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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Circuit Court Judge

Case No. 2015-000593

RECEIVED
JAN 04 2018
SC Court of Appeals

Ronald J. Ferguson

Appellant,

v.

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

Respondent.

MOTION TO VACATE ORDER GRANTING COSTS

Ronald J. Ferguson
103 Mill Creek Rd
Piedmont, SC 29673
(864) 509-0169
Appellant pro-se

COMES NOW, Ronald J. Ferguson, who having been informed that this Court has entered a judgment of costs in the above headed action moves for reconsideration of same and would show to-wit:

Ronald J. Ferguson received a letter dated December 28, 2017, with a copy of an Order awarding attorney fees and costs in the amount of \$1,158.56, pursuant to a motion for costs filed by respondent.

While Ronald J. Ferguson never received the original motion for fees, a basic review of the records shows some judicial points of interest;

Filings with the Clerk of Court, South Carolina Court of Appeals, indicate the Remittitur was issued October 23, 2017, while the motion for costs was filed on October 25, 2017.

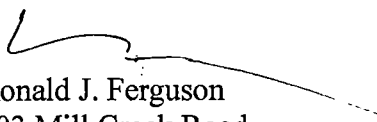
The motion for costs attests the Court "affirmed" the judgment of the lower court. In reality, the Court deemed the matter an interlocutory issue.

Based on the precedent of *Black v. B.B. Kirkland Seed Co.*, 163 S.C. 222, 161 S.E.2d 489 (1931), which held that costs should not be taxed until an appeal that resolves the case is adjudicated, the movants were not entitled to the relief sought and the Order is contrary to precedent. (See also *Johnson v. Paraplane Corp* 468 S.E.2d 620 (1996); Court of Appeals Order VACATED, Interlocutory appeals dismissed. No costs or attorneys' fees pursuant to Rule 222, SCACR, shall be assessed.)

Wherefore, premises considered, Appellants would respectfully submit that the fraudulently obtained order granting costs in the amount of \$1,158.56 which was issued inconsistent with the SCACR be vacated.

January 2, 2017

Respectfully submitted,


Ronald J. Ferguson
103 Mill Creek Road
Piedmont, SC 29673
(864) 509-0169

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CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the Petition for Rehearing from Order Dismissing Appeal, dated January 2, 2018 on Respondents Attorney of record by

_____ delivering it to him/her personally; or,

_____ mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

X mailing it to the address indicted by their counsel of record in the Summons as follows:

Rodney M. Brown
210 S Main St
Fountain Inn, SC 29644

This the 8th day of January, 2018.



Ronald J. Ferguson

Ronald Ferguson
103 Mill Creek Road
Piedmont, SC 29673

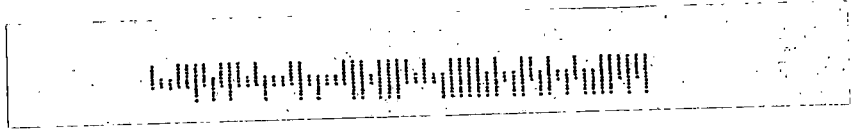


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JAN 04 2018

SC Court of Appeals

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