REGARDING STANDING, DEED FRAUD, EQUITABLE CLAIMS, AND ADVERSE POSSESSION BE DISMISSED WHERE NONE OF THESE ISSUES WERE RAISED IN THE NOTICE OF APPEAL, ARGUED TO THE CIRCUIT COURT, OR RULED UPON BELOW?
- IV. DID THE CIRCUIT COURT PROPERLY AFFIRM THE MAGISTRATE'S EJECTMENT ORDER?
- V. ARE APPELLANT'S CITATIONS RELIABLE WHERE AT LEAST EIGHT OF THE SIXTEEN SOUTH CAROLINA CASES IN HER TABLE OF AUTHORITIES ARE FABRICATED?

## **PRELIMINARY STATEMENT**

On July 27, 2026, this Court denied Respondents' Renewed Motion to Dismiss Appeal "without prejudice to Respondents addressing the issue in their initial brief." (Order, R.\_\_\_). The grounds for dismissal are set out in Section I of the Argument below. Before addressing the merits, Respondents also bring three threshold matters to the Court's attention.

First, as set forth more fully in Respondents' Renewed Motion to Dismiss Appeal filed July 6, 2026, at least eight of the sixteen South Carolina cases in Appellant's Table of Authorities are fabricated citations to decisions that do not exist as cited. (Motion, R.\_\_\_). The pattern is pervasive: three of the five cases cited for the Standard of Review are fabricated and a fourth is materially miscited; the sole authorities cited for equitable estoppel and unjust enrichment are fabricated; and the cases cited for adverse possession are either fabricated or concern unrelated areas of law. Respondents address these deficiencies as they arise in each section below and refer the Court to the Citation Verification Chart attached as Exhibit K to the Renewed Motion. (Exhibit K, R.\_\_\_).

Appellant did not contest the chart. Her Return stated that she "does not contest the citation deficiencies identified in Respondents' Exhibit K," acknowledged that the Brief "should not have been filed in that form," and asked for leave to file a corrected brief. (Return at 1, 4, R.\_\_\_). This Court denied that request and cautioned Appellant "not to use non-existent citations and quotations," citing Rule 269, SCACR. (July 27, 2026 Order at 2 & n.1, R.\_\_\_). The Brief as filed is therefore the only brief before the Court. Respondents note that although Appellant is pro se, Appellant is a licensed South Carolina attorney (S.C. Bar No. 15792), was in active status at the time she filed her brief, and is bound by Rule 3.3 and Rule 8.4 of the Rules of Professional Conduct.

Second, Appellant's Brief raises eight separate arguments, but only two were raised in her Notice of Appeal to the Circuit Court. Specifically, Appellant's Notice of Appeal identified two purported exceptions: (1) defective service and (2) the magistrate court's lack of jurisdiction on the alleged ground that Appellant is not a tenant. (R. \_\_). Those were the only issues on appeal before the Circuit Court at the June 26, 2025 hearing. 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").

Appellant's remaining theories, including standing and the validity of the Trust, fraud, incapacity, and undue influence in the deed, constructive trust, equitable estoppel, and unjust enrichment, and adverse possession, were not stated in her Notice of Appeal, see S.C. Code Ann. § 18-7-20, and first appeared as grounds for relief in her post-hearing Rule 59(e) motion. (Motion to Reconsider, R. \_\_). As this Honorable Court and the South Carolina Supreme Court have repeatedly noted, issues raised for the first time in a motion to reconsider are not preserved for appellate review. See *Johnson v. Sonoco Prods. Co.*, 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009) ("An issue may not be raised for the first time in a motion to reconsider."); *Anderson Mem'l Hosp., Inc. v. Hagen*, 313 S.C. 497, 498, 443 S.E.2d 399, 400 (Ct. App. 1994) ("A party cannot use a motion to reconsider to present an issue he could have raised prior to judgment but did not."). At the hearing, Appellant made the wholly unsubstantiated accusation that the deed was "fraudulent," and offered no evidence, fact, or case in support of it. (H'rg Tr. 13:4-12, R. \_\_). Her Notice of Appeal did not raise the issue, and she sought no ruling on it. Because these theories were not stated in the Notice of Appeal and were not presented to the Circuit Court as grounds for reversal before it ruled, they are not properly before this Court and should not be considered. To the extent this Court elects to address them, they fail for the additional reasons set forth herein.

Third, Appellant failed to file a written brief or memorandum of law with the Circuit Court in support of her appeal. At the hearing, Appellant’s argument was entirely devoid of any citation to statute, rule, or case law, and consisted only of conclusory statements, including an outrageous and completely false accusation that Respondents committed murder. (H’rg Tr., pp. 11:19-14:5; 14:3-5, R. \_\_\_\_). Because Appellant failed to offer any legal authority to support even a single issue before the Circuit Court, she has not preserved *any* issue for review by this Court. See *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 327 n.1, 730 S.E.2d 282, 284 n.1 (2012) (finding an issue abandoned when the argument in appellant’s brief was “purely a recitation of facts, devoid of any citation to legal authority,” resulting in a summary conclusion); *Ellie, Inc. v. Miccichi*, 358 S.C. 78, 99, 594 S.E.2d 485 (Ct. App. 2004) (finding an issue abandoned where appellants failed to cite any supporting authority for their position and all arguments were merely conclusory statements); and *Equivest Fin., LLC v. Ravenel*, 422 S.C. 499, 506, 812 S.E.2d 438, 441 (Ct. App. 2018) (“When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue.”).

Notwithstanding these threshold deficiencies, each of which warrants dismissal of the appeal and affirmance of the lower courts, Respondents address each of Appellant’s arguments below and demonstrate that they fail on the merits as well.

### **STATEMENT OF THE CASE**

This matter originated as an ejectment action filed by the Hill Family 2008 Trust, through its Trustee Yvonne Herold, in the Ravenel Magistrate Court (Case No. 2025-CV-10-11200030). The property at issue is a commercial office building located at 6209 Savannah Highway, Ravenel, South Carolina, which is titled in the name of Yvonne H. Herold, as Trustee of the Hill

Family 2008 Trust pursuant to a Quit-Claim Deed recorded in the Charleston County Register of Deeds at Book 1204, Page 792. (Response to Appeal, Exhibit A, R.\_\_\_). Prior to that conveyance, title was held by W. McAlister Hill and Mable T. Hill, who purchased the property in 1987. (Response to Appeal, Exhibit C, Deed at Book B162, Page 385; R.\_\_\_).

Appellant Teresa Hill is a licensed South Carolina attorney (S.C. Bar No. 15792) who occupied the Property as a permitted user and occupier.<sup>1</sup> (Response to Appeal, March 26, 2025, at 1, R.\_\_\_). She did so while married to G. Thomas Hill, the son of the title holders, and while practicing law with him in Hill and Hill, LLC and its predecessors. (Id.; Appellant's Br. at 7; H'rg Tr. at 7:9-11, R.\_\_\_). She has never held title to the Property, and there is no document in the record granting her any interest in it. (Response to Appeal at 1, R.\_\_\_). Appellant never paid the mortgage, property taxes, or insurance on the Property; those obligations were paid by W. McAlister Hill and Mable T. Hill, the title holders. (Response to Appeal at 1, R.\_\_\_).

In 2023, Appellant and her former husband G. Thomas Hill were divorced. Upon the divorce, Appellant's permission to occupy the Property was withdrawn. (Response to Appeal at 1, R.\_\_\_). Notably, Appellant did not list the Property at 6209 Savannah Highway as an asset in her financial declaration filed in the family court divorce proceedings. (H'rg Tr. p. 15:5-14, R.\_\_\_; Financial Declaration, Ex. I to Respondents' Return to Petition for Supersedeas, filed Apr. 15, 2026, R.\_\_\_).

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<sup>1</sup> Appellant was in active status with the South Carolina Bar throughout the proceedings in the Magistrate Court and the Circuit Court, when she filed her Brief in this Court on April 6, 2026, and throughout the motion practice that followed in this Court and the Supreme Court. By order dated September 22, 2026, the Supreme Court transferred Appellant to inactive status. That change in status has no bearing on this appeal. Appellant represents no client here; she appears on her own behalf, which requires no license to practice law. Her obligations under the Rules of Professional Conduct attached when she filed the Brief as an active member of the Bar.

On January 27, 2025, the Trust filed an Application for Ejectment in the Ravenel Magistrate Court. (Application for Ejectment, SCCA/732, R.\_\_\_). Service paperwork and the Application for Ejectment were issued to the court's constable for service on Appellant. Constable Cassie Watson attempted personal service on two occasions: first on Tuesday, January 28, 2025, at 1430 hours, and again on Friday, January 31, 2025, at 0935 hours. (Magistrate's Return at 1, R.\_\_\_). Constable Watson was unable to serve Appellant on either attempt. (Id.). The court then mailed a certified letter to Appellant at 6209 Savannah Highway on February 5, 2025, directing her to contact the court immediately. (Id. at 2, R.\_\_\_). USPS tracking records for that mailing show that delivery was attempted on February 7, 2025, and a notice was left for Appellant. (USPS Tracking No. 7016 1370 0000 6432 4824).<sup>2</sup> Appellant did not retrieve the mailing, and when redelivery was attempted on February 18, 2025, she *refused* it. (Id.; Magistrate's Return at 6, R.\_\_\_). The envelope was returned to the court marked "Refused." (Magistrate's Return at 6, R.\_\_\_). Appellant did not respond to the court by phone, written notice, or personal appearance. (Id. at 2, R.\_\_\_).

On March 7, 2025, the Honorable Sheryl M. Perry issued a Writ of Ejectment. (R.\_\_\_). Constable Watson posted the Writ on Appellant's door at 6209 Savannah Highway on March 12, 2025, at 1222 hours. (Magistrate's Return at 2, R.\_\_\_).

The following day, on March 13, 2025, Appellant filed a Notice of Appeal to the Circuit Court, raising only two issues: (1) defective service and (2) the magistrate lacked jurisdiction because Appellant is not a tenant. (R.\_\_\_). Appellant did not post an appeal bond to maintain the

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<sup>2</sup> The certified mail number appears on the face of the returned envelope in the Magistrate's Return. (Return, p. 6, R.\_\_\_). The tracking history for that number is a public record maintained by the United States Postal Service, of which this Court may take judicial notice.

appeal as required by S.C. Code Ann. § 27-37-130. Appellant did not file a written brief or memorandum of law with the Circuit Court in support of her appeal.

On June 26, 2025, the Honorable Maite Murphy conducted a hearing on the appeal. (H'rg Transcript, R.\_\_\_). Both parties appeared. Invited to state the bases of her appeal, Appellant cited no statute, rule, or case. (H'rg Tr. at 11:19-16:7, R.\_\_\_). On July 16, 2025, the Circuit Court affirmed the magistrate's ejectment order, finding "no error of law nor of fact." (Order, R.\_\_\_). Appellant filed a Motion to Reconsider under Rule 59(e), SCRCF, raising fourteen numbered grounds for relief, only two of which had been stated in her Notice of Appeal. (Motion to Reconsider, R.\_\_\_). Judge Murphy denied the motion on August 7, 2025. (Order, R.\_\_\_). Appellant then filed a Notice of Appeal to this Court on August 8, 2025.

On September 19, 2025, Respondents moved to dismiss the appeal and enforce ejectment. This Court denied that motion on November 19, 2025, stating that "consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court." (Order, R.\_\_\_). Pursuant to this Court's referral, Respondents filed a Motion to Require Appellant to Post a Bond and/or Enforce Ejectment in the Circuit Court on January 29, 2026. The Honorable Dale E. Van Slambrook conducted a hearing on March 23, 2026, and on April 9, 2026, issued an Order requiring Appellant to post a bond of \$265,074.48 within five days, providing that upon her failure to do so this present appeal would be subject to dismissal pursuant to S.C. Code Ann. § 27-37-130 and the Writ of Ejectment would be immediately enforced. (Order, R.\_\_\_). The Circuit Court denied Appellant's motion to reconsider that Order on May 11, 2026. (Order, R.\_\_\_).

This Court denied Appellant's Petition for Supersedeas and Emergency Motion for Stay on May 18, 2026. (May 18, 2026 Order, R.\_\_\_). On May 27, 2026, the Supreme Court denied

Appellant's subsequent Petition for a Writ of Supersedeas. (Order, R.\_\_). The Supreme Court described the April 9 Order as requiring Appellant "to post a bond in the amount of \$265,074.48 within five days of the order or her appeal would be dismissed and the writ of ejectment previously issued would be immediately enforced," citing Section 27-37-130. (Id. at 1, R.\_\_). Finding that Appellant "has not shown she is entitled to a writ of supersedeas or that the bond set by Judge Van Slambrook is unreasonable," the Supreme Court directed her to "either pay the bond or vacate the premises" within ten days and stated that "[n]o further extensions shall be permitted." (Id. at 2, R.\_\_). Appellant did not post the bond. When the Charleston County Sheriff's Department arrived at the Property to enforce the Writ of Ejectment, Appellant left the Property with a moving truck and certain possessions, and Respondents have been in possession of the Property since.

Upon recovering possession, Respondents found that Appellant had left the Property in a state of significant disrepair. (Renewed Motion to Dismiss Appeal at 4 n.2 & Ex. J, R.\_\_).

Meanwhile, on May 20, 2026, Appellant filed a second Notice of Appeal in this case, seeking review of the April 9, 2026 Order and the May 11, 2026 Order denying reconsideration, and by letter dated May 26, 2026, the Clerk of this Court advised that the notices of appeal had been consolidated for consideration by the Court. By deficiency letters dated May 26 and June 30, 2026, the Clerk advised Appellant that the \$250 filing fee for the second notice of appeal had not been paid and that the matter would be dismissed absent correction.

On July 6, 2026, Respondents filed their Renewed Motion to Dismiss Appeal on three grounds: Appellant's failure to post the statutory bond, the fabricated authority in her Brief, and her failure to preserve any issue for review. (Renewed Motion, R.\_\_). Appellant's Return, filed July 7, 2026, did not contest the citation deficiencies identified in Respondents' Citation

Verification Chart, acknowledged that the Brief “should not have been filed in that form,” and asked for leave to file a corrected brief. (Return at 1, 4, R.\_\_\_). The same day, Appellant moved to reconsider the second filing fee or, in the alternative, to require Respondents to rent her a moving truck. Respondents replied on July 8, 2026.

On July 27, 2026, this Court denied the Renewed Motion to Dismiss Appeal “without prejudice to Respondents addressing the issue in their initial brief,” citing *Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 642, 837 S.E.2d 485, 487 (2020), *Berry v. Zahler*, 220 S.C. 86, 87, 66 S.E.2d 459, 459-60 (1951), and S.C. Code Ann. § 27-40-800(f)(2). (July 27, 2026 Order at 1-2, R.\_\_\_). The Court denied Appellant’s request to amend her Brief, cautioned her “not to use non-existent citations and quotations” under Rule 269, SCACR, denied her fee motion, and ordered the second filing fee paid within fifteen days. (Id. at 2 & n.1, R.\_\_\_). Appellant did not pay it. On August 28, 2026, this Court dismissed the May 20, 2026 notice of appeal and directed that this Brief be served and filed within thirty days. (Aug. 28, 2026 Order, R.\_\_\_). The partial remittitur issued on September 23, 2026. (Sept. 23, 2026 Partial Remittitur, R.\_\_\_). The April 9 and May 11, 2026 Orders issued by Judge Van Slambrook on the bond requirement and Appellant’s ability to maintain this present appeal are therefore final, unappealed orders, which are now the law of the case.

## STANDARD OF REVIEW

“[O]n appeal from a Circuit Court’s affirmance of a magistrate’s order, our scope of review is more limited [than the Circuit Court]. The Court of Appeals will presume that an affirmance by a Circuit Court of a magistrate’s judgment was made upon the merits where the testimony is sufficient to sustain the magistrate’s judgment and there are no facts that show the affirmance was influenced by an error of law. We therefore look to whether the Circuit Court order is controlled by an error of law or is unsupported by the facts.” *Parks v. Characters Night Club*, 345 S.C. 484, 490, 548 S.E.2d 605 (Ct. App. 2001) (citation omitted). “This Court cannot question findings of fact in a magistrate’s court approved by a circuit judge on appeal when there is any evidence, however slight, tending to prove issues involved.” *State v. 192 Coin-Op. Video Game Mach.*, 338 S.C. 176, 184, 525 S.E.2d 872 (2000).

## ARGUMENT

### I. THIS APPEAL SHOULD BE DISMISSED.

In its July 27, 2026 Order, this Court denied Respondents’ Renewed Motion to Dismiss Appeal “without prejudice to Respondents addressing the issue in their initial brief.” (July 27, 2026 Order at 1, R.\_\_). Respondents do so here. The appeal should be dismissed on two independent grounds. First, Appellant never posted the appeal bond that S.C. Code Ann. § 27-37-130 requires to maintain an appeal from an ejectment order, and the Circuit Court orders requiring that bond and providing for dismissal without it are now final, unappealed, and the law of the case. Second, Appellant’s Brief rests on fabricated authority and presents nothing preserved for this Court’s review.

#### **A. Appellant Never Posted the Statutory Appeal Bond, and the Unappealed Orders Requiring It Are the Law of the Case.**

Section 27-37-130 provides: “An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby. In the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal **shall be dismissed** by the trial magistrate.” The language is plain. “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 Supreme Court has upheld this bond requirement as “a condition precedent to the right to appeal from an order of ejectment,” accepting the construction that “dismissal of an appeal by a tenant is mandatory unless bond is filed within the time stipulated.” *Horn v. Blackwell*, 212 S.C. 480, 483-85, 48 S.E.2d 322, 323-24 (1948). The facts of *Horn* are these facts. The tenant appealed the magistrate’s ejectment order without giving bond, the magistrate directed the sheriff to eject him, he vacated, and the Court of Common Pleas then dismissed his appeal for failure to give the bond. The Supreme Court affirmed. *Id.* at 482-85, 48 S.E.2d at 322-24.

The Supreme Court has applied the same rule to an appeal pending before it. In *Wheeler v. Hyler*, 228 S.C. 584, 91 S.E.2d 265 (1956), the tenants gave notice of appeal from an ejectment order but filed no bond under Section 41-113 of the 1952 Code, the provision now codified at Section 27-37-130. See S.C. Code Ann. § 27-37-130 (history note: 1962 Code § 41-113; 1952 Code § 41-113; 1946 (44) 2584; 1950 (46) 2305). A circuit judge dismissed the appeal, and the tenants sought review in the Supreme Court, arguing that the statute permitted dismissal only “by the trial magistrate” and that the lower court lacked jurisdiction over the title

issues raised in the pleadings. *Id.* at 586-87, 91 S.E.2d at 266. The Court had already ruled, in an order it treated as the law of the case, that “[t]he filing of the bond required by Section 41-113 of the 1952 Code is mandatory and this Court has no discretionary power in the matter.” *Id.* at 586, 91 S.E.2d at 266. It then treated the construction accepted in *Horn*, under which the bond “is a condition precedent to the right of appeal by a tenant from an order of ejectment,” as “likewise the law of this case,” and held that “the dismissal of the appeal by the ‘trial magistrate’ is merely the means of establishing the absence of this condition precedent,” and that “[b]ecause of appellants’ non-compliance with this mandatory provision of the statute, the appeal is not properly before us.” *Id.* at 587, 91 S.E.2d at 266. The Court dismissed the appeal without reaching the tenants’ jurisdictional challenge, because “the conclusion that this appeal is not properly pending before this court exhausts our jurisdiction and precludes consideration of it.” *Id.* at 588, 91 S.E.2d at 266. The earlier decision in *Carlisle v. Prior*, 48 S.C. 183, 26 S.E. 244, 246 (1897), which allowed a tenant to appeal without bond, construed an 1895 act that conditioned only the stay on the bond and contained no dismissal provision; the statute enacted in 1946 and construed in *Horn* and *Wheeler* contains the sentence that Appellant’s appeal “shall be dismissed.”

This Court applied the same principle two days after its July 27 Order denying Respondent’s Renewed Motion to Dismiss. In *Watertoys, LLC v. South Carolina Department of Revenue*, Op. No. 6154 (S.C. Ct. App. filed July 29, 2026), the Court unanimously dismissed an appeal in a published opinion because the appellant had not posted the bond that S.C. Code Ann. § 12-60-3370 requires “before appealing,” holding that a statute conditioning the appeal on the bond contains “a temporal restriction in the statute that implicates and restricts appellate jurisdiction.” The Court distinguished *Town of Mount Pleasant v. Roberts*, 393 S.C. 332, 344,

713 S.E.2d 278, 284 (2011), where the bond provision carried “no temporal restriction.” Section 27-37-130, the relevant appellate statute in this case, is written the same way as the statute in *Watertoys*: the bond must be given “at the time of appealing” and filed “within five days after service of the notice of appeal,” failing which “such appeal shall be dismissed.”

Further, this Court’s November 19, 2025 Order specifically referred the bond question to the Circuit Court, holding that “consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court.” (R.\_\_\_). Respondents made that motion. After a hearing at which Appellant appeared and was heard, Judge Van Slambrook found that “S.C. Code § 27-37-130 expressly mandates that an appeal bond must be posted to maintain an ejectment appeal” and that “Appellant has failed to post any bond whatsoever” at any stage of these proceedings. (April 9, 2026 Order ¶¶ 14, 15, R.\_\_\_). The Order required Appellant to post a bond of \$265,074.48 within five days and provided that if she failed to do so, “the Appeal shall be subject to dismissal pursuant to S.C. Code Ann. § 27-37-130” and the Writ of Ejectment “shall be immediately enforced.” (Id. at 6). Judge Van Slambrook denied reconsideration on May 11, 2026, rejecting each argument Appellant now repeats in Section VIII of her Brief: that the statute does not apply because she is not a tenant, that Judge Murphy had “previously denied” a bond, and that the amount was excessive. (May 11, 2026 Order at 4-9, R.\_\_\_). This Court denied Appellant’s petition for supersedeas on May 18, 2026. The Supreme Court also denied supersedeas on May 27, 2026, finding that Appellant “has not shown she is entitled to a writ of supersedeas or that the bond set by Judge Van Slambrook is unreasonable” and directing that she “either pay the bond or vacate the premises” within ten days. (May 27, 2026 Order at 2, R.\_\_\_). Appellant never posted any bond.

Nor does the statute's reference to dismissal "by the trial magistrate" help Appellant. The bond was set by the Circuit Court, on this Court's referral, because the case had already left the magistrate court, and the Supreme Court read the resulting Order as requiring that the bond be posted "or her appeal would be dismissed." (May 27, 2026 Order at 1, R. \_\_). 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. The Supreme Court rejected the same reading in *Wheeler*, holding that dismissal by the trial magistrate "is merely the means of establishing the absence of this condition precedent," and finding it "unnecessary to decide" whether the dismissal order below had been signed by the right judge, because the tenants' failure to post the bond meant the appeal "is not properly before us." 228 S.C. at 587, 91 S.E.2d at 266. No court in this case has read the statute Appellant's way, and Appellant has cited none that has.

The April 9 Order was entered in this appeal, on this Court's referral, and it prescribed the consequence for this appeal: post a bond of \$265,074.48 within five days, or "the Appeal shall be subject to dismissal pursuant to S.C. Code Ann. § 27-37-130." (April 9, 2026 Order at 6, R. \_\_). Appellant did not post the bond. She noticed an appeal from the April 9 and May 11 Orders on May 20, 2026, but she never perfected it. (R. \_\_). She did not pay the filing fee after two deficiency letters, she did not pay it after this Court's July 27, 2026 Order gave her fifteen days to do so, and this Court dismissed that appeal on August 28, 2026. (Aug. 28, 2026 Order, R. \_\_). She did not petition to reinstate it. The remittitur issued on September 23, 2026, and the April 9 and May 11 Orders are now beyond the reach of any appellate court. (Sept. 23, 2026 Partial Remittitur, R. \_\_). An order that was not properly appealed, "right or wrong, is the law of the case." *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012); *Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 573, 743 S.E.2d 778, 785

(2013) (“An unappealed ruling is the law of the case and requires affirmance.”). That is true where, as here, the appeal from the order was “dismissed for failure to perfect same.” *Clanton v. Clanton*, 229 S.C. 356, 362, 92 S.E.2d 878, 881 (1956). It is therefore settled in this case that Section 27-37-130 applies, that a bond of \$265,074.48 was required to maintain this appeal, that Appellant posted none, and that the appeal is subject to dismissal on that account.

The rule applies with full force to an unappealed circuit court ruling in a magistrate appeal. In *Judy v. Martin*, the circuit court affirmed a magistrate’s judgment, the losing party did not appeal, and the Supreme Court held that the circuit court’s “unchallenged disposition . . . therefore became the law of the case,” declining to reopen it even on a claim that the magistrate lacked subject matter jurisdiction. 381 S.C. 455, 458-59, 674 S.E.2d 151, 153 (2009). Nor can Appellant contend that the Circuit Court lacked jurisdiction to enter the April 9 Order while this appeal was pending. She made that argument in her motion to reconsider, and the Circuit Court rejected it, holding that its authority to set the bond “flows directly from the Court of Appeals’ November 19, 2025 Order, the plain text of § 27-37-130 and § 27-40-800(f)(1), Rule 241(b)(10), SCACR, and the Supreme Court’s April 14, 2026 Order.” (May 11, 2026 Order at 4, R.\_\_\_). She noticed an appeal from that ruling and abandoned it. The Supreme Court then reviewed the April 9 Order on her petition, found that she “has not shown she is entitled to a writ of supersedeas or that the bond set by Judge Van Slambrook is unreasonable,” and ordered her to “either pay the bond or vacate the premises” within ten days, with “[n]o further extensions.” (May 27, 2026 Order at 2, R.\_\_\_). See *supra* at 7. The Supreme Court directed compliance with the April 9 Order; it did not treat that Order as one the Circuit Court had no power to enter.

Section VIII of Appellant’s Brief, which argues that the statute does not apply, that Judge Murphy “previously denied” a bond, and that the amount is excessive, asks this Court to review

orders it no longer has jurisdiction to review. Those arguments would fail in any event. Judge Murphy’s July 16, 2025 Order says nothing about a bond, as the Circuit Court found. (May 11, 2026 Order at 9, R.\_\_). The contention that no bond can be required because “no tenancy has ever existed” is foreclosed by *Rivers v. Smith*, 446 S.C. 293, 306, 919 S.E.2d 545, 552 (2025), which holds that a landlord-tenant relationship can exist without a written lease and without the payment of rent. And Appellant had more than fourteen months from the issuance of the Writ of Ejectment to post a bond or vacate the Property, and did neither until the Sheriff arrived. The statute prescribes the consequence: “such appeal shall be dismissed.”

The July 27, 2026 Order also cited *Skydive Myrtle Beach, Inc. v. Horry County*, 428 S.C. 638, 837 S.E.2d 485 (2020), *Berry v. Zahler*, 220 S.C. 86, 66 S.E.2d 459 (1951), and S.C. Code Ann. § 27-40-800(f)(2). Respondents do not contend that the appeal is moot under *Berry*. *Skydive* holds that a tenant who leaves when sheriff’s deputies arrive to enforce an ejectment order has not vacated voluntarily within the meaning of *Berry*, and that an appeal is not moot where a reversal could restore the tenant to possession. 428 S.C. at 642-43, 837 S.E.2d at 487. *Skydive* instead confirms the ground on which Respondents rely. The magistrate there allowed Skydive to remain in possession pending its appeal only by “making a monthly bond payment equal to the rent Skydive paid under the Space Use Permit.” *Id.* at 641, 837 S.E.2d at 487. Here, Appellant posted nothing. Section 27-40-800(f)(2) supplies the consequence for possession: “The tenant’s failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession . . . .” Section 27-37-130 supplies the consequence for the appeal: “such appeal shall be dismissed.”

**B. Appellant’s Brief Rests on Fabricated Authority, and She Preserved Nothing for This Court to Review.**

The remaining grounds for dismissal are set out in the Preliminary Statement and in Sections II through VIII below, and Respondents summarize them here. Of the sixteen South Carolina cases in Appellant’s Table of Authorities, at least eight do not exist as cited, three more are materially miscited, and the remainder concern unrelated areas of law or refute her position. (Renewed Motion to Dismiss Appeal at 5-8 & Ex. K, R.\_\_\_). Appellant conceded the point, and this Court denied her request to substitute a corrected brief. (Return at 1, 4; July 27, 2026 Order at 2, R.\_\_\_). A brief whose Standard of Review, standing, equitable, and adverse possession arguments rest on authorities that do not exist presents nothing this Court can review, and issues unsupported by authority are abandoned. *Atl. Coast Builders*, 398 S.C. at 327 n.1, 730 S.E.2d at 284 n.1; *Equivest Fin., LLC v. Ravenel*, 422 S.C. 499, 506, 812 S.E.2d 438, 441 (Ct. App. 2018). Appellant, moreover, filed no brief or memorandum in the Circuit Court, cited no statute, rule, or case at the June 26, 2025 hearing, and raised her standing, deed fraud, equitable, and adverse possession arguments for the first time in a Rule 59(e) motion. (H’rg Tr. at 11:19-16:7, R.\_\_\_; Motion to Reconsider, R.\_\_\_). Nothing in her Brief was raised to and ruled upon by the Circuit Court on the basis of any legal argument, and nothing is preserved. *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.”); *Johnson v. Sonoco Prods. Co.*, 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009). Any one of the grounds in this Section warrants dismissal.

## **II. THE MAGISTRATE COURT HAD JURISDICTION AND AUTHORITY TO ISSUE THE WRIT OF EJECTMENT.**

Appellant frames the threshold question as one of subject matter jurisdiction, asserting that the magistrate court’s authority is “predicated entirely on the existence of a landlord-tenant relationship.” Both the framing and the assertion are incorrect. In *Rivers v. Smith*, 446 S.C. 293,

304 n.5, 919 S.E.2d 545 (2025), the Supreme Court clarified that “there is no question magistrates courts have subject matter jurisdiction over eviction actions,” citing S.C. Code Ann. § 22-3-10(10) and S.C. Code Ann. § 27-37-20, and held that the proper inquiry is whether the magistrate had the authority to proceed. The Court further noted, “[L]ooking back on our decisions over 104 years—from *Fickling* in 1878 through *Stewart-Jones* in 1924 to *Lund* in 1982—it becomes crystal clear that the magistrates court is not deprived of the authority to conduct an eviction proceeding simply because the tenant claims the purported landlord does not hold title to the property.” 446 S.C. at 304, 919 S.E.2d at 551.

Here, Appellant failed to appear before the magistrate to contest the Application for Ejectment or to challenge the Trust’s title. She raised no challenge of any kind. In *Rivers*, the magistrate found “there was no question of title regarding the owner’s identity,” 446 S.C. at 305, 919 S.E.2d at 551; there was even less question here. Respondents provided proof of title through the recorded Quit-Claim Deed at Book 1204, Page 792 to both the Magistrate Court and the Circuit Court. That is the showing *Rivers* contemplates. Where the alleged landlord-tenant agreement is not written, the magistrate “should determine in the first place . . . whether the purported landlord has demonstrated that the tenant has been paying rent, or that the public record of the county indicates he has title to the property,” and “[t]he purported landlord’s presentation of evidence demonstrating either of those facts will ordinarily suffice to satisfy the landlord’s burden.” 446 S.C. at 308, 919 S.E.2d at 552-53. Appellant did not and could not produce a single document to either court showing she held title to the Property. Having failed to appear and show cause as required by S.C. Code Ann. § 27-37-40, the magistrate issued the Writ of Ejectment. The Circuit Court subsequently heard Appellant’s arguments and affirmed, finding “no error of law nor of fact.”

Moreover, even if no landlord-tenant relationship existed as Appellant contends, the magistrate would not lack authority to act. S.C. Code Ann. § 15-67-610 grants a magistrate independent authority to eject a trespasser from the owner's land. Appellant's premise, that the absence of a landlord-tenant relationship renders the magistrate powerless, has no basis in South Carolina law.

That affirmance is not open to re-argument in this Court. In an eviction action first heard by the magistrate and affirmed by the circuit court, "the court of appeals is without jurisdiction to reverse the findings of fact of the circuit court if there is any evidence supporting them." *City of Charleston Hous. Auth. v. Brown*, 437 S.C. 514, 520, 878 S.E.2d 913, 916 (Ct. App. 2022).

Appellant attempts to distinguish *Rivers* on three grounds, none of which is persuasive. First, she argues *Rivers* involved a residential dwelling while this case involves a commercial building. Chapter 37 of Title 27 applies to residential and commercial tenancies alike. Indeed, S.C. Code Ann. § 27-37-155 specifically addresses ejectment in "commercial lease" disputes, confirming that the magistrate's ejectment authority extends to commercial properties. The distinction is also one Appellant has abandoned. Her Brief describes the Property as the place where she "in substantial part resided," where she and her now-adult children lived, and as "her home." (Appellant's Br. at 5, 8, 18). In the Circuit Court she went further, arguing that "the property's mixed use as Appellant's home, business, and residence invokes the South Carolina Residential Landlord and Tenant Act." (Response in Opposition to Motion for Bond at 6, R. \_\_). Second, Appellant contends that *Rivers* involved a permissive arrangement that "ripened into an oral month-to-month tenancy," while no such arrangement exists here. But Appellant's own narrative describes exactly that: she occupied the Property for thirty-five years with the knowledge and acquiescence of the title holders, without a written agreement, without paying

rent, and, for most of that time, as the daughter-in-law of the title holders. (Appellant's Br. at 7-8; Response to Appeal at 1, R.\_\_\_). The occupants in *Rivers* likewise had no written lease and paid no rent, and the Supreme Court held that "Jessie Mae's promise to allow the Rivers to live on her property was sufficient to constitute a rental agreement for a month to month tenancy, immaterial of the fact the agreement was not in writing and the Rivers did not pay rent." 446 S.C. at 306, 919 S.E.2d at 552 (citing *Bruce v. Durney*, 341 S.C. 563, 568-69, 534 S.E.2d 720, 723 (Ct. App. 2000)). That is sufficient to support a finding of a landlord-tenant relationship. Third, Appellant argues that Respondent "never established even a colorable landlord-tenant relationship." The Circuit Court found otherwise when it affirmed. Under *Rivers*, "the initial matter to be litigated in any eviction action is whether the purported tenant entered a landlord-tenant agreement with the landlord," 446 S.C. at 307, 919 S.E.2d at 552, and the Circuit Court's resolution of that question is what controls.

Appellant argues that this dispute "fundamentally involves competing claims to title" that must be resolved in the Court of Common Pleas, and cites *Hunnicut v. Rickenbacker* for the proposition that the magistrate court has no jurisdiction to determine title. That decision, correctly cited as 268 S.C. 511, 234 S.E.2d 887 (1977), concerns the enforcement of restrictive covenants, not the jurisdiction of a magistrate court to determine title. See Renewed Motion to Dismiss Appeal, Ex. K, R.\_\_\_. More fundamentally, the title-challenge argument is the very argument the Supreme Court rejected in *Rivers*. That Appellant may wish to assert equitable claims does not mean those claims must be resolved before ejectment can proceed; it means they may be brought in a separate action in the appropriate forum.

Finally, Appellant argues that the amount in controversy exceeds the magistrate's \$7,500 jurisdictional limit. This argument reflects a misunderstanding of S.C. Code Ann. § 22-3-10. The

\$7,500 limit appears in the enumerated categories to which it applies, such as actions on contracts and actions for damages. It does not appear in subsection (10), which grants magistrates concurrent civil jurisdiction “in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41 of Title 27.” Subsection (12) likewise provides that the \$7,500 limit on counterclaims “does not apply to counterclaims filed in matters between landlord and tenant and the possession of land.” An ejectment action is a possessory remedy, not a monetary claim, and the value of the underlying property is irrelevant to the magistrate’s authority to hear it.

### **III. RESPONDENT HAS STANDING TO BRING THIS ACTION, AND APPELLANT’S CHALLENGE TO THE TRUST IS NOT PRESERVED FOR REVIEW.**

Appellant’s standing argument is not preserved for review. Appellant’s Notice of Appeal to the Circuit Court raised two exceptions: (1) defective service and (2) the magistrate lacked jurisdiction because Appellant is not a tenant. Standing was not raised as an exception, was not argued to the Circuit Court, and was not ruled upon below. Issues not raised to and ruled upon by the lower court are not preserved for appellate review. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.”); *Johnson v. Sonoco Prods. Co.*, 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009).

Even if preserved, the argument fails on its merits. Both of the South Carolina cases Appellant cites in support of it, *McCormick v. McCormick* and *Cason v. Cason*, are fabricated; neither exists at the citation given. See Renewed Motion to Dismiss Appeal, Ex. K, R.\_\_\_\_.

Substantively, Respondent's standing is established by the recorded Quit-Claim Deed at Book 1204, Page 792, in the Charleston County Register of Deeds, conveying the Property to "Yvonne H. Herold, as Trustee of the Hill Family 2008 Trust." A deed "valid and regular on its face is clothed with a presumption of validity." *Cummings v. Varn*, 307 S.C. 37, 41, 413 S.E.2d 829, 832 (1992). Appellant's demand that the trust instrument be produced before ejectment may proceed is yet another form of the title challenge that *Rivers v. Smith* holds cannot defeat the magistrate's authority.

Finally, the "of Arizona" designation is Appellant's own. The Trust filed the Application for Ejectment as the "Hill Family 2008 Trust," the name the recorded deed uses. (Application for Ejectment, R.\_\_). Appellant first captioned the Trust as the "Hill Family Trust 2008 of Arizona" in her Notice of Appeal to the Circuit Court, and Respondents advised that court in their Response that the Trust is a South Carolina trust, "not Arizona as declared in Defendant's Appeal," and asked that the caption be corrected. (Response to Appeal at 1, R.\_\_). Appellant's demand that Respondents prove the existence of an Arizona trust is a demand that they prove an entity she named. The misnomer does not alter the recorded deed, the identity of the Trustee, or the Trustee's authority to seek ejectment of a person occupying the Trust's property after permission to do so was withdrawn.

**IV. APPELLANT'S DUE PROCESS RIGHTS WERE NOT VIOLATED: SHE RECEIVED ACTUAL NOTICE AND WAS AFFORDED A FULL OPPORTUNITY TO BE HEARD.**

Although Respondents submit that Appellant failed to preserve any issue for appeal, Respondents address Appellant's due process argument in the alternative and demonstrate that it fails on the merits.

Appellant argues she was denied due process through defective service, claiming she “was never served with the ejectment pleadings” and “first learned of the Writ of Ejectment when it was posted on her office door.” (Appellant’s Br. at 17). The record does not support these claims.

The Due Process Clause requires “notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). As set out in the Statement of the Case, the Ravenel Magistrate Court attempted personal service at Appellant’s address on two occasions, then mailed a certified letter directing her to contact the court; a notice was left for her, redelivery was attempted, and she refused it. (Magistrate’s Return at 1-2, 6, R. \_\_). The envelope came back marked “Refused,” not “returned undeliverable” as Appellant claims. (*Id.* at 6; Appellant’s Br. at 17).

Appellant’s claim that she was “never served” is directly contradicted by the record. A party who refuses certified mail from the court cannot claim she lacked notice of the proceedings. Due process does not protect a party who deliberately avoids notice. Two personal service attempts at Appellant’s known address, followed by a certified mailing with notice left at the address and subsequent refusal, was plainly “reasonably calculated” to provide notice of the pending ejectment action. *Mullane*, 339 U.S. at 314.

Appellant’s own conduct confirms she received actual notice. After the court issued the Writ of Ejectment on March 7, 2025, and Constable Watson posted the Writ on Appellant’s door on March 12, 2025, Appellant filed her Notice of Appeal the very next day. A party who files an appeal within twenty-four hours has not been deprived of notice.

Appellant was also afforded a full opportunity to be heard. She appeared at the June 26, 2025 hearing before Judge Murphy, where she presented argument on the issues raised in her Notice of Appeal. (H'rg Tr. at 11:19-16:7, R.\_\_). The Circuit Court considered her arguments and found “no error of law nor of fact.” Appellant then filed a sixteen-page Motion to Reconsider under Rule 59(e), SCRPC, raising fourteen numbered grounds for relief, including each of the substantive theories she now presses on appeal. That motion was considered and denied. Appellant has had every opportunity to present her case and has availed herself of each one.

Appellant’s remaining unsubstantiated complaints concern the timing of the Magistrate’s Return, the filing of Respondents’ Notice of Appearance, the absence of email notifications, and the alleged incompleteness of the hearing transcript.<sup>3</sup> None of these rises to a constitutional violation. Appellant does not contend that she was unable to appear at the hearing, that she was prevented from presenting evidence, or that the Circuit Court refused to hear any argument she wished to make. These are complaints about procedural convenience, not deprivations of constitutional rights.

#### **V. APPELLANT’S UNPRESERVED AND UNPROVEN ALLEGATIONS OF DEED FRAUD DO NOT DEFEAT THE EJECTMENT ORDER.**

Appellant’s challenge to the validity of the 2008 Quit-Claim Deed is not preserved for review. Again, the Notice of Appeal to the Circuit Court raised two exceptions: defective service and lack of magistrate jurisdiction. Fraud, incapacity, undue influence, and deed validity were not among them. *See Wilder*, 330 S.C. at 76, 497 S.E.2d at 733; *Johnson*, 381 S.C. at 177, 672 S.E.2d at 570.

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<sup>3</sup> The transcript is indeed complete. The transcriber certified it as “a true, accurate, and complete Transcript of Record of the proceedings.” (H’rg Tr. at 17, R.\_\_).

Neither of the South Carolina cases Appellant cites in this section supports the proposition for which it is cited. *Smith v. Widener* is miscited and concerns setoff, not grantor capacity, and *Penny v. Green* concerns modification of alimony and child support, not undue influence in a deed. See Renewed Motion to Dismiss Appeal, Ex. K, R. \_\_.

Even if preserved and properly supported, these allegations do not provide a basis for reversing the ejectment. Appellant's claims of fraud, forgery, incapacity, and undue influence are precisely the kind of title dispute that *Rivers v. Smith* holds cannot defeat the magistrate's authority to proceed with an ejectment action. 446 S.C. at 304. Appellant herself acknowledges that these claims "require full evidentiary inquiry in a court of equity," yet she asks this Court to void the ejectment order on the basis of allegations that have never been tried or proven. The recorded deed at Book 1204, Page 792 is regular on its face and is therefore "clothed with a presumption of validity." *Cummings*, 307 S.C. at 41, 413 S.E.2d at 832. Unproven allegations of fraud do not overcome that presumption or strip the magistrate of authority to act on it.

#### **VI. APPELLANT'S EQUITABLE CLAIMS ARE NOT PRESERVED AND DO NOT DEFEAT THE EJECTMENT ORDER.**

Appellant's equitable claims for constructive trust, equitable estoppel, and unjust enrichment are not preserved for review. None of these theories was raised in the Notice of Appeal to the Circuit Court. See *Wilder*, 330 S.C. at 76, 497 S.E.2d at 733; *Johnson*, 381 S.C. at 177, 672 S.E.2d at 570.

The authorities Appellant cites for these doctrines are almost entirely fabricated. *Babb v. Babb*, *Fountain v. Fountain*, and *Lusk v. Lusk*, cited as the principal or sole authority for constructive trust, equitable estoppel, and unjust enrichment respectively, do not exist at the citations given, and the only verifiable case she cites, *Bass v. Bass*, is a domestic relations

decision that does not set out the elements of a constructive trust. See Renewed Motion to Dismiss Appeal, Ex. K, R.\_\_\_.

Even if preserved and properly supported by existing authority, Appellant's equitable theories do not provide a defense to ejectment. A constructive trust, equitable estoppel, or unjust enrichment claim is a claim to an interest in title. Under *Rivers v. Smith*, 446 S.C. at 304, a challenge to title, however styled, cannot defeat the magistrate's authority to proceed with an ejectment action. Appellant cannot repackage her title dispute as an equitable defense and thereby accomplish what *Rivers* prohibits her from accomplishing directly. Appellant herself concedes the point, acknowledging that these claims "cannot be adjudicated in a Magistrate Court eviction proceeding" and "require a full evidentiary hearing before the Master in Equity." That is an admission that these claims are outside the scope of this appeal, not a basis for reversing the ejectment order.

#### **VII. APPELLANT'S ADVERSE POSSESSION CLAIM IS NOT PRESERVED, IS UNSUPPORTED, AND CONTRADICTS HER OWN FACTUAL NARRATIVE.**

Appellant's adverse possession claim is not preserved for review. It was not raised in the Notice of Appeal to the Circuit Court. See *Wilder*, 330 S.C. at 76, 497 S.E.2d at 733; *Johnson*, 381 S.C. at 177, 672 S.E.2d at 570.

The claim is also unsupported by verifiable authority. Appellant cites the wrong statute, S.C. Code Ann. § 12-51-90, which governs the redemption of property sold for delinquent taxes, not adverse possession; the correct statute is S.C. Code Ann. § 15-67-210. Of the three cases she cites, *Gilliam v. Gilliam* does not exist at the citation given, and *Fender v. Fender* and *Rushing v. McKinney* concern a power of attorney and contract formation respectively, not adverse possession. See Renewed Motion to Dismiss Appeal, Ex. K, R.\_\_\_.

Even if preserved and properly cited, the claim fails on Appellant's own facts. Adverse possession requires clear and convincing proof of possession that is, among other elements, hostile and maintained for at least ten years. *Dawkins v. Mozie*, 399 S.C. 290, 293, 731 S.E.2d 342, 344 (Ct. App. 2012). Throughout her Brief, Appellant describes her occupancy as arising from an unsubstantiated partnership agreement and a mutual understanding that the property would pass to her. That is the opposite of hostile possession; it is permissive occupancy under a claimed agreement. Appellant cannot maintain throughout this appeal that she occupied the Property pursuant to an agreement with the title holders and simultaneously claim that her possession was adverse to them.

As with Appellant's other title-based claims, adverse possession cannot defeat the magistrate's authority to proceed with an ejectment action. *Rivers v. Smith*, 446 S.C. at 304.

#### **VIII. THE CIRCUIT COURT'S AFFIRMANCE WAS PROPER.**

Appellant contends the Circuit Court erred by affirming the magistrate's order with the single statement that "the Court finds no error of law nor of fact." A circuit court sitting in its appellate capacity is not required to issue a detailed written opinion when affirming a magistrate's judgment. An appellate court will presume that the affirmance was made on the merits when the evidence is sufficient to sustain the magistrate's judgment and there is nothing in the record to show the affirmance was influenced by an error of law. *Parks v. Characters Night Club*, 345 S.C. 484, 490, 548 S.E.2d 605 (Ct. App. 2001); *Hadfield v. Gilchrist*, 343 S.C. 88, 93, 538 S.E.2d 268 (Ct. App. 2000).

The Circuit Court heard Appellant's arguments at the June 26, 2025 hearing, reviewed the record, and found no error of law or fact. That the order was concise does not make it

deficient. Appellant's complaint is not that the Circuit Court applied the wrong legal standard, but that it did not agree with her. The same is true of the denial of her Rule 59(e) motion.

Appellant asks this Court to "independently review all legal questions presented" and remand for a hearing before the Master in Equity. Neither is warranted. As set forth in Sections II through VII above, Appellant's jurisdictional argument fails under *Rivers v. Smith*; her standing, fraud, and equitable claims were not preserved; and the authorities cited in support of them are largely fabricated. There is no basis for remand.

### **CONCLUSION**

For the foregoing reasons, Respondents Hill Family 2008 Trust and Yvonne Herold, Trustee, respectfully request that this Court dismiss this appeal. Appellant never posted the bond that S.C. Code Ann. § 27-37-130 requires to maintain an appeal from an ejectment order, and the unappealed Circuit Court Orders requiring that bond and providing for dismissal are the law of the case. In the alternative, Respondents request that this Court affirm the Circuit Court's July 16, 2025 Order affirming the magistrate's Writ of Ejectment and the August 7, 2025 Order denying reconsideration. Appellant's jurisdictional argument fails under *Rivers v. Smith*. Her remaining arguments were not preserved for review, are supported by fabricated authorities, and do not provide a basis for reversal.

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Respectfully submitted,

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September 28, 2026  
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