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SC Court of Appeals

ATTACHMENT A

Order of the Honorable Dale E. Van Slambrook dated April 9, 2026

ELECTRONICALLY FILED - 2026 Apr 09 3:53 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1001379

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2025-CP-10-01379
	)	
HILL FAMILY 2008 TRUST,	)	
YVONNE H. HEROLD, TRUSTEE,	)	
Respondent/Plaintiff,	)	
	)	**ORDER GRANTING RESPONDENTS' MOTION TO REQUIRE BOND AND/OR ENFORCE EJECTMENT**
vs.	)	
	)	
TERESA K. ZACHRY, fka, TERESA Z. HILL,	)	
Appellant/Defendant.	)	

THIS MATTER comes before the Court for a hearing on March 23, 2026, upon the Respondents', the Hill Family 2008 Trust, Yvonne H. Herold, Trustee, (hereinafter "Respondents") Motion to Require Appellant to Post a Bond and/or Enforce Ejectment. Present at the hearing were the following: Anna E. Richter, Esq., and Daniel S. Slotchiver, Esq., counsel for the Respondents; the Respondents, the Hill Family 2008 Trust, Yvonne H. Herold, Trustee; and Appellant Teresa K. Zachry, fka Teresa Z. Hill, Esq., *Pro se*, (hereinafter "Appellant").[1]

After reviewing the pleadings, exhibits, the record, and applicable law, and considering arguments of counsel and the parties, the Court makes the following findings of fact and conclusions of law:

1. Pursuant to a Quit-Claim Deed recorded with the Charleston County Register of Deed's office, the property located at 6209 Savannah Highway, Ravenel, South Carolina, in Charleston County (hereinafter "the Property"), is owned by the Respondents, the Hill Family 2008 Trust.

[1] All findings of fact and conclusions of law indicated in this Order are made for the purpose of ruling on this motion only.

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2. On March 7, 2025, the Charleston County Magistrate Court issued a Writ of Ejectment ordering Appellant to vacate the property located at 6209 Savannah Highway, Ravenel, South Carolina, in Charleston County.
3. On March 13, 2025, Appellant filed a Notice of Appeal from the Magistrate Court's Ejectment Order.
4. Appellant failed to post an appeal bond within five (5) days of service of the Notice of Appeal, as required by S.C. Code Ann. § 27-37-130.
5. On July 16, 2025, the Circuit Court affirmed the Magistrate Court's Ejectment Order, finding "no error of law nor of fact."
6. The Circuit Court further denied Appellant's Motion to Reconsider on August 7, 2025.
7. Thereafter, on August 8, 2025, Appellant filed an appeal to the Court of Appeals and continues to wrongfully occupy the Property owned by Respondents.
8. On September 19, 2025, Respondents moved to dismiss the appeal and enforce the Ejectment Order in the Court of Appeals, contending that Appellant failed to post the statutorily-required bond to maintain an appeal. Appellant did not file a return to Respondents' Motion.
9. On November 19, 2025, the Court of Appeals issued an Order denying Respondents' motion to dismiss the appeal and enforce ejectment. However, regarding Respondents' request for Appellant to post a bond, the Court of Appeals held that "…consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court." The appeal remains pending before the Court of Appeals.

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10. On January 29, 2026, pursuant to the Court of Appeals' Order, Respondents filed a Motion to Require Appellant to Post a Bond and/or Enforce Ejectment in the Circuit Court, and a hearing was held on March 23, 2026.
11. This Court has jurisdiction over the parties and the subject matter of this action, in light of the Court of Appeals' Order dated November 19, 2025.
12. Appellant has refused to vacate the property despite the Ejectment Order and has continued to occupy the premises without payment of rent or security.
13. Respondents have been deprived of the use, possession, and full rental value of the Property since March of 2025.
14. 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.").
15. The Court finds that Appellant has failed to post any bond whatsoever. Appellant did not post a bond at the time of the initial appeal to Circuit Court, she did not post one during the Circuit Court proceedings, and she has not posted one upon appeal to the Court of Appeals.
16. "The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Under the plain meaning, it is not the court's place to change the meaning of a clear and unambiguous statute. 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. What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will.

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Therefore, the courts are bound to give effect to the expressed intent of the legislature." *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578 (2000) (internal citations omitted).

17. 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.

18. On December 15, 2025, Counsel for Respondents wrote to Appellant requesting the parties coordinate a mutually agreeable date for Respondents to inspect the property so that the proper amount of rent could be determined and used for bond calculation.

19. On December 30, 2025, Appellant wrote an email response to Respondents' counsel wherein Appellant refused to allow Respondents of their attorneys to inspect the building, and further advised "**[n]either you nor your clients will set foot in my building, my business, or my home.**"[sic].

20. The Court finds that due to Appellant's conduct, Respondents, nor anyone on their behalf, were able to inspect the Property.

21. The Court finds that the reasonable rental value of the Property is $7,363.18 per month as calculated and determined by the Respondent. The Appellant offered no evidence contrary to the rental value ascertained by Respondent. Further, that the Appellate process will likely take three (3) years, and that Respondents have suffered and will continue to suffer damages as a result of Appellant's continued occupancy.

22. The Court finds, pursuant to S.C. Code § 27-37-130, that Appellant must post a bond in order to maintain her appeal. The statute further provides that failure to timely post the required bond mandates dismissal of the appeal.

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23. While the general rule provides that "the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order," Rule 241(b)(10) expressly excepts: "Ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800."

24. This is an ejectment action pursuant to S.C. Code § 27-37-130. Accordingly, the Court finds, pursuant to Rule 241(b)(10), South Carolina Appellate Court Rules, that ejectment orders are expressly excluded from the automatic stay provision applicable to civil appeal, thus there is no automatic stay.

25. Accordingly, the filing on an appeal does not stay enforcement of an ejectment order absent compliance with the statutory bond requirement.

26. Appellant's failure to post the required bond deprives her of any entitlement to a stay of ejectment.

27. The Court finds that Appellant, who is a lawyer and has chosen to represent herself *Pro se*, has refused to vacate the Property for over a year, causing great harm to Respondents. The continued possession of the Property by Appellant without posting a bond or vacating the premises is contrary to South Carolina law and results in ongoing prejudice to the Respondents.

28. The Court finds that a bond in the amount of $265,074.48 is reasonable and necessary to protect the Respondents' interest during the pendency of the appeal, which is likely to last three (3) years.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED, as follows:

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IT IS ORDERED that pursuant to S.C. Code Ann. § 27-37-130, Appellant shall post a bond with the Clerk of Court in the amount of two hundred sixty-five thousand seventy-four dollars and forty-eight cents ($265,074.48) within five (5) days from the date of this Order;

IT IS FURTHER ORDERED that in the event Appellant posts the required bond, Appellant shall maintain said bond in full force and effect for the entirety of the appellate proceedings and shall file proof thereof with the Clerk of Court. Failure to maintain the required bond during the pendency of the appeal shall subject the appeal to dismissal pursuant to S.C. Code Ann. § 27-37-130;

IT IS FURTHER ORDERED that in the event that Appellant fails to post the required bond within five (5) days from the date of this Order, the Appeal shall be subject to dismissal pursuant to S.C. Code Ann. § 27-37-130;

IT IS FURTHER ORDERED that if Appellant fails to post the required bond within five (5) days from the date of this Order, the Writ of Ejectment issued by the Magistrate Court on March 7, 2025, shall be immediately enforced, including authorization for law enforcement to assist in effectuating the removal of Appellant from the Property and compliance with the Writ of Ejectment and this Order.

AND IT IS SO ORDERED!

_____
Hon. Dale E. Van Slambrook
Circuit Court Judge
Ninth Judicial Circuit

Date: _____
Moncks Corner, South Carolina

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Charleston Common Pleas

Case Caption: Teresa Zachry Hill VS Hill Family Trust 2008 of Arizona

Case Number: 2025CP1001379

Type: Order/Other

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge #2781

ATTACHMENT B

Order of the Honorable Dale E. Van Slambrook dated May 11, 2026, denying reconsideration

ELECTRONICALLY FILED - 2026 May 11 1:07 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1001379

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	**IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT**
HILL FAMILY 2008 TRUST, YVONNE H. HEROLD, TRUSTEE, Respondent/Plaintiff, vs. TERESA K. ZACHRY, fka, TERESA Z. HILL, Appellant/Defendant.	)	**CASE NO.: 2025-CP-10-01379** **ORDER DENYING APPELLANT'S MOTION TO RECONSIDER**

THIS MATTER comes before the Court upon Appellant Teresa K. Zachry, fka Teresa Z. Hill's (hereinafter "Appellant") Motion to Reconsider, filed April 10, 2026, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. Appellant seeks reconsideration and vacatur of this Court's April 9, 2026 Order Granting Respondents' Motion to Require Bond and/or Enforce Ejectment (the "April 9 Order"). The Respondents, the Hill Family 2008 Trust and Yvonne H. Herold, Trustee (hereinafter "Respondents"), oppose the Motion. For the reasons set forth below, the Motion is DENIED.

PROCEDURAL HISTORY

1. On March 7, 2025, the Charleston County Magistrate Court issued a Writ of Ejectment ordering Appellant to vacate the property located at 6209 Savannah Highway, Ravenel, South Carolina (the "Property").
2. On March 13, 2025, Appellant filed a Notice of Appeal from the Magistrate Court's Ejectment Order. Appellant failed to post an appeal bond within five (5) days of service of the Notice of Appeal, as required by S.C. Code Ann. § 27-37-130.

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3. On July 16, 2025, the Circuit Court (Hon. Maite Murphy) affirmed the Magistrate Court's Ejectment Order, finding "no error of law nor of fact." The Circuit Court denied Appellant's Motion to Reconsider on August 7, 2025.

4. On August 8, 2025, Appellant filed a Notice of Appeal to the South Carolina Court of Appeals, where the appeal remains pending as Appellate Case No. 2025-001651. Appellant has continued to occupy the Property without posting any bond.

5. On September 19, 2025, Respondents moved in the Court of Appeals to dismiss the appeal and enforce the Ejectment Order. Appellant filed no return. On November 19, 2025, the Court of Appeals denied the motion to dismiss the appeal and held that "consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court."

Motion to Require Appellant to Post a Bond and/or Enforce Ejectment

6. On January 29, 2026, pursuant to the Court of Appeals' instructions, Respondents filed their Motion to Require Appellant to Post a Bond and/or Enforce Ejectment in this Court.

7. On February 5, 2026, Appellant filed a Response in Opposition to Respondents' Motion.

8. This Court conducted a hearing on the motion on March 23, 2026, at which all parties appeared, argued, and were heard. On April 9, 2026, this Court issued its Order requiring Appellant to post a bond in the amount of $265,074.48 within five (5) days, and providing that, upon Appellant's failure to do so, the Writ of Ejectment shall be immediately enforced. The April 9 Order was entered after full consideration of the parties' submissions, including Appellant's February 5, 2026 Response in Opposition.

9. On April 10, 2026, Appellant filed the instant Motion to Reconsider.

10. On April 13, 2026, Appellant filed with the South Carolina Supreme Court a Petition for Writ of Mandamus, Emergency Motion for Stay Pending Disposition, and Motion for

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Referral to the Court of Common Pleas, seeking to vacate or stay the April 9 Order. Respondents filed a Return opposing that Petition. On April 14, 2026, the Supreme Court denied all relief, holding that Appellant "has not shown that she is entitled to a writ of mandamus or referral to the Court of Common Pleas for any of the actions she requests," and directing that "[a]ny request to stay enforcement of the ejectment order should be made by a petition for supersedeas to the circuit court and/or the court of appeals."

11. On April 14, 2026, the same day the Supreme Court denied her petition, Appellant filed a Petition for Supersedeas and Emergency Motion for Stay with the Court of Appeals, raising arguments substantially identical to those in the Supreme Court petition and those raised in the instant Motion to Reconsider. Respondents filed a Return opposing that Petition on April 15, 2026. That matter remains pending.

LEGAL STANDARD

Rule 59(e), SCRCP, permits a party to file a Motion to alter or amend a judgment. "A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." *Elam v. South Carolina Dept. of Transp*., 361 S.C. 9, 24 (2004).

The Court has reviewed the instant Motion to Reconsider in light of this standard. The substance of the Motion largely restates the arguments Appellant advanced in her February 5, 2026 Response in Opposition. After careful consideration of the Motion, Respondents' opposition, the pleadings, exhibits, the record, and applicable law, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded, finds no error of law or fact not appropriately considered, and makes the following findings of fact and conclusions of law:

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. The Court Had Jurisdiction to Enter the April 9 Order.

Appellant contends that this Court lacked jurisdiction to enter the April 9 Order because the appeal remains pending before the Court of Appeals. This argument fails.

On November 19, 2025, the Court of Appeals expressly directed that "consideration of a bond—or the lack of a bond—is a motion more properly made to the circuit court." Rule 241(b)(10), SCACR, further confirms that ejectment orders are expressly excepted from the automatic stay on appeal, citing both S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800. Section 27-40-800(f)(1) in turn provides that the rental amount for an undertaking to stay ejectment on appeal is "determined by order of the judge of the circuit court." The Supreme Court's April 14, 2026 Order further reinforces this allocation of authority, instructing that any stay request "should be made by a petition for supersedeas to the circuit court and/or the court of appeals."

This Court's authority to set a bond and to condition the continued stay of ejectment upon compliance with that 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. The April 9 Order did not disturb the Court of Appeals' jurisdiction over the merits of the appeal; it addressed only the bond issue that the Court of Appeals referred to this Court and the resulting consequence if bond is not posted.

II. S.C. Code Ann. § 27-37-130 Applies, and the Bond Requirement Is Mandatory.

Appellant argues that § 27-37-130 does not apply because she is not a "tenant" and Respondents are not a "landlord." Appellant's argument is foreclosed by the record and by controlling law.

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First, the South Carolina Supreme Court's decision in *Rivers v. Smith*, 919 S.E.2d 545 (2025), does not support Appellant's position, but rather directly refutes it. The Supreme Court in *Rivers* held that a tenant who claims the purported landlord does not hold title, or who asserts superior title in herself, does not deprive the magistrate of authority to proceed with an eviction action. *Id.* at 550. As the Supreme Court stated, "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." *Id.* at 551. Appellant's claims of ownership and fraud in the chain of title are therefore not jurisdictional bars to eviction; they are defenses that were heard and rejected.

Rivers further holds that a landlord-tenant relationship can exist without a written lease and without rent payment, and that an oral agreement allowing someone to occupy property is sufficient to create a tenancy. *Id.* at 551-52. Appellant's reliance on her lack of a lease and her non-payment of rent is therefore foreclosed by the very authority she cites.

Second, 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.

III. The Court of Appeals Expressly Referred the Bond Issue to this Court.

Appellant argues that the Court of Appeals' November 19, 2025 Order constitutes a ruling against any bond requirement, and that the April 9 Order is an impermissible end-run around the appellate court. This is a misreading of the Court of Appeals' Order.

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The Court of Appeals denied Respondents' alternative request for a bond expressly on the ground that "consideration of a bond — or the lack of a bond — is a motion more properly made to the circuit court." The Court of Appeals did not hold that a bond is not required; it held that the Circuit Court is the appropriate tribunal to take up that question. That reading is reinforced by the statutes the Court of Appeals cited in the same Order. The Court of Appeals compared S.C. Code Ann. § 27-40-800(f)(1) (which provides that on appeal to the Court of Appeals, stay of execution of a judgment for ejectment is available upon an undertaking to pay rent in an amount "determined by order of the judge of the circuit court") with S.C. Code Ann. § 27-37-130. This Court, acting within the scope of the Court of Appeals' referral and consistent with § 27-40-800(f)(1) and § 27-37-130, set the bond.

IV. The Bond Amount Is Reasonable, Supported by the Record, and Not Excessive.

Appellant challenges the bond amount of $265,074.48 as excessive, speculative, and unconscionable. The record supports the Court's determination.

The bond amount reflects three years of reasonable rental value at $7,363.18 per month. The three-year projection is a reasonable estimate of the time required to resolve the pending appeal. The monthly rental figure was determined on the evidence before the Court. Respondents requested and made arrangements to inspect the Property to confirm rental value. Appellant refused that inspection in writing, telling Respondents' counsel in a December 30, 2025 email that "[n]either you nor your clients will set foot in my building, my business, or my home." Appellant cannot refuse to permit valuation, then complain that the valuation was reached without her input. A party who obstructs the development of evidence cannot invoke that self-created deficiency as a ground for relief.

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At the March 23, 2026 hearing, Appellant presented no competent evidence contrary to the monthly rental figure. She stated on the record that she cannot pay any meaningful bond. That statement, while noted, does not entitle her to occupy Respondents' property without security. The constitutional protection against excessive bonds prohibits bonds set in bad faith to deny appellate access; it does not guarantee a bond that any particular appellant can afford. The bond amount set in the April 9 Order is compensatory, measured by three years of reasonable rental value on a property from which Respondents have been deprived of use, possession, and rental income since March 2025. It is not punitive.

V. The Enforcement Provision Is Proper.

Appellant argues that the April 9 Order's authorization of law enforcement to assist in effectuating the Writ of Ejectment, upon Appellant's failure to post bond, exceeds this Court's authority. It does not.

Rule 241(b)(10), SCACR, provides that ejectment orders are not automatically stayed by the filing of a notice of appeal. Section 27-37-130 conditions any stay of ejectment on the posting of a bond. Section 27-40-800(f)(1) similarly conditions any stay on an undertaking in the circuit court. *See also* S.C. Code Ann. § 18-9-170 (requiring written undertaking to stay execution of a judgment directing delivery of possession of real property); *Horn v. Blackwell*, 212 S.C. 480, 48 S.E.2d 322 (1948) (recognizing the General Assembly's authority to condition an appeal of an ejectment order on the posting of bond). Without a bond, the Writ of Ejectment is not stayed, and Respondents are entitled to enforcement.

The enforcement provision in the April 9 Order is conditional. It takes effect only if Appellant fails to post the required bond within five (5) days. Appellant alone controls that condition. If she posts bond, the Writ is not enforced. If she vacates voluntarily, no law

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enforcement assistance is necessary. The April 9 Order authorizes law enforcement assistance in enforcing a valid Writ of Ejectment should Appellant continue to refuse to comply.

Appellant has had more than thirteen months since the Magistrate issued the Writ of Ejectment on March 7, 2025, which was subsequently affirmed by the Circuit Court, to make arrangements for the safe and orderly transition of her files and belongings to another location. If her files and personal belongings are at any risk, that risk is the product of her deliberate choice to remain on Respondents' property without posting bond, vacating the premises, or making any arrangement to do so during the extensive pendency of these proceedings. Any disruption that follows is entirely of her own making.

VI. Appellant's Alleged Equitable Considerations Do Not Override the Statutory Mandate for Posting Bond in an Ejectment Action.

Appellant invokes the doctrines of constructive trust, equitable estoppel, and unjust enrichment. Appellant raised these doctrines in her February 5, 2026 Response in Opposition and the Court considered them in issuing the April 9 Order. These equitable claims, even if cognizable, cannot override the mandatory statutory bond requirement of § 27-37-130 as a condition of maintaining an appeal. Whatever merit Appellant's equitable claims may or may not have is a question for the Court of Appeals on the merits of the pending appeal. They are not a basis to dispense with the statutory bond requirement.

VII. Judge Murphy's July 16, 2025 Order Does Not Preclude the April 9 Order.

Appellant argues that Judge Murphy previously denied a request for bond at the June 26, 2025 hearing, and that this Court improperly revisited an issue decided by a Circuit Court Judge. This argument fails on multiple grounds.

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First, Judge Murphy's July 16, 2025 Order affirming the Magistrate's ejectment contains no ruling on bond. Appellant concedes that any such ruling is not reflected in the written order. The operative ruling is the written order, which does not deny bond.

Second, the motion decided by the April 9 Order was filed following, and pursuant to, the Court of Appeals' November 19, 2025 directive that the bond issue be presented to the Circuit Court. That directive postdates any proceeding before Judge Murphy, and it frames the issue as a matter the Circuit Court is to address. The April 9 Order followed the Court of Appeals' instruction.

Third, this is not forum shopping. Respondents did not select this Court as a second or third venue; they brought the bond motion in this Court because the Court of Appeals directed that it be brought here.

VIII. The Motion to Reconsider Does Not Satisfy Rule 59(e).

Appellant has failed to identify any material fact or principle of law that either has been overlooked, disregarded, or not properly considered in the April 9 Order. The positions she now urges are, in substance, the same positions she presented in her February 5, 2026 Response in Opposition, positions the Court considered before entering the April 9 Order. To the extent Appellant advances additional arguments, they are arguments that could have been developed at the March 23, 2026 hearing but were not. The Motion to Reconsider is, in substance, an attempt to relitigate the April 9 Order rather than to correct any defect in it.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

IT IS ORDERED that Appellant's Motion to Reconsider is hereby **DENIED** in its entirety;

IT IS FURTHER ORDERED that the April 9, 2026 Order Granting Respondents' Motion to Require Bond and/or Enforce Ejectment remains in full force and effect according to its terms;

IT IS FURTHER ORDERED that Appellant's request, in the alternative, to stay enforcement of the April 9, 2026 Order pending the Court of Appeals' resolution of the pending appeal is **DENIED**.

AND IT IS SO ORDERED.

Hon. Dale E. Van Slambrook
Circuit Court Judge
Ninth Judicial Circuit

[Electronic Signature and Date on Following Page]

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Charleston Common Pleas

Case Caption: Teresa Zachry Hill VS Hill Family Trust 2008 of Arizona

Case Number: 2025CP1001379

Type: Order/Other

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge #2781

ATTACHMENT C

Order of the Supreme Court of South Carolina dated May 27, 2026

The Supreme Court of South Carolina

Hill Family Trust 2008 of Arizona, and Yvonne Herold,
Respondents,

v.

Teresa Hill, Petitioner.

Appellate Case No. 2026-001185

ORDER

In an order dated April 9, 2026, the Honorable Dale E. Van Slambrook ordered Petitioner 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. *See* S.C. Code Ann. § 27-37-130 (2007) (requiring a bond to stay ejectment on appeal). This Court denied Petitioner's request for a writ of mandamus, a stay, and referral to the circuit court by order dated April 14, 2026. In that order, the Court stated a request for a stay must be made to the circuit court or the court of appeals, where the appeal was pending. The same day, Petitioner filed a petition for supersedeas and motion for stay with the court of appeals. The court of appeals denied the requests, and Judge Van Slambrook denied Petitioner's motion to reconsider his order setting bond.

Petitioner now asks this Court to issue a writ of supersedeas and stay Judge Van Slambrook's order pending her appeal. She seeks this stay without the requirement of a bond or with a nominal sum for the bond. Alternatively, Petitioner requests ninety days to transfer items in her law office to a secure location and a protective order prohibiting "Respondents, their attorneys, agents, or any non-lawyer" from accessing her client files and privileged materials. Respondents have a filed a return opposing the requests.

Although most orders are automatically stayed pending appeal, ejectment orders are an exception to the general rule. Rule 241(b)(10), SCACR. In those cases, a party may move for an order imposing a supersedeas of matters decided in the

order on appeal. Rule 241(c)(1), SCACR. In deciding whether to issue a writ of supersedeas, this Court considers whether it is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot. Rule 241(c)(2), SCACR. A writ of supersedeas may be conditioned on the filing of a bond or undertaking. Rule 241(c)(3), SCACR.

Because Petitioner has not shown she is entitled to a writ of supersedeas or that the bond set by Judge Van Slambrook is unreasonable, we deny the request for a writ of supersedeas without a bond or with a nominal bond. As to Petitioner's alternative request for ninety days to transfer her belongings to a secure location, we note that almost two months have passed since the order setting the appeal bond was issued. Petitioner shall, within ten days of the date of this order, either pay the bond or vacate the premises. No further extensions shall be permitted for Petitioner to comply with Judge Van Slambrook's order. Respondents have denied any desire or attempt to access Petitioner's client files and privileged materials. Therefore, we deny Petitioner's request for a protective order.

John K. Kittredge C.J.
FOR THE COURT

Columbia, South Carolina
May 27, 2026

cc:
Jesse Sanchez
Daniel Scott Slotchiver
Anna Elizabeth Richter
Teresa Hill
The Honorable Jenny Abbott Kitchings

ATTACHMENT D

Order of the Court of Appeals dated August 28, 2026, and Partial Remittitur dated September 23, 2026

The South Carolina Court of Appeals

Hill Family Trust 2008 of Arizona, and Yvonne Herold,
Respondents,

v.

Teresa Hill, Appellant.

Appellate Case No. 2025-001651

The Honorable Maite Murphy,
The Honorable Dale E. Van Slambrook
Charleston County
Trial Court Case No. 2025CP1001379

ORDER

On July 27, 2026, this Court issued an order denying Respondent's motion to dismiss and giving Appellant fifteen (15) days to pay the filing fee for the second notice of appeal. As of today's date, we have not received the $250.00 filing fee for the second notice of appeal. Therefore, the notice of appeal filed on May 20, 2026, is dismissed and the remittitur will be sent in accordance with Rule 221 of the South Carolina Appellate Court Rules.

The initial brief of respondent and designation of matter are due to be served and filed within thirty (30) days of the date of this order.

FOR THE COURT

BY Jasmine D. Smith, Deputy
CLERK

Columbia, South Carolina
August 28, 2026

cc:
Teresa Zachry Hill, Esquire
Daniel Scott Slotchiver, Esquire
Anna Elizabeth Richter, Esquire
Jesse Sanchez, Esquire

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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September 23, 2026

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

PARTIAL REMITTITUR

Re: Hill Family Trust 2008 v. Teresa Hill
Lower Court Case No. 2025CP1001379
Appellate Case No. 2025-001651

Dear Clerk of Court:

The above referenced matter is hereby partially remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

Enclosure

cc: Teresa Zachry Hill, Esquire
Daniel Scott Slotchiver, Esquire
Anna Elizabeth Richter, Esquire
Jesse Sanchez, Esquire

ATTACHMENT E

Watertoys, LLC v. S.C. Dep’t of Revenue, Op. No. 6154 (S.C. Ct. App. filed July 29, 2026)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Watertoys, LLC, d/b/a Tidalwave Watersports,
Appellant,

v.

South Carolina Department of Revenue, Respondent.

Appellate Case No. 2024-000962

Appeal From The Administrative Law Court
Deborah Brooks Durden, Administrative Law Judge

Opinion No. 6154
Heard May 12, 2026 – Filed July 29, 2026

APPEAL DISMISSED

Thomas R. Goldstein, of Belk Cobb Infinger & Goldstein, PA, of North Charleston, for Appellant.

Marcus Dawson Antley, III, Wayne Allen Myrick, Jr., and Jason Phillip Luther, all of Columbia, all for Respondent.

CURTIS, J.: Watertoys, LLC, d/b/a Tidalwave Watersports (Appellant), appeals an order from the Administrative Law Court (ALC) upholding the South Carolina Department of Revenue's (Respondent's) determination that it owed admission taxes for the audit period. We dismiss the appeal for failure to properly post a bond as required by statute.

BACKGROUND

This case involves whether parasail rides are subject to admissions tax, or whether they fall into an exemption for boat tours offering excursions and sightseeing. *See* S.C. Code Ann. § 12-21-2420 (2014). Respondent found parasailing was subject to admissions tax and was not subject to an exemption. Appellant requested a contested hearing with the ALC and the parties filed a joint stipulation of facts, cross motions for summary judgment, and accompanying briefs.

The ALC denied Appellant's motion for summary judgment and granted the Respondent's. Appellant filed a motion for reconsideration, which was denied.

Appellant filed its notice of appeal on June 7, 2024, along with a document entitled "Appeal Bond & Personal Surety" a few days later. The latter states:

> In accordance with [section] 12-60-3370 [of the South Carolina Code (2014)], we, Michael Fiem and Mark Fiem, principals of the Appellant . . . acknowledge ourselves bound and indebted unto the Respondent . . . in the principal amount of $33,296.00, subject to the following conditions:
>
> That in the event the Appellant . . . should fail to have this appeal disposed of in its favor, or should the appeal be dismissed, the Appellant shall pay the principal amount of the disputed taxes and an additional amount as interest as calculated in accordance with South Carolina law as well as any costs awarded in consequences of this action as provided by [SCACR].

Appellant's attorney explained in an email that the disputed taxes, not including interest, had been deposited in his law firm's escrow account.

Respondent filed a motion to dismiss the appeal for failure to comply with section 12-60-3370 on the grounds that (1) depositing the funds into an Interest on Lawyer Trust Account (IOLTA) did not satisfy the statutory precursors for filing an appeal,

(2) the amount deposited did not include interest, and (3) the principal amount was short $702.[1]

This court denied Respondent's motion to dismiss but remanded the matter to the ALC for determination of the amount required for the bond. The ALC determined that Appellant was obligated to include interest in the appeal bond to satisfy section 12-60-3370. The total amount Appellant was required to pay—or post—to perfect its appeal was $41,840.92. Appellant filed a document entitled "Supplemental Appeal Bond (Interest)" with this court on October 22, 2024, indicating it had added the disputed interest amount to the previously escrowed funds.

LAW/ANALYSIS

Respondent asserts that Appellant failed to comply with the procedural requirements for perfecting its appeal and this court therefore lacks appellate jurisdiction. We agree.

Section 12-60-3370 requires that "[e]xcept as otherwise provided, a taxpayer shall pay, or post a bond for, all taxes, not including penalties or civil fines, determined to be due by the administrative law judge before appealing the decision to the court of appeals." S.C. Code Ann. § 12-60-3370. The purpose of requiring an appeal bond is to secure the payment of the tax if the taxpayer loses on appeal and to discourage frivolous lawsuits. *See e.g. Ambrose v. Idaho State Tax Com'n*, 86 P.3d 455, 457 (Idaho 2004).

If the taxpayer opts to pay the taxes and interest in full to the Respondent and prevails on appeal, Respondent is required to refund the full amount plus interest. *See* S.C. Code Ann. § 12-54-25(C)(1) (2014) ("Any tax refunded or credited must include interest on the amount of the credit or refund from the latest of the date the tax was paid, the original due date of the return, or the last day prescribed for paying the tax if no return is required, to either the date the refund was sent or delivered to the taxpayer or the date the credit was made."). In the alternative, the taxpayer may post a bond for all taxes before appealing. S.C. Code Ann. § 12-60-3370. If the taxpayer is not successful on appeal, the surety insurer is

[1] Appellant admitted the shortfall was an oversight and deposited the additional $702.

liable for the taxpayer's debt. *See* S.C. Code Ann. § 38-1-20(54) ("'Surety' includes insurance for a bond that covers obligations to pay the debts, or answer for the default, of another."). The South Carolina Insurance Code regulates surety companies. S.C. Code Ann. §§ 38-15-10 to 100 (2015).

We reject Appellant's argument that depositing the funds into its attorney's IOLTA account satisfies the requirements of section 12-60-3370. South Carolina IOLTA accounts are attorney trust accounts "benefiting the South Carolina Bar Foundation established in an eligible institution for the deposit of pooled nominal or short-term funds of clients or third persons." Rule 412(a)(3), RPC, Rule 407, SCACR. The interest generated from the IOLTA account is paid to the Bar Foundation[2] and is therefore not available to satisfy the accrued interest on the tax debt should Respondent prevail. More importantly, depositing the funds into an IOLTA account is not a method sanctioned by the statute.[3]

Appellant cites *Town of Mount Pleasant v. Roberts,* 393 S.C. 332, 713 S.E.2d 278 (2011) in support of its stance. In *Town of Mount Pleasant*, our supreme court found that Roberts had properly met the prerequisites to appeal despite having failed to obtain a bond or pay her court-ordered fines. *Id*. at 343–44, 713 S.E.2d at 283–84. The court asserted that the statute's payment requirement contained "no temporal restriction" and as such did not implicate appellate jurisdiction. *Id*. at 344, 713 S.E.2d at 284. However, the court in that case was interpreting section 14-25-95 which states:

> Any party shall have the right to appeal from the sentence or judgment of the municipal court to the Court of Common Pleas of the county in which the trial is held. Notice of intention to appeal, setting forth the grounds for appeal, must be given in writing and served on the municipal judge or the clerk of the municipal court within ten days after sentence is passed or judgment rendered, or the appeal is considered waived. *The party appealing shall enter into a bond,* payable to the municipality*, to appear*

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[2] Rule 412(h)(1), RCP, Rule 407, SCACR.

[3] We likewise reject Appellant's argument that this court's earlier denial of Respondent's motion to dismiss is dispositive. The court's order did not address the merits of the motion and therefore has no preclusive effect.

> *and defend the appeal* at the next term of the Court of Common Pleas *or shall pay the fine assessed*.

S.C. Code Ann. § 14-25-95 (2017) (emphasis added).
The court found that "these provisions serve the purpose of insuring that an appellant will appear for the hearing before the circuit court. If an appellant fails to comply with those provisions, the municipality may issue a bench warrant to address any delinquency on the part of the appellant." *Town of Mt. Pleasant,* 393 S.C. at 344, 713 S.E.2d at 284. By contrast, section 12-60-3370 requires the taxpayer to pay the taxes or post a bond *before* appealing to this court. S.C. Code Ann. § 12-60-3370. There is a temporal restriction in the statute that implicates and restricts appellate jurisdiction.

Lastly, we decline to address the remaining issues raised as we find this issue dispositive. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (declining to address remaining issues where a prior issue was dispositive).

CONCLUSION

We find Appellant failed to perfect its appeal as required by section 12-60-3370 when it failed to either pay the taxes owed or procure an appropriate bond. Depositing the funds into its attorney's IOLTA account does not satisfy either alternative.

APPEAL DISMISSED.

GEATHERS and HEWITT, JJ., concur.

ATTACHMENT F

Video of the Property (Hill - Exhibit J - Video - Property.MOV)
Previously filed with the Court as Exhibit J to Respondents' Renewed Motion to Dismiss Appeal on July 6, 2026.
Resubmitted with this letter via OneDrive electronic submission because of its file size.