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Nov 17 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Daniel Hunt, Special Referee

Appellate Case No. 2025-002085

Neal E. Pfeiffer and Paulette H. Pfeiffer, Plaintiffs,

v.

Don Culff Homes, Inc., Don Cluff a/k/a Don Culff, Christopher Petross, Maria Petross a/k/a Maria Ferguson a/k/a Maria E. Ferguson, The M Ferguson Group LLC, 103 Woodland Circle Partners, A South Carolina General Partnership, World Business Lenders, LLC, Dina Claire Culff, and WBL SPO II, LLC, Defendants

of which Christopher Petross and Maria Ferguson are the Appellants, and World Business Lenders, LLC, Neal Pfeiffer, Paulette Pfeiffer, and WBL SPO II, LLC, are the Respondents.

RESPONDENT'S OBJECTION TO
APPELLANTS' MOTION TO ALLOW LATE
ORDERING OF TRANSCRIPT

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OBJECTION TO MOTION TO ALLOW LATE ORDERING OF TRANSCRIPT

On October 10, 2025, Appellants filed a notice of appeal from an order issued on September 15, 2025 by the special referee denying a motion to stay and a motion for relief from judgment pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure. On December 6, 2024, The Hon. G.W. Morgan, Jr. issued an order granting Respondent summary judgment on its cause of action for foreclosure of its mortgage on real property described as 103 Woodland Circle Easley, South Carolina. This same Order referred the matter to the Special Referee, Daniel Hunt, to set the terms of the foreclosure sale and to conduct the sale itself. The order of judgment of foreclosure and sale was entered on February 25, 2025 by the Special Referee. Appellants previously appealed both orders and those appeals to this Court were designated as Appellate Case No. 2024-001969 and Appellate Case No. 2025-000391. Both Appellate cases were dismissed by this Court. In Appellate Case No. 2025-000391, by letter dated March 27, 2025, the Clerk of Court advised the Appellants that the time for ordering the transcript had expired and provided the Appellants with instructions on what they would need to do to avoid having the case dismissed. The Appellants failed to comply with the letter and Appellate Case No. 2025-000391 was dismissed by the Court on April 15, 2025.

The Appellants have now filed this third appeal regarding the same matters and have again failed to order the transcript as required by Rule 207, SCACR. The Appellants have asked to order the transcript out of time, but there is no excuse this time for their failure to order the Transcript. The Appellants were aware of the Rule 207, SCACR requirement, as their appeal that was dismissed for failure to order the transcript occurred only seven months ago. In this current appeal, the Court sent the same transcript deficiency letter, this time dated October 29, 2025, to the Appellants. Respondent received the Appellants' motion to order the transcript out of time;

however, the motion fails to include a copy of the letter addressed to the Court reporter as required by the Court's letter.

Respondent objects to the motion to order transcript out of time based on Appellants' failure to comply with the requirements set forth in rule 207(a) of the South Carolina Appellate Court Rules.

Rule 207(a)(1) provides the following requirements for Ordering the Transcript:

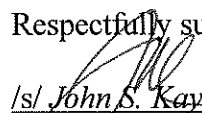
Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. *In appeals from the court of common pleas, masters-in-equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal.* In appeals from the court of general sessions or the family court in juvenile actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. The court reporter must acknowledge receipt of the request by responding to the appellant within five business days. Where required by paragraph (a)(7) and by Order of the Supreme Court, copies of all correspondence must also be provided by electronic means. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. If a party to the appeal unjustifiably refuses to agree to ordering less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211.

Rule 207(a)(1), SCACR (emphasis added). A review of the record in this case reveals that the Appellants failed to comply with these requirements. Appellants had ten (10) days from the service of service of the notice of appeal to order the transcript and were aware of this rule because of their earlier appeals. Further, after failing to do so, the Court issued a letter to Appellants on October 29, 2025, advising them that the prescribed time to order the transcript had expired, and granting the Appellants ten (10) days from the date of the letter to file proof of ordering the transcript and update the Court as to the status of the transcript. The Appellants failed to comply with this request as well.

In their Motion to Allow Late Ordering of Transcript, the Appellants reference Rule 207(c) as providing “for good cause shown, the appellate court may relieve a party of failure to comply...where such failure was the result of mistake, inadvertence, surprise, or excusable neglect.” However, Rule 207(c), in full, reads: “The transcript received from the court reporter or the administrative tribunal must be retained by appellant during the entire appeal and for a period of at least one (1) year after the remittitur (See Rule 221) is sent to the lower court or administrative tribunal.” Rule 207(c), SCACR. It is unclear where the rule language that Appellants reference comes from.

This makes the third appeal the appellants have filed regarding this case and have failed to comply with the rules which caused unnecessary delay and increased fees and costs for the Respondent. In a case such as this where the Appellants, yet again, have failed to do the very thing that they failed to do in their previous appeal, the Appellants cannot argue that their failure to order the transcript is the result of mistake, inadvertence or excusable neglect on their part. For these reasons, the Respondent requests that the Court deny the Appellants’ motion and dismiss this appeal.

Respectfully submitted,


/s/ John S. Kay

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of which Christopher Petross and Maria Ferguson are the Appellants, and World Business Lenders, LLC, Neal Pfeiffer, Paulette Pfeiffer, and WBL SPO II, LLC, are the Respondents.

PROOF OF SERVICE OF RESPONDENT'S OBJECTION TO
APPELLANTS' MOTION TO ALLOW LATE
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I hereby certify that I have served the Respondent's Objection to Appellants' Motion to Allow Later Ordering of the Transcript on Christopher Petross and Maria Ferguson by depositing a copy of it in the United States mail, postage prepaid, on November 17, 2025, addressed to Christopher Petross at 103 Woodland Circle Easley, South Carolina 29640 and on Maria Ferguson at 103 Woodland Circle Easley, South Carolina 29640.

Respectfully submitted,


/s/ John S. Kay

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