

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

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

Appellate Case No. 2018-000985

RECEIVED  
MAR 07 2019  
SC Court of Appeals

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

v.

Ron Ferguson and Ronald J. Ferguson, Real One, LLC, and Susan M. Ferguson, Defendants,

Of whom Ron Ferguson, Ronald J. Ferguson, and Susan M. Ferguson are the Appellants.

**Petition for Rehearing from Order Dismissing Appeal**

Appellants having received an Order from this Honorable Court in the above styled matter and being aggrieved with same hereby move for rehearing pursuant to applicable rules for pursuing a Petition of Certiorari.

The Plaintiffs in this matter, lacked standing to bring the case as there is no such legal entity "Architectural Committee of Mill Creek Estates". The Supreme Court of South Carolina adjudicated decades ago that once a developer sells all of their interest in a developer they lack sufficient rights to alter the restrictive covenants or assign their rights to third parties. See *Queen's Grant II Horizontal Property Regime v. Greenwood Development Corp.*, 368 S.C. 342, 628 S.E.2d 902, 919 (Ct.App. 2006).

Moreover, the underlying Complaint relates to a personal property with multiple owners, while the

original document names "Ron Ferguson" as the Defendant and fails to identify a specific property. The initial hearing in the case involved Judge D. Garrison Hill, who not only failed to identify the parties or property involved, but ignored South Carolina Supreme Court precedent in *BANCOHIO NAT. BANK v. Neville*, 426 S.E.2d 773 (1993). (The petitioners correctly assert that the result of that decision is to place the burden of assuring that all indispensable parties are before the court squarely on the defendant. The effect of this holding is to excuse plaintiffs from their duties under Rule 19 while providing a means for a plaintiff to completely circumvent the purpose and meaning of Rule 12(b)(7), SCRCP.)

Plaintiffs admit, they do not represent the community – only themselves; only named Ron Ferguson as a Defendant; Specifically admitted to Judge Alison Renee Lee they would need to file a motion to name Susan M. Ferguson to the proceedings, yet simply added her name as a Defendant in subsequent Motions seeking Discovery. An act the South Carolina Court of Appeals has in itself found a violation and imposed significant sanctions against counsel who have engaged in such behavior.

Based upon Defendant D. Garrison Hill's Order of May, 2013, Plaintiff's sought and obtained a subsequent discovery order that involved the property rights of Susan M. Ferguson and Ronald J. Ferguson, who were not named in the litigation, which the Court of Appeals adjudicated was a discovery not subject to appellate review.

Master-in-Equity Charles B. Simmons, Junior, who has been shown to have engaged in ex parte communications with counsel, issued orders in contravention of Federal law, imposed penalties for failure to adhere to orders which the South Carolina Supreme Court would consider "void", and part of a criminal complaint, which also implicates D. Garrison Hill, under seal which the investigating authority found needed to be referred to a special prosecutor. South Carolina's Supreme Court has adjudicated a party is entitled to appellate review of sanctions imposed by a judge, such as the Order dismissing the counterclaims of Ronald E. Ferguson and Ronald J. Ferguson for failure to provide

access to the personal residence of Susan M. Ferguson – a party Plaintiff's intentionally did not name to the litigation. *Thornton v. SOUTH CAROLINA ELEC. & GAS CORP.*, 705 SE 2d 475 - SC: Court of Appeals 2011. While the United States Supreme Court has ruled that where a party may be subject to a dismissal or continuing [mis]conduct by the court, a dismissal or adjudication of the matter cannot serve as bar to appellate review. *Southern Pac. Terminal Co. v. Interstate Commerce Comm'n*, 219 U. S. 498, 515.

The Order finding that there is no apparent violation of law of rule in this matter is hardly striking. Every appellate judge adjudicated Family Court Judge F.P. ("Charlie") Segars-Andrews acted appropriately. Yet she was removed from the bench. In 2012 the Attorney General scoffed at the notion South Carolina judiciary should face scrutiny for the actions of a judge who acted outside of jurisdiction and shut down a polling center and suffered no repercussions. In this case we have no less than a half dozen Circuit Court judges facing investigation, evidence of sitting justices of the Court of Appeals deviating from precedent, and a Master-in-Equity on the bench more than two decades and directly overseen by the South Carolina Supreme Court.

Wherefore, premises considered, Appellants move of this Court for rehearing of the Order dismissing same as required under the South Carolina Appellate Court Rules.

Respectfully submitted,

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

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

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

March 3, 2019

THE STATE OF SOUTH CAROLINA  
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Charles B. Simmons, Jr, Master-in-Equity

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Of whom Ron Ferguson, Ronald J. Ferguson, and Susan M. Ferguson are the Appellants.

PROOF OF SERVICE

I certify, that on this date, I served a copy of Appellants' Petition for Rehearing from Order Dismissing Appeal dated 03/03/2018 on Respondent's Attorney of record by mailing it to the address indicted by their counsel of record as follows:

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

This the 3rd day of March, 2019.

\_\_\_\_\_  
Ronald E. Ferguson

March 3, 2019

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

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RECEIVED  
MAR 07 2019  
SC Court of Appeals

RE: John D. Hatcher v. Ronald J. Ferguson  
Appellate Case No. 2018-000985

Dear Ms. Kitchings:

We are in receipt of your correspondence dated February 6, 2019. Enclosed herein please find an original and six (6) copies of Appellants' Motion in the above referenced case along with a check in the amount of \$50.00 for the filing fee, as well as the certificate of service showing service of same on the Respondents.

If you should have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

Ronald E. Ferguson

enclosure(s)

cc: Rodney M. Brown