

Ronald J. Ferguson
103 Mill Creek Road
Piedmont, SC 29673

May 24, 2018

Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RE: Notice of Appeal
Ron Ferguson, et al, v. John D. Hatcher, et al
2013-CP-23-01810

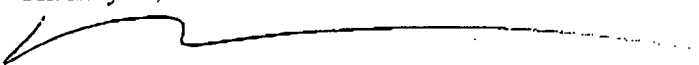
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MAY 24 2018
SC Court of Appeals

Dear Ms. Kitchings:

On May 7, 2018 the Notice of Appeal and Order in the above referenced case was sent to your office via United States Postal Service, Certified Mail Number 7017 3380 0000 9699 0073, along with the filing fee and self addressed stamped envelope for return of the clocked copy.

This morning I am moved to inquire whether the items have been received by your office and the matter set on the docket?

Thank you,

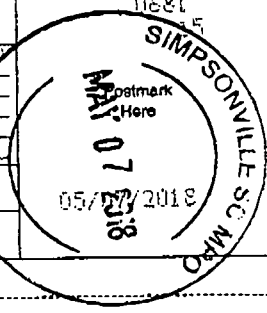

Ronald J. Ferguson

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Ronald J. Ferguson
103 Mill Creek Road
Piedmont, SC 20673
(864) 509-0169

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MAY 24 2018

SC Court of Appeals

May 6, 2018

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Columbia, SC 29211

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2013-CP-23-01810

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If there should be any questions or concerns please feel free to contact us.

Respectfully,


Ronald J. Ferguson

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Junior, Master-in-Equity

Case No. 2013-23-01810

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SC Court of Appeals

Ron Ferguson, Ronald J. Ferguson

Appellant,

v.


Mill Creek, LP, 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,

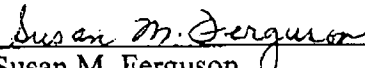
Respondent.


NOTICE OF APPEAL

Ron Ferguson, Ronald J. Ferguson and Susan M. Ferguson appeals the order of Charles B. Simmons, Junior, dated May 2, 2018, finding Ron Ferguson and Ronald J. Ferguson in contempt and invoking Rule 19, SCRCP, to add Susan M. Ferguson as party well after the statute of limitations expired.

May 7, 2018


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


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


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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Junior, Master-in-Equity

Case No. 2013-23-01810

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SC Court of Appeals

Ron Ferguson, 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.

CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the Notice of Appeal, dated 05/07/2018 on Respondent's
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 7th day of May, 2018.



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

ELECTRONICALLY FILED - 2018 May 02 11:40 AM - GREENVILLE - COMMON PLEAS - CASE#2013CP2301810

STATE OF SOUTH CAROLINA)	IN THE COMMON PLEAS COURT
))	
COUNTY OF GREENVILLE)	2013-CP-23-01810
))	
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,)	
))	
Plaintiffs,)	
))	
vs.)	ORDER
))	
Ron Ferguson and Ronald)	
J. Ferguson,)	
))	
Defendants.)	
_____)	

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This matter was before the Court April 16th, 2018 for a hearing on a number of motions filed by the Plaintiffs and the Defendants. Present at the hearing were three of the Plaintiffs, John D. Hatcher, Michael Stehney and James F. Gilbert. The Defendants Ronald J. Ferguson and Ronald E. Ferguson were both present for these hearings. The Court will address each motion.

Plaintiffs requested the Court to allow an amendment to the Complaint and name Real One, LLC as a Defendant. The Court received a copy of a deed whereby the Defendants, Ronald E. Ferguson and Ronald J. Ferguson, together with Susan M. Ferguson, transferred the real estate which is the subject matter of this lawsuit to Real One, LLC, a New Mexico LLC, on February 15, 2018. The Defendants acknowledged that they transferred the property to this LLC. The Court inquired of the Defendants whether they had any good reason not to have this party named as a defendant, and they did not state any except for an argument regarding

indispensable parties. The Court finds that the motion is well taken and hereby allows the Plaintiffs to amend the Complaint and add Real One, LLC as a Defendant and directs that Plaintiffs' attorney shall promptly serve all pleadings upon the LLC. Further, the Clerk of Court shall note that Real One, LLC is now a party-Defendant.

Next the Court heard arguments on the Plaintiffs' Motion to Compel. This is Plaintiffs' seventh Motion to Compel hearing involving multiple judges and involving substantially the same issues.¹ In the most recent Order in this regard, filed May 4, 2017, the Court found that the Defendants had again willfully failed to comply with Orders requiring them to comply with the discovery requests of the Plaintiffs. In that Order, the Court found that the Defendants did not present a sufficient reason why they had failed again to fully respond or allow the inspection of the residence in question. Despite this history of not complying with Orders, the Court allowed Defendants one last opportunity to fully and completely comply with discovery. The Court stated in the May 4, 2017 Order that should Defendants again fail to allow the inspection within the time period directed, then their Answer and Counterclaim may be stricken entirely.

At the hearing on April 16, 2018 the Court heard arguments from the Defendants about their refusal yet again to allow inspection of their house, even though Plaintiff's attorney had requested the same in the manner as set out in the Order of May, 2017. Defendants' responses were simply not persuasive as to why they would not allow the inspection.

The Court again finds that the Defendants have willfully failed to comply with the numerous Orders requiring them to allow the inspection and complete discovery. The Court

¹ Since 2013, Judges Hill, Stilwell, Hayes, Lee and the undersigned have issued Orders relating to Defendants multiple and their ongoing failures to comply with discovery.

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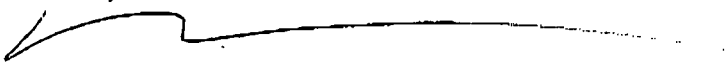
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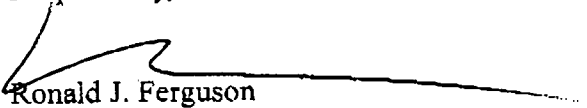
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May 7, 2018

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Pro-se

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Rodney M. Brown
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Fountain Inn, SC 29644

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864-509-0169

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 COUNTY OF GREENVILLE)
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does not take the issue lightly and has an obligation and duty to all parties to fairly and impartially enforce Orders of the court. And, in this regard, this case is almost 5 years old and has been routinely delayed by Defendants through their refusal to comply with Orders, their multiple appeals to the South Carolina Appellate Courts and their multiple times of removing the case to the United States District Court. No court at any point of the proceedings has granted any relief sought by the Defendants.

In light of the exhaustive record before the Court, the Court hereby orders that the Defendants' Answers and Counterclaims be stricken. While such is a drastic remedy, the Court finds it necessary and appropriate under the unique facts of this case. The Plaintiffs may schedule another hearing to determine damages, if any, arising out of their claims. At such hearing Defendants participation shall be limited to the issue of damages sought by Plaintiff.

The Plaintiffs are also seeking attorney fees and costs for bringing of the current Motion to Compel. Using that same analysis as above, the Court finds the request reasonable and awards attorney fees in the amount of \$2,281.74 for the current Motion to Compel. This shall be entered by the Clerk of Court as a judgment against these Defendants since Defendants stated they lacked ability to pay such fees and costs. The Court has, at least up to this point, had a reluctance to order incarceration of Defendants for the repeated violations of Orders. However, the Court places the parties on notice that such is an option should any party not comply with future Orders.

The next matter was the Rule to Show Cause filed on behalf of the Plaintiffs requesting that the Defendants be held in contempt of Court for failure to comply with the May 4, 2017 Order. The Defendants admit that they have failed to pay the \$4,575.00 attorney fees and

costs awarded to the Plaintiffs in that Order. Other than stating an inability to pay, they could not enumerate any justifiable reason for not making the payment. Accordingly, the Court finds that the Defendants have willfully failed to pay the attorney fees and costs due awarded in the May 4, 2017 Court Order. The Court does award additional attorney fees and costs for the pursuit of this Rule to Show Cause and Motion in the amount of \$1,190.00. This is separate and distinct from the \$2281.74 discussed above. Accordingly, the \$1,190.00 and the \$4,575.00 previously ordered shall be entered as judgments against these Defendants for the reasons noted above.

The Defendants have two outstanding motions. The Defendants' first motion, filed May 26, 2017, is their Notice and Motion to Vacate Orders issued May 5, 2017 and May 18, 2017. The Court is intimately familiar with the facts and circumstances of this case having had many occasions to review all the pleadings, motions and Orders. The Defendants were not able to provide any convincing argument why the Court should overturn and vacate the previous Court Orders. Accordingly, the Court denies the Defendants' Motion to Vacate the Orders of May 5, 2017 and May 18, 2017.

Finally, the Defendants have a Motion for Summary Judgment that was filed May 26, 2017. The Court finds that it has already stricken the Answers and all Defenses and Counterclaims of all the Defendants. Notwithstanding this, and after reviewing the record, the Court finds that even had their Answers, Defenses and Counterclaims not been stricken, there is no basis or reason to grant the Motion. Thus, the same is denied.

Notwithstanding the above, the Court finds that the Plaintiffs still have a right and a need to inspect the Defendants' house to determine what, if any, violations of the Restrictive