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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.

MOTION OF RESPONDENT TO VACATE ORDER APPEALED FROM AND TO REMAND CASE TO TRIAL COURT

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Pursuant to Rule 240, SCACR, Respondent moves this Court for an Order vacating the order appealed from by the Appellants and states as follows:

PROCEDURAL HISTORY

This is the third appeal initiated by the Appellants regarding a single foreclosure action brought by the Respondent. 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 February 25, 2025, 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 also 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.

ARGUMENT

Based upon documents presented to the Respondent's counsel, it now appears to the Respondent that the Special Referee may have had a conflict of interest in this matter. Therefore, the Respondent agrees to an Order from this Court have the Orders issued by the Special Referee on February 5,2025 and September 15, 2025, Order of the Special Referee vacated and for this Court to remand the case back to the Court of Common Pleas for Pickens County to appoint a different Special Referee to hear the remaining matters in the case.

Counsel for the Respondent communicated with the Appellants seeking a joint motion to have the two orders vacated – the exact appeal sought by the Appellants; however, the Appellants refused, and in turn, used language from the communication in its Initial Brief to seek the very relief that the Respondent willing consents to herein. Therefore, the Respondent has filed this motion without the consent of the pro se Appellants.

Respondent believes that this action is best for all involved and will reduce time and expense to both parties and the Court. For these reasons, Respondent request that the Court vacate the Orders issued by the Special Referee in the case on February 25, 2025, and

September 15, 2025, and remand the case back to the Court of Common Pleas for Pickens County to appoint a Special Referee to hear the remaining matters in the case.

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 WBL SPO II, LLC'S MOTION TO VACATE ORDER APPEALED

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

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Maria Ferguson
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Respectfully submitted,

/s/ *John S. Kay*

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