

RECEIVED

Jun 16 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Daniel E. 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 WBL SPO II, LLC's
MOTION
TO DISMISS APPEAL

John S. Kay
Hutchens Law Firm LLP
240 Stoneridge Drive, Suite 400
Columbia, S.C. 29210
Phone: (803) 726-2700
john.kay@hutchenslawfirm.com
Attorney for Respondent WBL SPO, LLC

Chris Pettross
103 Woodland Circle
Easley, S.C. 29640
miapfp@yahoo.com

Maria E. Ferguson
103 Woodland Circle
Easley, S.C. 29640
miapfp@yahoo.com

This is the Appellants third appeal in this case. On November 15, 2024, Appellants filed a notice of appeal designated as appellate case 2024-001969 seeking to appeal an order issued on October 18, 2024 by Judge G.D. Morgan, Jr. This Order granted the Respondent, WBL SPO II, LLC, summary judgment on its crossclaim against the Appellants for foreclosure of its mortgage. This appeal was dismissed on December 18, 2024. The Order of October 18, 2024 was a Form 4 Order that granted the Respondent's motion for Summary judgment on the foreclosure and guaranty actions. The Form 4 directed the counsel for Respondent to prepare a formal Order. The formal Order was signed by Judge Morgan on December 6, 2024. No appeal was taken from this Order.

On February 27, 2025 the Appellants filed another appeal in this case, designated as case 2025-000391, seeking to appeal a January 15, 2025 Order issued by Judge G.D. Morgan, Jr. denying the motion filed by the Appellants to reconsider the previous Order and to supplement the record. This appeal was dismissed by Order dated April 15, 2025, thus making the Order issued by Judge G.D. Morgan, Jr. on January 15, 2025 the law of the case.

On October 10, 2025, The Appellants filed the within appeal seeking to overturn the Order issued by Daniel E. Hunt, Special Referee for Pickens County on September 15, 2025. The Order of the Special Referee denied the Appellants' motion to stay and a motion for relief from judgment issued on pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure.

On December 6, 2024, the Hon. Judge G.D. Morgan, Jr. issued a Form 4 Order granting Respondent WBL SPO II, LLC summary judgment on its crossclaim for foreclosure of its mortgage on real property owned by the Appellants. The December 6, 2024 Order established the debt owed to the Respondent by the borrower on the loan, The M Ferguson Group LLC, and that Order was not appealed by the M Ferguson Group LLC. The December 6, 2024 Form Order

directed counsel for the Respondent to prepare and submit a formal Order. The formal Order was issued on December 6, 2024 and referred the case to Daniel E. Hunt, as Special Referee for Pickens County to set the terms of the foreclosure sale and to conduct that foreclosure sale. That Order was not appealed and is now the law of the case. Pursuant to the reference of the case, Special Referee Hunt entered a Judgment of Foreclosure and Sale on February 25, 2025. Appellants previously appealed the October 18, 2024 Form 4 Order granting the Respondent summary judgment on its claim for foreclosure on The M Ferguson Group LLC and Maria Ferguson. The Appellants also appealed the January 15, 2025 Form 4 Order which denied the Motion filed by the Respondents to reconsider the previous court decision.

On November 12, 2025, this Court issued an Order in response to the October 10, 2025 Notice of Appeal, in which the Court denied Appellants' following motions: to stay the foreclosure sale and vacate the underlying order; to seal the records filed in the appeal; to extend the time of the 2024 tax sale; and to proceed *in forma pauperis*. In response, the Appellants filed a motion to allow late ordering of the transcript. On January 23, 2026, the Court granted Appellants' motion and instructed them to order the transcript within ten days of the Order. On February 1, 2026, Appellants ordered transcripts from various hearings, some of which are beyond the scope of this appeal and go back as far as 2021. None of those hearings are before this Court now. This transcript request was cancelled by Court Reporting on March 5, 2026, due to an incorrect date and judge, and the Court issued a letter on March 24, 2026, giving the Appellants ten days to order the transcript from the appropriate court. On April 3, 2026, Appellants submitted a transcript request to the Pickens County Magistrate Court and Pickens County Circuit Court, for hearings starting back in 2021. These hearing dates are also outside the

scope of this appeal. Additionally, this case has never been under the jurisdiction of the Magistrate Court.

In their appeal of the September 15, 2025 Order, the Appellants argue that Special Referee Hunt violated Rule 501, SCACR, and as a result of this violation, the orders entered under such circumstances are void. This is not accurate. The Supreme Court has addressed many instances of violations of Rule 501, and in each instance, the Court issued reprimands for the misconduct, but it did not void or invalidate any prior orders or decisions. *See In re Abraham*, 354 S.C. 644, 583 S.E.2d 435 (2003); *See also In re Davis*, 368 S.C. 662, 630 S.E.2d 281 (2006). Further, “[u]nder South Carolina law, if there is no evidence of judicial prejudice, a judge’s failure to disqualify himself will not be reversed on appeal.” *Patel v. Patel*, 359 S.C. 515, 524, 599 S.E.2d 114, 118 (2004). “Under Canon 3(E)(1)(a) of Rule 501, a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including by not limited to, instances where he has a personal bias or prejudice against a party.” *Id.* “It is not sufficient for a party seeking disqualification to simply allege bias; the party must show some evidence of bias or prejudice.” *Id.* “If there is no evidence of judicial bias or prejudice, a judge’s failure to disqualify himself will not be reversed on appeal.” *Id.* Here, the Appellants present no evidence of bias or prejudice, only mere assertions that the Rule has been violated. Even if they had presented evidence, the underlying order would not automatically be void.

Finally, the arguments the Appellants make in this appeal are of matters that were raised, or should have been raised, in the previous attempts to appeal that were dismissed by this Court, and thus are now law of the case. “Under the law-of-the-case doctrine, a party is precluded from relitigating, after an appeal, matters that were either not raised on appeal, but should have been, or raised on appeal, but expressly rejected by the appellate court.” *Flexon v. PHC-Jasper, Inc.*,

413 S.C. 561, 571, 776 S.E.2d 397, 403 (Ct. App. 2015) (quoting *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009)). Importantly, this rule is “based on the salutary and sound public policy that litigation should come to an end.” *Flexon v. PHC-Jasper, Inc.*, 413 S.C. at 573, 776 S.E.2d at 404 (Ct. App. 2015). The Appellants in this case have now attempted, on at least three separate occasions, to undo, or further litigate, the valid foreclosure order granted in 2024 by Judge Morgan. They have had ample opportunity to properly and timely file documents and to make any relevant legal arguments regarding this matter. Because the matters raised in the latest appeal are law of the case, this appeal should be dismissed with prejudice.

For these reasons, the Respondent requests that the Court grant the Respondent’s Motion to Dismiss and award Respondent all other just and equitable relief, including attorneys’ fees and costs to which they are entitled.

Respectfully submitted,

/s/ John S. Kay

John S. Kay, S.C. Bar #7914
The Legal Foundation Group
P.O. Box 8237 (29202)
240 Stoneridge Dr., Suite 400
Columbia, SC 29210
P.O. Box 8237
Columbia, S.C. 29202
803-726-2700 (ext. 2705)
Email: John.kay@thelegalfoundationgroup.com
Attorney for Respondent WBL SPO II, LLC

June 16, 2026

RECEIVED

Jun 16 2026

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.

PROOF OF SERVICE OF RESPONDENT WBL SPO II, LLC'S
MOTION TO DISMISS APPEAL

John S. Kay
Hutchens Law Firm LLP
240 Stoneridge Drive, Suite 400
Columbia, S.C. 29210
Phone: (803) 726-2700
john.kay@hutchenslawfirm.com
Attorney for Respondent

Christopher Petross
103 Woodland Circle
Easley, S.C. 29640
miapfp@yahoo.com

Maria E. Ferguson
103 Woodland Circle
Easley, S.C. 29640
miapfp@yahoo.com

I hereby certify that I have served the Respondent WBL SPO II, LLC's Motion to Dismiss Appeal by depositing a copy of it in the United States mail, postage prepaid, on June 16, 2026, addressed to:

Christopher Petross
103 Woodland Circle
Easley, South Carolina 29640

Maria Ferguson
103 Woodland Circle
Easley, South Carolina 29640.

Respectfully submitted,

/s/ John S. Kay

John S. Kay, S.C. Bar #7914
HUTCHENS LAW FIRM
P.O. Box 8237 (29202)
240 Stoneridge Dr., Suite 400
Columbia, SC 29210
P.O. Box 8237
Columbia, S.C. 29202
803-726-2700 (ext. 2705)
Email: John.kay@hutchenslawfirm.com
Attorney for Respondent WBL SPO II, LLC

June 16, 2026