

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2013-CP-23-01810

Ronald J. Ferguson

Appellant,

v.

John D. Hatcher, Rachel Shaluly, James F. Gilbert,
Molly A. Miller, and Michael Stheney, individually
and as members of the Architectural Committee of
Mill Creek Estates,

Respondent.

RECEIVED

MAR 27 2014

SC Court of Appeals

GROUND FOR APPEAL

COMES NOW, Ronald J. Ferguson, the appellant, and would submit the following issues as grounds for appeal of the Order entered by Honorable Alison Renee Lee on January 27, 2014, in the Greenville County Court of Common Pleas.

A prior hearing was conducted on October 24, 2013, before Judge J. Mark Hayes, II, with a form 4 Order issued October 25, 2013.

Respondent's counsel Rodney Brown submitted a proposed Order to the Court October 28, 2013.

Appellant filed a Notice of Appeal to the Form 4 with the South Carolina Court of Appeals on November 4, 2013.

Respondent's counsel Brown filed a subsequent Motion to Compel with the Court of Common Pleas on November 8, 2013.

Judge J. Mark Hayes, II, signed the proposed Order and returned to such Brown who submitted such for entry to the Circuit Court Clerk for entry on November 19, 2013.

A hearing was scheduled before Judge Alison Renee Lee on dual Motions to Compel by both sides and this appeal ensues as a result.

South Carolina Rules of Appellate Procedure Rule 205 provides that the Court of Appeals shall have exclusive jurisdiction over the matters raised in an appeal. However, a party may move to petition for supersedas pursuant to rule 241.

Appellant would submit that Judge Lee was aware of the activity in the Court of Appeals regarding the matter when addressing Brown's Motion to Compel, and chose to enter an Order granting Brown's motion without jurisdiction due to the appeal or a determination the Court possessed subject matter or personal jurisdiction on the motion.

Appellant would further submit that S.C. R.A.P. 205 does not prevent the lower Court from proceeding with matters which may result in the litigations progression and/or dismissal. Judge Lee entered an Order granting Appellant's motion to compel against Brown, though that is not effective until such time as the Court of Appeal's renders a decision on the matters related to the Order of Judge J. Mark Hayes, II,.

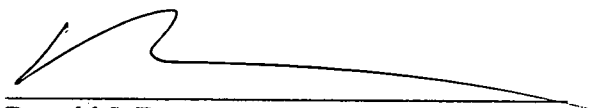
Interlutory appeals. Appellant would show that he is an owner of residential property to which Judge J. Mark Hayes, II, entered an Order allowing Brown to have physical access without appellant being part of or represented at the proceeding. The subsequent motion to compel by Brown and Order by Judge Lee, contrary to Rule 205, likewise divists Appellant of constitutionally and statutory protections which require that Plaintiff demonstrate several factors before the judiciary can exercise personal or subject matter jurisdiction. When the Plaintiff is incapable of demonstrating such, as required by law, the Court lacks authority to enter such judgment or proceed with the case.

Wherefore, premises considered, appellant moves to address whether lower Court had jurisdiction to enter an Order compelling Appellant to provide access to a residential dwelling for purposes of collecting evidence due to Rule 205 as there was already an action before the Court of Appeals over that same matter;

Whether the Court's delay in enforcing a Motion to Compel against the Plaintiff to provide information related to whether they have jurisdiction to bring this action and which could result in the dismissal of the action; and,

Whether the Court possessed personal and/or subject matter jurisdiction to require Appellant to provide information protected by State and Law without proper hearing and a factual basis to issue such Order in accordance with United States Supreme Court precedent.

March 23, 2014



Ronald J. Ferguson
103 Mill Creek Road
Piedmont, South Carolina 29673
864-509-0169
Pro-se

Other Counsel of Record:
Rodney M. Brown
210 South Main Street
Fountain Inn, South Carolina 29644
864-862-2528
Attorney for Respondent

Ronald Ferguson
103 Mill Creek Road
Piedmont, SC 29673

RECEIVED

MAR 27 2014

SC Court of Appeals

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



29211162929

