



September 29, 2026

VIA EMAIL (ctappfilings@sccourts.org)
AND ONEDRIVE ELECTRONIC SUBMISSION

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

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Sep 29 2026

SC Court of Appeals

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

Dear Ms. Kitchings:

Yesterday, Respondents served and filed their Initial Brief and Designation of Matter in this appeal of an ejectment order. On July 27, 2026, the Court denied Respondents' Renewed Motion to Dismiss Appeal without prejudice to Respondents addressing the issue in the Initial Brief. The brief does so, addressing each of the motion's three grounds: Appellant's failure to post the statutory appeal bond, the extensive use of fabricated authority in her brief, and her failure to preserve any issue for review. Respondents write separately because two recent developments since the motion was filed bear directly on whether this appeal should proceed to full merits review at all.

The first development is that the Circuit Court orders requiring Appellant to post an appeal bond are now final and unappealed, and they specifically direct dismissal of this appeal for Appellant's failure to post the statutorily required bond to maintain an appeal from an ejectment order. (Attachments A and B, highlighted). Appellant appealed those orders to this Court, but on August 28, 2026, after two deficiency letters and an order giving her fifteen additional days, the Court dismissed that appeal for her failure to pay the filing fee, and the partial remittitur issued on September 23, 2026. (Attachment D). Appellant never moved to reinstate the appeal within the fifteen days that Rule 260(a), SCACR, allows, and per the Rule, the order of dismissal "shall have the same force and effect as an order of the appellate court." Rule 260(a), SCACR.

S.C. Code Ann. § 27-37-130 provides that an appeal in an ejectment case "will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond," and that if the bond is not filed "within five days after service of the notice of appeal such appeal shall be dismissed." Appellant filed this appeal in August 2025 without posting a bond. When Respondents moved to dismiss on that ground and, in the alternative, for an order requiring a bond, this Court denied the 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."

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Respondents made that motion before the Circuit Court. After a hearing, the Honorable Dale E. Van Slambrook entered his April 9, 2026 Order requiring Appellant to post a bond of \$265,074.48 within five days and providing that if she failed to do so, “the Appeal shall be subject to dismissal pursuant to S.C. Code Ann. § 27-37-130.” (Attachment A). The Circuit Court denied reconsideration on May 11, 2026, holding that “the law here is settled and straightforward. Rule 241(b)(10), SCACR, expressly provides that ejectment orders are not stayed by the filing of a notice of appeal. S.C. Code Ann. § 27-37-130 imposes an affirmative statutory duty on an appellant in an ejectment case to post a bond as a condition of maintaining the appeal. The legislature’s directive is mandatory: the statute provides that failure to post bond ‘shall’ result in dismissal.” (Attachment B, highlighted). Appellant then petitioned the Supreme Court for a writ of supersedeas. The Supreme Court denied it on May 27, 2026, describing the April 9 Order as requiring Appellant to post the bond “or her appeal would be dismissed,” and directed her to “either pay the bond or vacate the premises” within ten days, with “[n]o further extensions.” (Attachment C, highlighted). Appellant never posted any bond, and the orders requiring it, and directing dismissal of this appeal if she failed to post it, are now the unappealed law of the case. As the Supreme Court has held, “an unappealed ruling, 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.”).

The second development is this Court’s published opinion in *Watertoys, LLC v. South Carolina Department of Revenue*, Op. No. 6154 (S.C. Ct. App. filed July 29, 2026) (Curtis, J., with Geathers and Hewitt, JJ., concurring), issued two days after the Court’s July 27, 2026 Order denying Respondents’ Renewed Motion to Dismiss Appeal. (Attachment E). The panel unanimously dismissed the appeal because the appellant “failed to either pay the taxes owed or procure an appropriate bond” as S.C. Code Ann. § 12-60-3370 requires. That statute provides that a taxpayer “shall pay, or post a bond for, all taxes . . . determined to be due by the administrative law judge before appealing the decision to the court of appeals.” Because the statute “requires the taxpayer to pay the taxes or post a bond before appealing,” the Court held, “[t]here is a temporal restriction in the statute that implicates and restricts appellate jurisdiction,” and it distinguished *Town of Mount Pleasant v. Roberts*, 393 S.C. 332, 713 S.E.2d 278 (2011), where the statute’s payment requirement carried “no temporal restriction.” S.C. Code Ann. § 27-37-130, the bond statute in this case, is written the same way: 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.” While the statute differs, the principle does not. *Watertoys* had not been decided when the Court ruled on the Renewed Motion.

Both points are developed in Section I.A of the Initial Brief. Respondents raise them in this letter because of the extraordinary cost and delay this appeal has imposed on Respondents. The Magistrate issued the Writ of Ejectment on March 7, 2025, and the Circuit Court affirmed on July 16, 2025. In the more than eighteen months since the Writ issued, Appellant has sought relief in the Circuit Court, this Court, and the Supreme Court, without success at any stage, and remained on the Property without posting any bond until the Sheriff arrived to enforce the Writ. Respondents are the record owners of the Property

and wish to sell it. They cannot do so with confidence while this appeal remains pending, nor can they rent it in the meantime, because Appellant left it in a state of significant disrepair. (See Respondents' Renewed Motion to Dismiss Appeal, filed July 6, 2026, at 4 n.2 and Ex. J; the Exhibit J video of the Property is submitted with this letter as Attachment F via OneDrive electronic submission because of its file size). Even a brief review of that video shows why the Property cannot be rented in its current condition. Every month of delay carries a real cost to them: the Circuit Court found the reasonable rental value of the Property to be \$7,363.18 per month and set the bond at \$265,074.48 to secure it, and Appellant's failure to post that bond leaves the loss entirely unsecured. (Attachment A, ¶¶ 21, 28). That is precisely what the bond statute exists to prevent: it requires a bond "conditioned for the payment of all costs and damages which the landlord may sustain" from the appeal. S.C. Code Ann. § 27-37-130.

Respondents have twice moved to dismiss this appeal, on September 19, 2025 and July 6, 2026. The Court denied the first motion on November 19, 2025, stating that the bond question was more properly made to the Circuit Court, and the second on July 27, 2026 without prejudice to the Initial Brief. Neither development described above existed when the Court ruled: Judge Van Slambrook's orders became final only when this Court dismissed Appellant's appeal from them on August 28, 2026 and remitted the matter on September 23, 2026, and *Watertoys* was decided two days after the July 27 Order. The Circuit Court has already answered whether the statute requires dismissal, in an order Appellant did not pursue on appeal and that is now the law of the case: "The legislature's directive is mandatory: the statute provides that failure to post bond 'shall' result in dismissal." (Attachment B, highlighted). Respondents will not file a third motion unless the Court invites one, because they do not wish to add to the delay. They ask only that the Court consider, at the earliest point it deems appropriate, whether those two developments require dismissal of this appeal for Appellant's failure to post the statutory bond. If so, this appeal ends.

Thank you for your attention to this matter.

Respectfully,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

Attorney for Respondents

Attachments: A through F, as stated (Attachment F via OneDrive)

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