

227661

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

RECEIVED

FEB 16 2016

SC Court of Appeals

J. Cordell Maddox, Jr, Circuit Court Judge

Case No. 2015-000593

Ronald J. Ferguson,

Appellant,

v.

Mill Creek, LP,

Respondent.

Corrected RECORD ON APPEAL

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

Rodney M. Brown
210 S Main St
Fountain Inn, SC 29644
(864) 862-2528
Attorney for Respondents

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
FILED-CLERK OF COURT CASE NUMBER 2013CP2305102
GREENVILLE CO. S.C.

Ronald J Ferguson

PAUL B. WICKENS Mill Creek LP

2014 DEC 30 PM 2 43

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court on December 16, 2014 for a hearing on Plaintiff's Motion for Summary Judgment. During the hearing, Plaintiff moved for an entry of default against Defendant pursuant to Rule 55, SCRCP.

Defendant has been properly served in this matter. Furthermore, Defendant has failed to appear or otherwise respond to the Complaint, and the time for doing so has elapsed. Therefore, this Court orders that the Clerk of Court enter default against Defendant Mill Creek, LP pursuant to Rule 55(a), SCRCP.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

Handwritten signature/initials

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**


Circuit Court Judge

2162

Judge Code

12/16/14
Date

For Clerk of Court Office Use Only

This judgment was entered on ^{12/30/14}, and a copy mailed first class or placed in the appropriate attorney's box on ^{12/30/14}, to attorneys of record or to parties (when appearing pro se) as follows:

Ronald J Ferguson 103 Mill Creek Rd Piedmont, SC 29673

ATTORNEY(S) FOR THE PLAINTIFF(S)

Rodney M Brown

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



STATE OF SOUTH CAROLINA
COUNTY OF 13th
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN CIVIL CASE

CASE NO. 2013 CP-23-05102

Ronald J. Ferguson

FILED-CLERK OF COURT
GREENVILLE CO. Mill Creek LP
PAUL B. WICKENHEIMER

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Rodney M. Brown 210 S Main Street Fountain Inn,
SC 29644

Attorney for : ☐ Plaintiff ☒ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

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

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2131
Judge Code

3/18/15
Date

For Clerk of Court Office Use Only

This judgment was entered on the 23 day of Mar, 20 15 and a copy mailed first class or placed in the appropriate attorney's box on this 23 day of Mar, 20 15 to attorneys of record or to parties (when appearing pro se) as follows:

Ronald J Ferguson
103 Hill Creek
Piedmont, SC 29673
ATTORNEY(S) FOR THE PLAINTIFF(S)

Rodney M Brown
210 S Main St.
Fountain Inn, SC 29644
ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Ronald J. Ferguson,)

Plaintiff,)

vs.)

Mill Creek, LP,)

Defendant.)

IN THE COURT OF COMMON PLEAS
FILED CLERK OF COURT
GREENVILLE CO. S.C.
2013-CP-23-05102 PAUL B. WICKENSIMER

2015 MAR 23 PM 2 32

COURT ORDER

PRESIDING JUDGE: The Honorable J. Cordell Maddox, Jr.

ATTORNEY FOR PLAINTIFF: Pro Se

ATTORNEY FOR THE ARCHITECTURAL COMMITTEE OF MILL CREEK ESTATES: Rodney M. Brown

DATE OF HEARING: February 12, 2015

COURT REPORTER:

This matter comes before the Court upon a motion made by the Movants, John Hatcher, Michael Stehney, Rachel Shaluly, James Gilbert and Molly Miller, individually and as members of the Architectural Committee of Mill Creek Estates, requesting permission to intervene into this action.

The Court understands that part of the relief sought by the Plaintiff in this matter is to "vacate the deed restrictions of a subdivision known as Mill Creek". The Movants are residents of Mill Creek Estates and are members of the Architectural Committee.

The Court understands that there is other actions pending regarding this subdivision including one initiated by the Movants herein against the Plaintiff and his parents who also own a house in the subdivision. The question of that lawsuit is whether Mr. Ferguson and his parents' home and building violate the Restrictive Covenants. The Court also understands that

ENTERED COMPUTER

Mill Creek, LP was a corporation organized to develop the real estate and does not have any interest in the matter at this point and time.

To change or alter or vacate the Restrictive Covenants it must be done in accordance with the terminology expressed in the Restrictive Covenants.

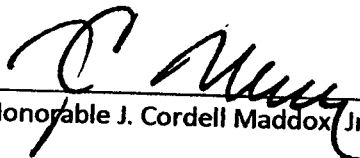
The Court finds that the Plaintiff would not be able to obtain the relief of vacating the deed restrictions with an action against Mill Creek, LP. The Court also finds that it would be beneficial for the Plaintiff in seeking the redress he does and having the Movants added as parties to the action. The Court finds that according to Rule 24 of the South Carolina Rules of Civil Procedure, it is certainly proper and necessary that the Movants be added as parties to the action. As stated, it will not prejudice the Plaintiff but be beneficial to the Plaintiff.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the motion to intervene is granted and that the Movants are added as Defendants to this action.

The Movants also informed the Court that a number of "Ferguson lawsuits" had been consolidated with the Greenville County Master-in-Equity, Judge Simmons. The Movants said they were agreeable to have this lawsuit transferred to him also. The Court did not want to put the Plaintiff on the spot and make a decision on the spur of the moment. Accordingly, the Court is giving the Plaintiff ten days to notify the Movants whether he is in agreement with the transfer to the Master-in-Equity. If he is, this Court will entertain and sign an Order referring the matter to the Master-in-Equity. The Plaintiff is directed to inform the Movants' attorney, Rodney M. Brown, in writing of his decision within ten days.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Movants' request to intervene is hereby granted and that the parties will address the matter regarding transfer to the Master-in-Equity as enumerated above.

IT IS SO ORDERED.



The Honorable J. Cordell Maddox Jr.

Date: 3/18/15

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

2013-CP-23-05102

Ronald J Ferguson
Plaintiff(s),

vs.

COMPLAINT

Mill Creek, LP
Defendant(s).

2013 SEP 20 P 5:07

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER

COMES NOW, the Plaintiff Ronald J. Ferguson, and for his Complaint against the Defendant(s) Mill Creek, LP, a domestic entity operating in South Carolina, and states as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a resident of Greenville County, South Carolina.
2. Upon information and belief, Defendant Mill Creek, LP, is a domestic entity in good standing operating within Greenville, South Carolina.
3. Upon information and belief, Defendant Mill Creek, LP, was formed in the County of Greenville and under their articles are required to maintain offices within the same geographic location.
4. The events and actions further described herein took place at or within the mets and bounds of the County of Greenville, South Carolina.
5. This court is court has jurisdiction over the parties and subject matter of this action, and venue is proper before this court.

FACTUAL BACKGROUND

6. Plaintiff purchased land and built a residence in Greenville County at PIN / Tax Map #0594030101300, Lot 13, Mill Creek Estates, commonly known as 103 Mill Creek Road.

7. Upon information and belief Mill Creek Estates was originally purchased as raw land on September 10, 1973, by Kasper F. Fulghum, Kasper F. Fulghum, Junior, Robert Rosenthal, Salon Rosenthal, Ira W. Moore and Joe K. Garrison.
8. These individuals are the partners of record who formed Mill Creek, LP and subsequently subdivided and platted the property to become the community known as Mill Creek Estates.
9. Upon information and belief, the partners previously stated, did forthwith enter unto partnership agreement to form Mill Creek, LP, on May 31, 1974, and provide the previously purchased land to this entity.
10. Upon information and belief, Kasper F. Fulghum, acting as "General Partner" for Mill Creek signed Deed Restrictions on May 31, 1974.
11. Upon information and belief, at the time the Deed Restrictions were signed there was not an active entity known as Mill Creek, LP, authorized to operate within the State of South Carolina.
12. Upon information and belief, according to the South Carolina Secretary of State, Mill Creek, LP became an active entity on June 27, 1974.
13. Upon information and belief, Mill Creek, LP, filed the Deed Restrictions for Mill Creek Estates with the County of Greenville, Register of Deeds on June 28, 1974.
14. Upon information and belief, the Deed Restrictions contain language in Article III that appoint the partners to a committee to be known as the Subdivision and Architectural Control Committee.
15. Upon information and belief, the language of Article III permits for the original members of Mill Creek to designate a representative to act on behalf of one or any number of members who have resigned or unable to fulfill their duties.
16. Upon information and belief, no members or partners of Mill Creek, LP, reside or own any property within the development known as Mill Creek Estates.

17. Upon information and belief, the members or partners of Mill Creek, LP, have not filed documentation or notice with the Secretary of State or any other public entity, regarding either the standards, practices, guidelines, or any person or persons authorized to act upon their behalf for maintenance and perpetuation of the Subdivision and Architectural Control Committee.
18. Upon information and belief, as a direct and proximate result of Mill Creek, LP, not owning, managing, maintaining or otherwise participating in the community operations the Deed Restrictions are not being maintained or enforced in a uniform and consistent manner.
19. Upon information and belief, Kasper F. Fulghum had criminal charges and moved out of the State of South Carolina.
20. Upon information and belief, Kasper F. Fulghum, Junior, was convicted of fraud by the State of South Carolina, subsequently losing his license to practice law and moved out of South Carolina.
21. Upon information and belief, Robert Rosenthal and Salon Rosenthal are not resident citizens of South Carolina.

FOR A FIRST CAUSE OF ACTION ABANDONMENT

22. Plaintiff reincorporates all of the allegations set forth above as if restated herein verbatim.
23. Upon information and belief, Defendant Mill Creek, LP, is an entity in good standing operating within the State of South Carolina.
24. Upon information and belief, the general partners of Mill Creek, LP, are not owners of property within or known to the general residents of Mill Creek Estates, nor are they otherwise engaged in the care, control, maintenance, and or other operations and processes for the care and continuity of the development in perpetuity.
25. Upon information and belief, Defendants have no public records or community published documentation of those responsible for the care, maintenance and continuance of the community concept in perpetuity on their behalf.

26. Upon information and belief, Plaintiff is entitled to judgment against Defendant in the form of injunctive relief vacating Article III of the Deed Restrictions and all reference to the formation and operation of an Architectural and Community Control Commity.

FOR A SECOND CAUSE OF ACTION
PRE-REGISTRATION CONTRACT

27. Plaintiff reincorporates all of the allegations set forth above as if restated herein verbatim.
28. Upon information and belief, the general partners who combined to form Mill Creek, LP, entered into pre-registration contracts and failed to perform duties for the continued care and maintenance of same.
29. Upon information and belief, Plaintiff is entitled to judgment against Defendant in the form of injunctive relief vacating the Deed Restrictions in their entirety.

WHEREFORE, having set forth their causes of action, Plaintiffs pray for a judgment against Defendants,

For injunctive relief, reasonable attorney's fees and costs related to this action and for such other and further relief as the Court deems just and proper.



Ronald Ferguson
103 Mill Creek Road
Piedmont, SC 29673
864-509-0169

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

2013-CP-23-05102

Ronald J Ferguson
Plaintiff(s),

vs.

Mill Creek, LP
Defendant(s).

VERIFICATION

2013 SEP 20 P 5:08

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER

Ronald J. Ferguson, being duly sworn, states: he is the Plaintiff in the foregoing action; that he has read the Summons and Complaint for the aforesaid action and knows the content thereof; the same is true according to his knowledge, except those matters alleged on information and belief; and as for those matters, he believes them to be true.

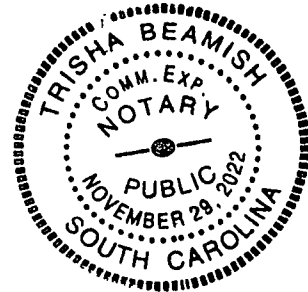

Ronald J. Ferguson

SWORN to before me this 20th
day of September, 2013,



Notary Public for the State of South Carolina

My Commission expires: November 29, 2022



STATE OF SOUTH CAROLINA)

IN THE COMMON PLEAS COURT

COUNTY OF GREENVILLE)

2013-CP-23-05102

Ronald J. Ferguson,)

Plaintiff,)

vs.)

MOTION TO INTERVENE

Mill Creek, LP,)

Defendant.)

_____)
This matter is made through Plaintiffs' counsel in a companion lawsuit entitled 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 vs. Ronald J. Ferguson, Ronald E. Ferguson and Susan M. Ferguson Case Number 2013-CP-23-01810. On behalf of these Plaintiffs, 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, they move to join in this case.

While these parties are not any relation to Mill Creek, LP, the parties believe that the allegations raised in the Complaint are allegations that should be made against them. The allegations made against MillCreek Architectural Committee with regard to their Restrictive Covenants have nothing to do with the Defendant in this case being Mill Creek, LP. Mill Creek, LP existed to develop the property and has ceased existing or being used for decades.

There is presently pending the following cases:

1. 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 vs. Ronald J. Ferguson, Ronald E. Ferguson and Susan M. Ferguson; 2013-CP-23-01810 (presently removed to Federal Court but will be remanded after the first of the year 2015)

2. Michael Stehney, Jr. vs. Ronald E. Ferguson, Ronald J. Ferguson and Susan M. Ferguson; 2013-CP-23-01715

3. Ron Ferguson vs. Greenville County Soil and Conservation District

The above cases and other cases have been filed. The Court of Common Pleas has recently consolidated them all with Judge Simmons heading up the consolidation of all the Ferguson and Mill Creek subdivision lawsuits.

In the case that these Plaintiffs are involved in, it involves the Restrictive Covenants and a violation of the Restrictive Covenants by the Plaintiff in this case by improperly building a house. He submitted plans to build a house to the Architectural Committee which were approved. He subsequently and fraudulently built a different house and an outbuilding which both violate the Restrictive Covenants.

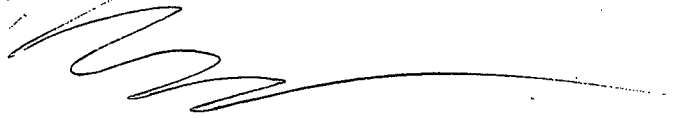
In this lawsuit, he is seeking to determine if the Restrictive Covenants are no longer valid. He brought that against Mill Creek, LP which is not invested with any responsibility with regard to the Restrictive Covenants. If there were to be a compulsory Counterclaim to the lawsuit brought by the Movants herein.

Pursuant to Rule 24 of the South Carolina Rules of Civil Procedure, the moving parties have an interest in the property and transaction and the Defendant is so situated that a disposition of this case would impair and impede their ability to protect their

interest. Furthermore, as previously indicated, if this was a valid claim it should be a compulsory Counterclaim.

The Movants hereby request that they be allowed to intervene in this action and further that this action be transferred to Judge Simmons in accordance with the other Orders providing oversight of all Ferguson and Mill Creek subdivision lawsuits.

Respectfully submitted.



Rodney M. Brown S.C. Bar #000953
Attorney for John D. Hatcher, Rachel Shaluly, James
F. Gilbert, Molly A. Miller and Michael Stehney
as individuals and members of the Architectural
Committee of Mill Creek Estates
210 S. Main Street
Fountain Inn, South Carolina 29644
(864) 862-2528

December 22, 2014.

Ferguson versus Mill Creek, LP

P R O C E E D I N G S

THE COURT: Tell me what we got. You have no lawyer; is that correct?

MR. FERGUSON: Yes, Your Honor.

THE COURT: Just so you know -- what is this motion for today?

MR. BROWN: Motion to intervene, Your Honor.

THE COURT: Your motion?

MR. BROWN: Yes, sir.

THE COURT: He's going to make a motion to intervene. The one thing I tell everybody that doesn't have a lawyer, I can not give you any legal advise but I'll bend over backward to try to help you. What I need you to do is stand up when you're speaking so she can hear you. It helps to see your mouth and it also helps me and then we'll go from there.

MR. BROWN: May it please the Court, Your Honor. This case is entitled Ronald Ferguson versus Mill Creek, LP. I'd like to give Your Honor some background as to how we got here today and why we made a motion to intervene.

I represent four or five individuals, individually, and as members of the Architectural Committee of a subdivision known as Mill Creek and all the allegations in this and a number of all other lawsuits

Ferguson versus Mill Creek, LP

1 revolve around restrictive covenants and the building of
2 houses in a subdivision called Mill Creek.

3 We filed the original case versus
4 Mr. Ferguson, the plaintiff in this case, his father.
5 Again, for further background, he built a house in Mill
6 Creek and it violated the restrictive covenants for a
7 number of reasons. We brought a lawsuit against him.

8 During the pendency of that lawsuit, the
9 plaintiff in this case was deeded part of that real estate
10 and now is part of that lawsuit that is pending, us, the
11 Architectural Committee, individual, the movements in this
12 case, against all three of them with regard to the house.

13 Mill Creek, LP was the defendant in this case
14 exists. The only reason that corporation was ever brought
15 into existence to begin with was because it developed the
16 subdivision of Mill Creek back in the 60s I believe it
17 was.

18 It has no function and has no dog in the
19 fight. The only reason I brought a motion to intervene is
20 because we could care less what happens to Mill Creek, LP
21 because it as nothing to do with where we stand today.
22 But as I said the plaintiff is trying an end run because
23 part of the relief he seeks in his complaint, Your Honor,
24 is to vacate the restrictive covenants that are the
25 subject matter of the lawsuits.

Ferguson versus Mill Creek, LP

1 If that was done, even I don't think it would
2 be legal, but if that was done against Mill Creek, LP, it
3 would cause a great burden on the court system and on the
4 RMC office trying to figure out what in the world happened
5 if these restrictive covenants were vacated.

6 Of course, as Your Honor knows restrictive
7 covenants are governed and can only be vacated, changed,
8 or altered in accordance with the terms and conditions in
9 the restrictive covenant.

10 Mill Creek, LP, again with regard to
11 background, never established the restrictive covenants,
12 so Mill Creek, LP really has nothing to do with why we're
13 here today. We're moving to intervene because there was a
14 default judgment granted against them without damages
15 being granted against the LP which we could care less
16 about and I don't represent.

17 But, again, Paragraph 29 asks for injunctive
18 relief vacating the deed restrictions in their entirety.
19 We move to intervene, Your Honor, according to Rule 24.
20 We believe we have intervention as a matter of right or
21 certainly permissive intervention that applies to an
22 applicant whose claims interest in property relating to
23 the transaction or the subject matter of the action which
24 clearly we do in this case.

25 They're architectural committee so we clearly

Ferguson versus Mill Creek, LP

1 have an interest in this case and this could turn into
2 conflicting results if it is not done appropriately.

3 THE COURT: So if you're not in it, there
4 could be restrictive covenant change or altered and then
5 you would end up having to bring a ---

6 MR. BROWN: The real estate records would be
7 a matter of confusion. So we're bringing this action and
8 our intention once we become party to this case would
9 bring an action because what we believe they're seeking is
10 a compulsory counterclaim and it was, in fact, alleged in
11 the lawsuit that we brought that the restrictive covenant
12 needs to be vacated for whatever reason. It is a
13 compulsory counterclaim and it was brought in our action.

14 So they had that action pending in the other
15 action in that relief, but again, it's against the more
16 proper individuals and not against the LP. And,
17 furthermore, we believe we're entitled to have this action
18 dismissed pursuant to Rule 12(b)8 because there would be
19 two actions pending regarding the same relief sought. The
20 first one, of course, would be our lawsuit and 12(b)8
21 would require the dismissal of this lawsuit.

22 So we just move to intervene into this
23 lawsuit. We're not a party to this action. Again, the
24 judge who granted the default judgment would never have
25 granted the default judgment if she knew what Your Honor

Ferguson versus Mill Creek, LP

1 I'll be happy to hear from you but I don't
2 he's necessarily trying to help you but the result would
3 be you would have the correct parties in to do whatever it
4 is you want to do. Now, again, y'all know more about this
5 case, but am I misstating that, but until you're in,
6 they're relief can't be granted.

7 MR. BROWN: The relief they're seeking
8 against the defendants that's presently in the case
9 doesn't even exist, doesn't even participate. I can hand
10 up the restrictive covenants. The LP is not even
11 mentioned in there any way, shape, or form.

12 THE COURT: That's kind of legal error
13 lawyers make which is why there's a motion for
14 intervention. Anything you want to tell me?

15 MR. FERGUSON: First of all, there has been a
16 default judgment entered. It was December 16th by Judge
17 Verdin. Due to that, this Court no longer has
18 jurisdiction to entertain a motion for intervention under
19 Rule 24. It would be a Rule 59 or a Rule 60. I have
20 several court cases as well as multiple federal circuit
21 court cases that found once the default judgment Form 4
22 was entered, Rule 24 no longer applies.

23 THE COURT: Let me ask you this, y'all are
24 talking about two separate lawsuits, aren't you?

25 MR. BROWN: No, we're talking about same

Ferguson versus Mill Creek, LP

1 lawsuit, Your Honor. Judge Verdin granted the plaintiff's
2 relief, that's what I said, granted the default judgment
3 without granting any relief by granting the default
4 judgment in the LP case.

5 THE COURT: So the default has been done but
6 not the damages?

7 MR. BROWN: Yes. We don't care what damages
8 they get. We just want to make sure the Court doesn't do
9 something they don't have jurisdiction to do which is
10 vacating the restrictions.

11 THE COURT: Okay. Go ahead.

12 MR. FERGUSON: Second on the list, the
13 original deal restriction by Mill Creek, LP there's a
14 question of whether they were lawful when they were filed
15 to start with. The parties who originally filed them are
16 within the State of South Carolina. They are operating a
17 corporation within South Carolina and the Secretary of
18 State was authorized to accept service.

19 In addition to the Secretary of State
20 accepting service, Judge Stilwell had us publish it.
21 During the time that was being published, several members
22 of the Mill Creek, LP were attending court for different
23 reasons right here in this courthouse.

24 THE COURT: Who is your judgment against?

25 MR. FERGUSON: Mill Creek, LP.

Ferguson versus Mill Creek, LP

1 THE COURT: And you're saying that Mill
2 Creek, LP does not exist?

3 MR. BROWN: It does exist. There is a
4 corporation that exists. They just never filed the
5 dissolution, Your Honor.

6 THE COURT: Let's say he wanted to bring a
7 lawsuit to change the restrictions, who does he have to
8 sue?

9 MR. BROWN: I'm not sure he can sue anybody.

10 THE COURT: I understand the law ---

11 MR. BROWN: The deed restrictions govern, of
12 course, how the deed restrictions are to be changed,
13 altered or amended.

14 THE COURT: But what party would he have to
15 sue?

16 MR. BROWN: All of the homeowners. He would
17 have to have a majority vote to change the restrictive
18 covenant and the restrictive covenant weren't even signed
19 or filed by the LP to begin with so they never had an
20 interest in this. And I have the restrictive covenants if
21 you want to see them.

22 THE COURT: No, that's okay. Go ahead.

23 MR. FERGUSON: They were filed by the general
24 partner Casper Folgum on behalf of Mill Creek, LP.

25 THE COURT: But you understand what he's

Ferguson versus Mill Creek, LP

1 I think he's right about that. How many
2 people live out there?

3 MR. BROWN: I believe there's 38 lots.

4 THE COURT: Are they all built on?

5 MR. FERGUSON: No. And then we have another
6 issue where they're not recognized as a valid
7 Architectural Committee, they're not a homeowners
8 association, and no one really really knows whose actually
9 a member of the board by Mr. Brown's own words the
10 covenants and restrictions do not require that. But I do
11 have two dozen homeowners that would be more than happy to
12 come in here and dispute Mr. Brown's assertions that we
13 have any valid restrictions.

14 THE COURT: Well, as much as I hate to tell
15 you that I think you're going to have to do that. I think
16 you got to name them as parties only because they have an
17 interest in this matter. It would be that, in effect, I'm
18 exaggerating a little bit but if I wanted to change the
19 homeowners restrictions in my neighborhood, if I sued the
20 LP, because the LP can't change yours and it can't change
21 mine, I can get a judgment and against them and they can
22 say fine, I'm not doing anything because we can't.

23 It sounds overly technical but I think the
24 right way to have done it would have been to have sued --
25 I think you got the right thing, you got a joinder, but I

Ferguson versus Mill Creek, LP

1 cases over. So that's another one of the motions I'm
2 going to make once we get into the case, assuming we get
3 into the case.

4 THE COURT: Well, I think you're entitled to
5 be in the case and I think, quite frankly, it helps them.
6 But after 14 years of doing this job, the two kind of
7 cases I've seen that cause the most hard feelings were
8 estates and wills and deed restrictions. Because you're
9 dealing with people's homes and I understand that.

10 I'm going to grant your motion. I think I
11 need to do that and that will give them a chance to get it
12 in front of somebody and then I'll let you make your
13 motion. I don't think I have jurisdiction to do anything
14 else.

15 MR. BROWN: Unless they would consent, Your
16 Honor, to having it sent over.

17 THE COURT: Do y'all want this case with them
18 in it sent to Judge Simmons? Like I said, I can't give
19 you legal advise. I don't know if you know Judge Simmons.
20 I have a lot of respect for him and my fear is you're
21 going to get judge like me popping in for two days that
22 don't know anything about it and just ruling on the law
23 which is what I've just done.

24 It's probably the kind of case I would like
25 to send to Judge Simmons but I'm not going to do that.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

Ronald J Ferguson
Plaintiff(s),

Civil Action No. 2013CP2305102

vs.

Mill Creek, LP
Defendant(s).

AFFIDAVIT OF RONALD J. FERGUSON

I, Ronald J. Ferguson, being duly sworn, state as follows:

- 1) I am an adult over 18 years old, and I am competent to testify in this matter.
- 2) Mill Creek, LP is a Limited Partnership organized under the laws of the State of South Carolina on June 27th, 1974, and doing business in South Carolina under the name of Mill Creek. (See *Certificate of Existence, Office of Secretary of State*).
- 3) This entity was responsible for the purchase, subdividing, platting and development of Mill Creek Estates, recorded in Plat Book 5D at Pages 53 & 54 in the RMC Office for Greenville County.
- 4) I obtained a property interest at 103 Mill Creek Road, Piedmont, South Carolina, 29673 (also known as Lot 13 Mill Creek Estates) on September 13, 2013. (See *Deed*)
- 5) Subsequently, multiple persons appeared claiming to have been appointed by members of Mill Creek, LP, to operate the architectural review committee and demanded access onto the property and inside the residence to determine compliance

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSINGER
2014 DEC 16 AM 10:11

with the "Residential Protective Covenants Mill Creek" filed in the RMC Office for Greenville County at Volume 1002, Pages 75-78, on June 28, 1974, and threatened to pursue legal action if they were not allowed inside the residence for their inspection. (See "Covenants", USDC Civil Action # 6:14CV03820-GRA-KFM, GCSO Arrest Report – John Hatcher)

- 6) Upon further investigation I determined that none of the persons listed in the "covenants" were residents of Mill Creek Estates nor were any lots owned by Mill Creek, LP. It was also determined that no updated persons, covenants or documents related to a person or persons acting on behalf of Mill Creek, LP, had been filed with the RMC Office of Greenville County of the South Carolina Secretary of State. (See *Mill Creek Property Owner's list*)
- 7) I have spoken to multiple neighbors who have also stated they had no knowledge of any "architectural committee" as well as some who have received a letter claiming they were in violation and to contact different persons regarding a resolution. (See *Letters from alleged committee members to Mark Schaefer and John Lukas; Responses to community from Mark Schaefer as well as direct to alleged committee*)
- 8) Secretary of State accepted service on behalf of Mill Creek, LP, September 26, 2013, pursuant to Section 33-31-1707: All domestic nonprofit corporations which were in existence on May 10, 1994 and did not have a Registered Agent on file with the Secretary of State's Office, had until January 2, 1996 to file notice of a Registered Agent with the Secretary of State's Office. Those which did not file were considered to have

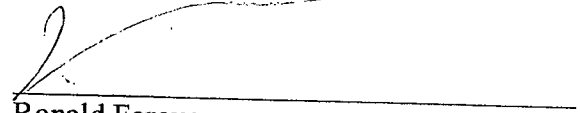
- appointed the Secretary of State as the Registered Agent. (*See Affidavit of Service*)
- 9) Secretary of State mailed, via certified mail, return receipt requested, "a copy of the Summons, Amended Complaint, and Certificate of Service" to the last known address of Mill Creek, LP, on September 27, 2013. This was returned marked "RETURN TO SENDER - ATTEMPTED NOT KNOWN - UNABLE TO FORWARD". (*See Affidavit of Service*)
- 10) I provided an Affidavit of Service to the Clerk's Office on Oct 23, 2013. (*See Affidavit of Service*)
- 11) The Honorable Judge Robin Stihlwell directed Ferguson to pursue service by publication in the County of Greenville during a hearing on June 13, 2014.
- 12) The Greenville News published the legal notice for service by publication on Wednesday, July 9, 2014; Wednesday, July 16, 2014, and Wednesday, July 23, 2014. Then forwarding Ferguson the appropriate Affidavit of Publication August 6, 2014. (*See Affidavit of Publication*)
- 13) Kasper Fulghum, signed as General Partner, on the 31st day of May, 1974, the Residential Protective Covenants Mill Creek. (*See Residential Protective Covenants Mill Creek*)
- 14) Mill Creek, LP, registered as a Limited Partnership under the laws of the State of South Carolina on June 27th, 1974. (*See Certificate of Existence*)
- 15) The Residential Protective Covenants Mill Creek were then filed June 28th, 1974, in the RMC Office of Greenville. (*See Residential Protective Covenants Mill Creek*)

- 16) The "covenants" "are to run with the land" and "shall be automatically extended" unless modified or abandoned by a majority of the lot owners.
- 17) The "covenants" call for a committee to be known as the "Subdivision and Architectural Control Committee" and consist of members: "Kasper Fulghum, Kasper Fulghum, Junior, Robert Rosenthal, Solon Rosenthal, I.W. Moore and J. Kent Garrison".
- 18) The "covenants" state "In the event of death or resignation of any member of said committee, the remaining members shall have full authority to approve or disprove..or to designate a representative with like authority."
- 19) There is no language within the "covenants" to reserve or allow amendments or alterations to the same by the developers.
- 20) Kasper Fulghum sold his personal residence at Lot 2 Mill Creek Estates on September 30, 1985.
- 21) Kasper Fulghum, Junior, sold his personal residence at Lots 29 & 30 on December 22, 1983.
- 22) Solon Rosenthal sold his personal residence at Lot 27 on November 22, 1985 to Robert Rosenthal.
- 23) Robert Rosenthal sold his personal residence at Lot 27 on June 13, 1986.
- 24) Ira W. Moore sold his personal residence at Lot 34 on October 26, 1984.
- 25) J. Kent Garrison sold his personal residence at Lot 23 on August 13, 1985.
- 26) Mill Creek, LP, sold the last lot in their ownership, Lot 30, on July 20, 1999.
- 27) Neither Mill Creek, LP, nor any members thereof own property in Mill Creek

Estates.

- 28) John Hatcher claims to be a committee member and has been arrested for repeatedly trespassing on my property. (*See GCSO Report*)
- 29) John Hatcher has been investigated by GCSO for discharging a firearm and threatening Mark Schaefer. (*See GCSO Report*)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on December 16, 2014.



Ronald Ferguson
103 Mill Creek Road
Piedmont, SC 29673
864-509-0169

The State of South Carolina



Office of Secretary of State Mark Hammond

Certificate of Existence, Limited Partnership

I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:

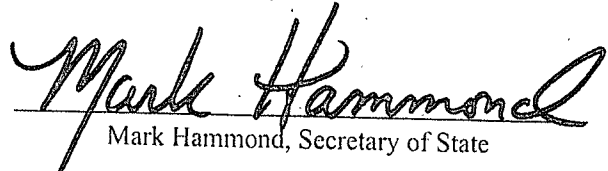
MILL CREEK,

a Limited Partnership organized under the laws of the State of South Carolina on June 27th, 1974, and doing business in South Carolina under the name of:

MILL CREEK

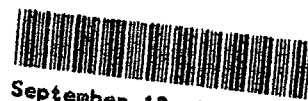
has, as of the 31st day of October, 2013, filed all reports due this office, paid all fees due, is in existence and authorized to do business in the State of South Carolina.

Given under my Hand and the Great
Seal of the State of South Carolina this
31st day of October, 2013.


Mark Hammond, Secretary of State

Prepared By and Return to:
Noon and Hammett, LLC
110 East Stone Avenue
Greenville, SC 29609

File No.: A6202MN



2013078233 DEED
5 PGS
September 13, 2013 03:29:29 PM Book: DE 2431 Page: 3018-3022
Rec: \$10.00 Cnty Tax: EXEMPT Cons: \$10.00
State Tax: EXEMPT

FILED IN GREENVILLE COUNTY, SC

(Please do not write above this line - Reserved for Register of Deeds Office)

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Ronald E. Ferguson and Susan M. Ferguson, Grantors, in the State aforesaid for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to them paid by Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson, the Grantees, receipt whereof is hereby acknowledged, have granted, bargained, sold and released; and by these presents, do grant, bargain, sell and release unto the said Ronald E. Ferguson, Susan M. Ferguson, and Ronald J. Ferguson, as joint tenants with the right of survivorship and not as tenants in common, their Heirs and Assigns, forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

ALL that certain piece, parcel or lot of land, lying and being situate in the State of South Carolina, County of Greenville, shown as Lot No. 13 on plat of Millcreek, recorded in Plat Book 4-X at Pages 87 and 88 and being further shown on a survey for Kimberly T. Spain by Chapman Surveying recorded in the RMC Office for Greenville County in Plat Book 46-V at Page 54 and being shown on a more recent survey for Douglas F. Kellett prepared by Gaines Land Surveying Co., dated February 23, 2009 and recorded in the RMC Office for Greenville County in Plat Book 1091 at Page 49. For a more complete and accurate description refer to the above referenced surveys.

BEING the same property conveyed to Ronald E. Ferguson and Susan M. Ferguson by deed from Douglas F. Kellett and Carol H. Kellett, recorded 2/28/2012, in Deed Book 2481, Page 4415, in the official records for Greenville County, South Carolina.

Tax Map #: 0594-03-01-013.00

Property Address: 103 Mill Creek Rd, Piedmont, SC 29673

Grantee(s) Address: 103 Mill Creek Rd. Piedmont, SC 29673

THIS CONVEYANCE IS MADE SUBJECT TO easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson, as joint tenants with the right of survivorship and not as tenants in common, their Heirs and Assigns, forever, in fee simple, together with every contingent remainder and right of reversion, the aforesaid described property.

AND we, the Grantors, do hereby bind ourselves and our heirs and assigns, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson, their heirs and assigns, against us, the Grantors, and their heirs and assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the execution hereof by Grantors this 13th day of September, 2013.

Signed, Sealed and Delivered
in the Presence of

Witness

Notary

Ronald E. Ferguson

{SEAL}

Susan M. Ferguson

{SEAL}

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he was present and saw the within Grantors sign, seal, and as act and deed, deliver the within Warranty Deed; that deponent with the other witness whose name is subscribed above, witnessed the execution thereof.

SWORN to before me this
13 day of September, 2013.

Witness

Notary Public for South Carolina

My Commission Expires:

3/30/16

(SEAL)

File # A6202MN

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

PERSONALLY appeared before me the undersigned, who being duly sworn, depose and state:

1. We have read the information on the back of this affidavit and we understand such information.
2. The property being transferred is located at 103 Mill Creek Rd, Piedmont, SC 29673, bearing Greenville County Tax Map Number 0594-03-01-013.00, and was transferred by Ronald E. Ferguson and Susan M. Ferguson to Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson on September 13, 2013.
3. Check one of the following: The deed is
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) X _____ exempt from the deed recording fee because (See Information section of affidavit):
#4 _____
(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check Yes _____ or No _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \$ _____.
6. The deed recording fee is computed as follows:
 - (a) _____ Place the amount listed in item 4 above here:
 - (b) _____ Place the amount listed in item 5 above here: 0 _____
(If no amount is listed, place zero here.)
 - (c) _____ Subtract Line 6(b) from Line 6(a) and place result here: 0 _____
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ 0 _____.
8. As required by Code Section 12-24-70, we state that we are responsible persons who were connected with the transaction as: Sellers.
9. We understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned no more than one year, or both.

x Ronald E. Ferguson
Ronald E. Ferguson

x Susan M. Ferguson
Susan M. Ferguson

SUBSCRIBED and sworn to before me this 13th day of September, 2013.

[Signature]
Notary Public for South Carolina

(SEAL)

My Commission Expires: 3/30/16

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership;
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagee or deed pursuant to foreclosure proceedings;
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty;
- (15) transferring title to facilities for transmitting electricity that is transferred, sold or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16.U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD

2013078233 Book: DE 2431 Page: 3018-3022

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DONNIE S. TANKERSLEY
R.M.C.

Vol 1002 Page 75

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) RESIDENTIAL PROTECTIVE COVENANTS
MILL CREEK

The following building restrictions or protective covenants are hereby imposed on all of the lots, except lots numbered 4, 5 and 31, shown on a plat of MILL CREEK recorded in Plat Book 5 D at Pages 53 & 54 in the RMC Office for Greenville County.

These covenants are to run with the land and shall be binding on all persons claiming under them for a period of thirty-five years, at which time said covenants shall be automatically extended for successive periods of twenty years unless there is executed a written instrument duly recorded in which the majority of the lot owners do agree to modify, amend or abandon these restrictions.

ARTICLE I.

If any of the parties hereto, or any of them or their heirs or assigns shall violate any of the covenants herein contained, it shall be lawful for any person or persons owning any lot shown on the aforesaid plat to prosecute any proceeding at law or in equity under these covenants.

No numbered lot shall be used or occupied and no structure built within said subdivision except in conformance with the following:

A. No professional office, business, trade or commercial activity of any kind shall be conducted in any building on any numbered lot or upon any portion of any numbered lot.

B. No such lot shall be used except for the following and no building shall be erected, altered, placed or permitted to remain on any such lot other than the following:

1. One single family dwelling.
2. Accessory buildings including one private garage, private stable and servants' quarters. Garage apartments are specifically prohibited. Servants' quarters shall be occupied only by such persons and their family as are employed full time by the occupants only of the principal residence as household servants. Other non-commercial out-buildings such as a child's playhouse, greenhouse, hobby house and structures of like nature will be permitted.

3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. No house trailer shall be placed on any numbered lot either temporarily or permanently.
5. No commercial signs or bulletin boards shall be permitted on any lot except when used in connection with the sale of said lot or when used by contractors during the period of construction of a building upon a lot.
6. House pets and personal riding horses or ponies may be kept or maintained on the premises of any owner provided the owner obtains the consent and approval of the Mill Creek Subdivision and Architectural Control Committee. The owners of any pets, riding horses or other domestic animals permitted to be kept by permission of the Mill Creek Subdivision and Architectural Control Committee, shall be kept on the property of said owners in such a way as to be restrained from harassing or interfering with the use and enjoyment of property owners and other people in said subdivision.
7. No noxious or offensive activity shall be carried on, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood.
8. No building shall be built that is not harmonious with the community concept.
9. All fuel tanks or containers shall be covered or buried underground consistent with normal safety precautions.

There shall be no more than one principal building and its accessory buildings on each lot and no more than one family shall occupy a dwelling at any one time.

No one-story, split-level, or story-and-a-half shall be constructed on any of the lots that contain less than 2100 square feet of floor space. In computing the square footage of any split-level residence or tri-level residence, credit shall be given for one-half the square footage of any basement which is finished and heated. The ground floor area of the main structure shall not be less than 1,500 square feet on the first floor in case of one and one-half, two or two and one-half story structures.

No buildings or structures shall be located on said lots nearer the front line than the set back line of 50 feet or nearer to the side or rear lot lines than the distance represented by 10% of the average width of such lot.

4328 RV-3

All contractors and/or lot owners shall be responsible for all trash and rubbish during the period of construction and shall see to it that the area surrounding the house shall be maintained in a neat manner. No ditches or drainage swales shall be filled with rubbish that will prohibit proper flow of water.

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

No trailer, basement, tent, shack, garage, barn or other out-building erected upon said lots shall at any time be used as a residence either temporarily or permanently, nor shall any structure of a temporary character nor any structure which is unfinished or uncompleted be used as a residence.

No concrete blocks, cinder blocks or any similar type building material shall be used in connection with the construction of any buildings erected upon said lots so that said materials are visible from the outside of said building.

ARTICLE II

Invalidation of any one of these covenants by Judge or Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect.

ARTICLE III

No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building shall have been approved in writing as to conformity and harmony of external design and materials with existing structures in the subdivision and as to location of the building with respect to topography and finished ground elevation by a committee composed of Kasper Fulghum, Kasper Fulghum, Jr., Robert Rosenthal, Solon Rosenthal, I.W. Moore and J. Kent Garrison or by a representative designated by said Committee. Said Committee shall be known as the Subdivision and Architectural Control Committee. In the event of the death or resignation of any member of said committee, the remaining members shall have full authority to approve or disapprove such design and location or to designate a representative with like authority. In the event said Committee, or its designated representative, fails to approve or disapprove such design and location within thirty days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such buildings or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with.

The Committee may, by majority vote, grant a waiver of

1002 78

the setback lines, side lines and lot lines, provided that in the opinion of the Committee such waiver should be granted because of the topography, the shape of any lot or for valid reason which would make it impossible or impractical to comply with the established requirements and such waiver would cause no substantial injury to any other lot owner. In no event may the Committee approve a violation of the front setback line of more than 25 feet or of a side lot line of more than 20 feet. In no event shall the Committee approve the recutting of or changing of the lot lines unless such change shall increase the size of an adjacent lot. Any waiver by the Committee as provided in this paragraph shall be done in writing in a manner that can be recorded.

ARTICLE IV.

It appears that the Developers may establish a lake on Lot Number 52 in the future for the purpose of a recreational facility for the community, but the Developers are in no way committing themselves to the development of said lake; but, in the event said lake is established the following restrictions shall apply.

1. Each resident shall be entitled to the full use of the lake.
2. No power boats will be allowed on said lake.
3. Fishing, row boats and swimming will be allowed in said lake.
4. No polluting of the lake in any form will be allowed.

WITNESS our hands and seals this 31st day of May, 1974.

In the Presence of: MILL CREEK

Sam Ferguson
Robert E. Norris

By: Robert E. Norris
General Partner

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named partnership by its general partner sign, seal and deliver the foregoing Protective Covenants, and that (s)he with the other subscribing witness witnessed the execution thereof.

Sworn to before me this 31st day of May, 1974.

Robert E. Norris (LS)
Notary Public for South Carolina
My commission expires: 8-12-78

RECORDED JUN 28 74 33371

4321 67-2

Ent: sluther 09/15/2013 23:25:11

EC5 09/11/2013-07:55:26

GREENVILLE COUNTY SHERIFF'S OFFICE

Incident Report

Agency I.D.
SC0230000

RTA

90JC

10/4/13

Case Number

13000140396

Adult/Juv

EVENT	INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE		UNITS ENTERED	TYPE VICTIM		
	M097 - Trespassing After Notice		Y	N	20 - Residence/Home		0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc / Public ☐ Other ☐ Unknown ☐ Police Officer		
	Incident Location (Subdivision, Mill Village, Apartment & Number, Street Name & Number)					Closest Intersection		Zip Code		
	103 Mill Creek Rd Piedmont SC					Hackmore Tr		29673		
VICTIM	Incident Date	Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Patrol District	
	09/05/2013	15:00		09/05/2013	16:40		15:15	16:40	05	
	Complainant Name (Last, first, Middle)			Resident	Race	Sex	Age	Primary Phone	Business Phone	Mobile Phone
	Ferguson, Ronald			J	W	M	68			(864)509-0169
SUBJECT	Address		City		State		Zip Code	Patrol District		
	103 Mill Creek Rd		Piedmont		SC		29673	05		
	Victim's Name (Last, first, Middle)		Victim Relationship To Subject		Resident	Ethnicity	Race	Sex	Age	
	Ferguson, Ronald		NE RU		J	N	W	M	68	
NARRATIVE	Visible Injury (Vict 1)		Complaint of any Non-Visible Injuries							
	☐ Yes ☒ No Explain:		☐ Yes ☒ No ☐ Unk		☐ Yes ☒ No					
	Victim (No.1) Using Alcohol		Drugs		Type:					
	☐ Yes ☐ No ☒ Unk		☐ Yes ☐ No ☒ Unk							
VEHICLE	Two-Man Veh		One Man Veh		Detective/SPLASMT		Other		ALONE	
	☐ Suspect		☐ Runaway		☐ Wanted		☐ Warrant		☐ Arrest	
	☐ Missing		Subject's Name (Last, first, Middle)		Ethnicity	Race	Sex	Age	Date of Birth	
			Hatcher, John Douglas		N	W	M	74	12/29/1938	
PROPERTY	Address		City		State		Zip Code	Patrol District		
	108 Mill Creek Rd		Piedmont		SC		29673	05		
	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.		Subject (No.1) Using Alcohol		Subject (No.1) Type		Arrested Near Offense Scene		Date/Time of Offense	
	BUILD: Medium / Average		☐ Yes ☐ No ☒ Unk		☐ Yes ☐ No ☒ Unk		☐ Yes ☐ No		07/02/2013 19:00	
ADMIN	Arrestee Armed		Weapon Type		Arrested on Current Offense		Cleared By Arrest on Prior Offense			
	☐ Yes ☐ No				☐ Yes ☐ No		☐ Yes ☐ No			
	Juvenile Disposition		Handled Released		Referred To Other Authority		On View Arrest		Summonsed	
	☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No			
VEHICLE	Charge		Warrant Number		Ticket Number					
	Trespass After Notice				66164FV					
	Arrest Location									
VEHICLE	Jurisdiction of Theft :		Jurisdiction of Recovery :							
	☐ Towed		☐ Stolen		☐ Recovered		☐ Suspect		☐ Victim	
	Tag Number		State		Year		V.I.N.		Value	
	Year		Make		Model		Style		Color	
PROPERTY	Tag Only		Additional Vehicle description							
ADMIN	Subject Identified		Subject Located		Active		Admin Closed		Arrested Under 18	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18	
	Reason For Exceptional Clearance		Offender Death		No Prosecution		Victim Declines Cooperation		Extradition Denied	
	☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No	
ADMIN	Reporting Officer(s)		Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#		
	PETERSON, DAVA		09/05/2013	E45 / 01325	Sgt. D. Silver		09/10/2013	E4 / 00591		

Agency I.D.
SC0230000

EC5 09/11/2013-07:55:26

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: sluther 09/15/2013 23:25:11

Case Number

13000140396

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>M097 - Trespassing After Notice</u>	
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>05</u>	Page <u>1</u> of <u>2</u> Pages
I.D. OVERFLOW	☐ Complainant				
	☐ Victim				
	☐ Subject				
	☐ Runaway				
	☐ Wanted				
	☐ Arrest				
	☐ Missing				
	☐ Jail				
	☐ Other				
	Subjects Name (Last, first, Middle)				
Victim Relationship To Subject					
Ethnicity					
Resident					
Race					
Sex					
Age					
Date of Birth					
Address					
City					
State					
Zip Code					
Patrol District					
Day Phone					
Evening Phone					
Height					
Weight					
Hair					
Eyes					
Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.					
☐ Victim No. <u> </u>					
Visible Injury ☐ Yes ☐ No					
Complaint of any Non-Visible Injuries ☐ Yes ☐ No					
Victim Using Alcohol ☐ No ☐ Yes ☐ Unk					
Drugs ☐ No ☐ Yes Type: <u> </u>					
Two-Man Veh ☐ One Man Veh ☐ ALONE ☐					
Detective ☐ Other ☐ ASSISTED ☐					
Subject No. <u> </u>					
Using Alcohol ☐ No ☐ Yes ☐ Unk					
Using Drugs ☐ No ☐ Yes ☐ Unk Type: <u> </u>					
☐ Arrested on Current Offense					
☐ Cleared By Arrest on Prior Offense					
Arrestee Armed ☐ Yes ☐ No					
Weapon Type <u> </u>					
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority					
☐ On View Arrest ☐ Summoned ☐ Custody					
Arrest Location <u> </u>					

Overflow:

Ferguson, Ronald: Victim 1 Complainant 1

DOB: 11/13/1944

Hatcher, John Douglas: Subject 1
Subject Types: Suspect

Mobile:

CHARGE: Trespass After Notice TICKET #: 66164FV

DL STATE/NUMBER: DOB: 12/29/1938

Narrative:

On 09/5/2013 I received a call in reference to a trespass case. On my arrival I made contact with the complainant, Ronald Ferguson, who advised me he had placed his neighbor on trespass notice several months ago. Ronald advised me that his neighbor, John Hatcher, who was the subject placed on trespass notice, came to his home today and knocked on his door with his lawyer.

Ronald was able to provide me with the original case number, #13-103565, and I was able to verify through a search through Greenville County records, that John had been placed on trespass notice. Ronald was also able to show me a picture he took with his camera of John standing on his front porch with his lawyer.

I then made contact with Sgt Silver, E04, to advise him of the situation prior to placing John under arrest for trespass after notice.

John was then placed under arrest and a statement was taken from Ronald. Ronald was also able to print off a copy of the picture he took on his camera. A P&E sheet was filled out for my securing the picture from Ronald's person. Ronald was supplied his copy of both the

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18	
☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over	
Reason For Exceptional Clearance		☐ Offender Death		☐ No Prosecution		☐ Victim Declines Cooperation		☐ Extradition Denied	
Reporting Officer(s)		Date		Unit#/Star#		Approving Officer		Date	
PETERSON, DAVA		09/05/2013		E45 / 01325		Sgt. D. Silver		09/10/2013	
Follow Up Investigation		☐ Yes ☒ No (officer)							

Agency I.D.
SC0230000

EC5 09/11/2013-07:55:26

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: sluther 09/15/2013 23:25:11

Case Number

13000140396

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>M097 - Trespassing After Notice</u>
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>05</u> Page <u>2</u> of <u>2</u> Pages

I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	☐ Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.					
	☐ Runaway	☐ Victim No.	Visible Injury ☐ Yes ☐ No		Complaint of any Non-Visible Injuries ☐ Yes ☐ No		Victim Using Alcohol ☐ No ☐ Yes ☐ Unk		Drugs ☐ No ☐ Yes Type:		
	☐ Wanted	Explain:		Two-Man Veh ☐ One Man Veh ☐ ALONE ☐		Detective ☐ Other ☐ ASSISTED ☐					

Arrestee Armed ☐ Yes ☐ No	Weapon Type	☐ On View Arrest ☐ Summoned ☐ Custody
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority	☐ Cleared By Arrest on Prior Offense	

Arrest Location

NARRATIVE

P&E sheet and the statement.

John was then transported to detention where he was issued a citation for trespass after notice. He was then placed into detention in good physical condition.

This case will be cleared by arrest.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified ☒ Yes ☐ No	Subject Located ☒ Yes ☐ No	☐ Active ☐ Admin Closed	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest				
Reporting Officer(s)	Date	Unit#Star#	Approving Officer	Date
PETERSON, DAVA	09/05/2013	E45 / 01325	Sgt. D. Silver	09/10/2013
Follow Up Investigation ☐ Yes ☒ No (officer)		Unit#Star# E4 / 00581		

Incident Detail

Incident Number LSO140203017716	Address 100 MILL CREEK RD	Caller Name JULIUS BRYANT	Caller Phone 8644206009
Incident Type 49B	Incident Type Description WEAPONS DISCHARGING	Location Not Entered	

Create Time Feb 3, 2014 7:15 PM	Dispatch Time Feb 3, 2014 7:26 PM	Arrival Time Feb 3, 2014 7:42	Closed Time Feb 3, 2014 8:57 PM
---	---	---	---

Dispo Code 03	Disposition Text HANDLED BY OFFICER
-------------------------	---

Primary Officer MCCURRY, WILLIAM	Star Number 1194	Beat S05B	Agency SO
--	----------------------------	---------------------	---------------------

Other Officers Assisting:

Officer	Star Number	Officer	Star Number	Officer	Star Number
None		None		None	

GREENVILLE COUNTY
CRIMINAL JUSTICE SUPPORT
RECORDS DIVISION
CERTIFIED COPY
FEB 14 2014
Current Date

Comments:

02/03/2014 19:17:16 Primary Event: MAIN Opened: 14/02/03 19:17

02/03/2014 19:17:16 Incident Initiated By: SO/TREBIL, LORI

02/03/2014 19:17:16 POSS 106 OR 108// 10-24 HEARD 1 10-49B ON BACK SIDE OF
HOUSE// 10-24 CAN

02/03/2014 19:17:16 SEE FLASHLIGHTS IN THE BACKYARD// LARGE 2-STORY BRICK W/
WHT FENCE

CRIMINAL JUSTICE SUPPORT
RECORDS
4 MOGEE STREET, SUITE #19
GREENVILLE, SC 29601

MillCreekLots

Lot 1:
Jane Kramer
William B Talbert, Jr
630 Reedy Fork Rd
Piedmont, SC 29673

Lot 2:
Joseph R. Shaluly
Rachel T. Shaluly
1 Mill Creek Road
Piedmont, SC 29673

Lot 3:
Joseph R. Shaluly
Rachel T. Shaluly
1 Mill Creek Road
Piedmont, SC 29673

Lot 4:
Rachel Raina Shaluly
1 Mill Creek Road
Piedmont, SC 29673

Lot 5:
Gene L. Reece
Joy M. Reece
204 Edmonston Ct
Mauldin, SC 29662

Lot 6:
Gene L. Reece
Joy M. Reece
204 Edmonston Ct
Mauldin, SC 29662

Lot 7:
Randall D. Miller
Molly A. Miller
6 Hackamore Trail
Piedmont, SC 29673

Lot 8:
Raymond Carl pepper
Shirley R. Pepper
3 Hackamore Trail
Piedmont, SC 29673

Lot 9:
Ann A. Cooper
Talmage C. Cooper
1 Bessie Road
Piedmont, SC 29673

Lot 10:
Molly A. Miller
6 Hackamore Trail
Piedmont, SC 29673

Lot 11:
Mary Beth Lukas
John W. Lukas

MillCreekLots

4 Hackamore Trail
Piedmont, SC 29673

Lot 12:
Kimberly T. Spain
2 Hackamore Trail
Piedmont, SC 29673

Lot 13:
Ronald E. Ferguson
Susan M Ferguson
Ronald J. Ferguson
103 Mill Creek Road
Piedmont, SC 29673

Lot 14:
Teresa Mary Kilgore
105 Mill Creek Road
Piedmont, SC 29673

Lot 15:
James D. Anderson
Julie M. Anderson
107 Mill Creek Road
Piedmont, SC 29673

Lot 16:
Mary Lou D. Weatherill
Jay E. Weatherill
109 Mill Creek Road
Piedmont, SC 29673

Lot 17:
Thomas R. Hill
Charla R. Hill
111 Mill Creek Road
Piedmont, SC 29673

Lot 18:
James F. Gilbert
Barbara L. Gilbert
120 Mill Creek Road
Piedmont, SC 29673

Lot 19:
James F. Gilbert
WM H Walker
120 Mill Creek Road
Piedmont, SC 29673

Lot 20:
Patricia B Gilbert
Donald L Gilbert
116 Mill Creek Road
Piedmont, SC 29673

Lot 21:
Danaea Makemson
1 Martingale Lane
Piedmont, SC 29673

Lot 22:

MillCreekLots

Kenneth B. Williams
116 Meadow Wood Drive
Greenville, SC 29615

Lot 23:
Marvin E. Carter, Junior
Bonnie R. Carter
4 Martingale Lane
Piedmont, SC 29673

Lot 24:
Carrol B. Liddie
Ronald E. Liddie
112 Mill Creek Road
Piedmont, SC 29673

Lot 25:
Julius M. Bryant
Lisa D. Bryant
110 Mill Creek Road
Piedmont, SC 29673

Lot 26:
John D. Hatcher
108 Mill Creek Road
Piedmont, SC 29673

Lot 27:
Michael Jonathan Gary
Cassandra Robin Gary
106 Mill Creek Road
Piedmont, SC 29673

Lot 28:
Richard L. Gunter
Alethea M. Gunter
104 Mill Creek Road
Piedmont, SC 29673

Lot 29:
Michael C. Stehney, Junior
100 Mill Creek Road
Piedmont, SC 29673

Lot 30:
Michael C. Stehney, Junior
100 Mill Creek Road
Piedmont, SC 29673

Lot 31:
Mark W. Schaefer
18 Mill Creek Road
Piedmont, SC 29673

Lot 32:
Michael C. Stehney, Junior
100 Mill Creek Road
Piedmont, SC 29673

Lot 33:
Lauro C. Cadorniga
Cristina Cadorniga

MILLCreekLots

4 Mill Creek Road
Piedmont, SC 29673

Lot 34:
Lauro C. Cadorniga
Cristina Cadorniga
4 Mill Creek Road
Piedmont, SC 29673

Lot 35:
Lauro C. Cadorniga
Cristina Cadorniga
4 Mill Creek Road
Piedmont, SC 29673

Lot 36:
Lauro C. Cadorniga
Cristina Cadorniga
4 Mill Creek Road
Piedmont, SC 29673

Lot 37:
Lauro C. Cadorniga
Cristina Cadorniga
4 Mill Creek Road
Piedmont, SC 29673

MILL CREEK ESTATES
SUBDIVISION & ARCHITECTURAL CONTROL COMMITTEE
120 MILL CREEK ROAD
PIEDMONT, SC 29673
EMAIL: millcreekac@charter.net

November 17, 2013

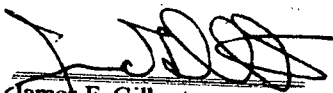
Mark Schaefer
18 Mill Creek Road
Piedmont, SC 29673

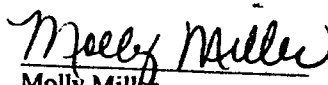
Dear Mr. Schaefer,

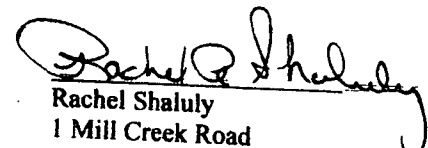
Article III of the Mill Creek Restrictive Covenants require that "no building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan shall have been approved in writing as to conformity and harmony of external design and materials with existing structures in the subdivision and as to location of the building with respect to topography and finished grade elevation by the committee known as the Subdivision and Architectural Control Committee".

In that regard, no plans for the boat storage structure that you built on your lot have been submitted to the Mill Creek Architectural Committee for review and consideration prior to construction and as such the current structure is in violation of the Mill Creek Restrictive Covenants. If you wish to have a structure for boat storage, please submit building plans and site location compliant with the Restrictive Covenants for review by the committee. We will be glad to work with you any way that we can within the provisions of the Mill Creek Restrictive Covenants.

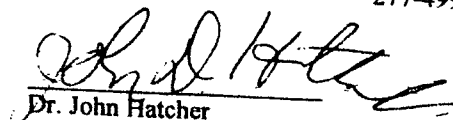
Enclosed is a copy of the Mill Creek Restrictive Covenants. If you have any questions, please contact anyone on the committee.


James F. Gilbert
120 Mill Creek Road
Piedmont, SC 29673
277-5580


Molly Miller
6 Hackamore Trail
Piedmont, SC 29673
299-1715


Rachel Shaluly
1 Mill Creek Road
Piedmont, SC 29673
277-4998


Michael Stehney
100 Mill Creek Road
Piedmont, SC 29673
299-0278


Dr. John Hatcher
108 Mill Creek Road
Piedmont, SC 29673
277-8125

**MILL CREEK ESTATES
SUBDIVISION & ARCHITECTURAL CONTROL COMMITTEE
MAILING ADDRESS: 120 MILL CREEK ROAD
PIEDMONT, SC 29673
EMAIL: millcreekac@charter.net**

November 17, 2013

John Lukas
4 Hackamore Trail
Piedmont, SC 29673

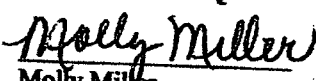
Dear Mr. Lukas,
In March 2002, the previous owner of 4 Hackamore Trail (Vaughn Brown) submitted to the Mill Creek Architectural Committee plans for the placement of a utility storage building on his lot. The committee at that time (Bob Rosenthal, Keith Williams, Jim Rushton, Doug Kellet, Larry Cadorniga and Jim Gilbert) reviewed and approved the plans with the provision that the exterior of the building would be painted to match the siding on the residence.

Article III of the Mill Creek Restrictive Covenants require that "no building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan shall have been approved in writing as to conformity and harmony of external design and materials with existing structures in the subdivision and as to location of the building with respect to topography and finished grade elevation by the committee known as the Subdivision and Architectural Control Committee".

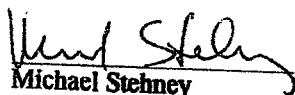
In that regard, no plans for the lean-to structure that you built and attached to the utility storage building have been submitted to the Mill Creek Architectural Committee for review and consideration prior to construction and as such is in violation of the Mill Creek Restrictive Covenants. We ask that you remove the existing lean-to structure. If you wish to build a structure for vehicle storage, please submit building plans and site location compliant with the Restrictive Covenants for review by the committee. We will be glad to work with you any way that we can within the provisions of the Mill Creek Restrictive Covenants.

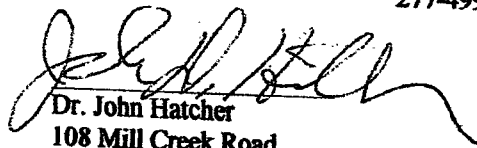
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299-0278


Dr. John Hatcher
108 Mill Creek Road
Piedmont, SC 29673
277-8125

Mark Schaefer
18 Mill Creek Road
Piedmont, SC 29673

November 21, 2013

RE: Correspondence from alleged members of Mill Creek Estates Subdivision & Architectural Control Committee dated November 17, 2013.

Ladies and Gentlemen,

Do you have some type of identity crisis? Are you not the same group of people who claimed to be the Mill Creek Architectural Committee in a letter to certain residents & lot owners of Mill Creek dated October 7, 2013?

I am in receipt of your correspondence wherein you claim to have some say or authority over my decision to install a "boat storage structure" on my property at PIN / Tax Map #0594030103100, otherwise known as Lot 31, Mill Creek Estates.

Let me reflect, that even if you were some type of lawfully recognized entity as you claim, per Residential Protective Covenants Mill Creek, Volume 1002, Page 75, provides ("The following building restrictions or protective covenants are hereby imposed on all of the lots except lots numbered 4, 5 and 31, shown on a plat of Mill Creek recorded in Plat Book 5D at pages 53 & 54 in the RMC Office for Greenville County.)

Additionally, Volume 1002, Page 77, Article III ("...if no suit to enjoin the erection of such buildings or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with.") There is more than ample evidence my "boat storage structure" was permitted and approved by Greenville County years ago.

If you are going to perpetuate fraud against a community you should at least educate yourself enough to not be so blatantly ignorant of the documents you espouse to enforce. Let me be clear, Lot 31 is wholly exempt from your Peyton's Place of Drama.

I would also establish, for the record, you are not permitted on my property and if caught trespassing, will be subject to criminal prosecution.

Mark Schaefer

October 09, 2013

Dear Mill Creek Residents and lot owners,

This letter is in response to the previous notice dated October 07, 2013 and is not meant to offend.

My name is Mark Schaefer, I live at 18 Mill Creek rd. and have been a resident for 10 years this coming January. When I closed on my house back in 2004 I read the restrictive covenants for Mill Creek estates, it didn't take long to realize that numerous violations had already occurred in the neighborhood. I'm not talking about violations that would necessarily be degrading, but violations just the same. I've never met any of the original architectural committee members as listed in Vol. 1002 page 77 article 3 and have since learned they no longer live here. So who's been in charge over the years? Nothing was changed on the original covenants. It appears we have a few individuals that appointed themselves and have been harassing homeowners throughout the neighborhood for years! Recently this self-appointed committee, upon discovering numerous residents were fed up, secretly rushed to the Register of Deeds to amend the covenants and have their names officially recorded as the architectural committee. They were unable to get the required signatures to make the changes so they included their vacant "overgrown" lots to make the majority. Many residents, me included, are being excluded from meetings and any involvement that concerns this subdivision. We have no voice in the nomination of committee members? Shouldn't that be voted on by actual residents, not vacant lots? Who do these individuals think they are to constantly ridicule, harass, and trespass on homeowner's property, taking pictures of things they don't like and suing to get their way! What kind of neighborhood is this? The majority of us just want to live a peaceful life! Do we all need to put up no trespassing signs? This madness needs to stop! Why can't we all pull together, nominate a legitimate committee and establish some up to date covenants everyone can live with?

Mr. Jim Gilbert, with all due respect, I appreciate your involvement in the rezoning issues, however I personally feel your involvement within our neighborhood is authoritative, unfair and "not" in the best interest of all residents of Mill Creek estates.

Sincerely,


Mark Schaefer

864-270-0627

STATE OF SOUTH CAROLINA
FILED-CLERK OF COURT
GREENVILLE CO. CLERK
IN THE COURT OF COMMON PLEAS GREENVILLE COUNTY
PAUL B. WICKENSIMER

Ronald J. Ferguson

2013 OCT 23 PM 1 56

Plaintiff(s)

vs.

AFFIDAVIT OF SERVICE
2013-CP-23-05102

Mill Creek, LP

Defendant(s)

Ronald J. Ferguson, being first duly sworn says that he has served the:

SUMMONS & COMPLAINT, VERIFICATION

In this action on the defendant(s):

Mill Creek, LP, Kasper Fulghum, Kasper Fulghum, Jr, Robert Rosenthal, I.W. Moore, J.K. Garrison

(X) by mailing such to the South Carolina Secretary of State, USPS Certified Mail
#70090820000159608870, pursuant to South Carolina Code 33-42-220 and that to the best of
my knowledge the defendant(s) are not a member of the Armed Forces pursuant to the Soldiers
& Sailors relief act

That the Secretary of State found compliance with this process in accordance with State law where the
company is in good standing and authorized to conduct business in the County of Greenville, South
Carolina, and has not complied with state statute to update their information with the Secretary of State
and accepted Service on September, 26, 2013.

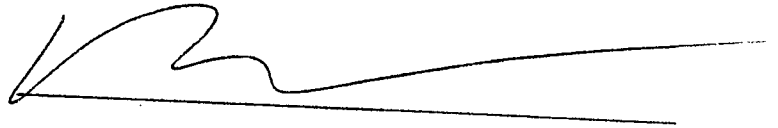
That the Secretary of State mailed the Summons, Complaint and Verification to the last known address
of the party on file with them via USPS, Certified Mail 7013109000020193851, Return Receipt
Requested on September 27, 2013.

That such mailing was subsequently returned to the Secretary of State, unopened, as 'RETURN TO
SENDER ATTEMPTED - NOT KNOWN UNABLE TO FORWARD'.

That the Affiant has received such from the Secretary of State on October 23, 2013.

That Affiant has verified through records the address on file with the Secretary of State for service is
not owned by the Defendant(s) and no one there is aware of such person(s).

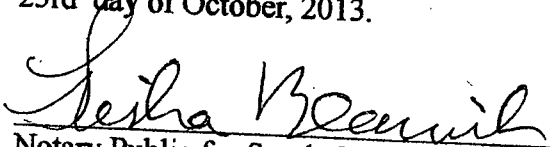
That upon information and belief none of the Defendant(s) or parties who created and/or maintain the
Defendant(s) Mill Creek, LP, are residents of the State of South Carolina.

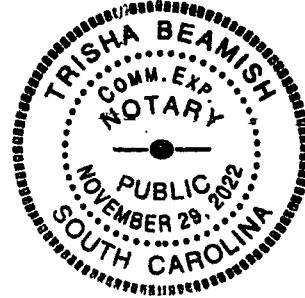


Ronald J. Ferguson

Sworn to Before me this

23rd day of October, 2013.


Notary Public for South Carolina

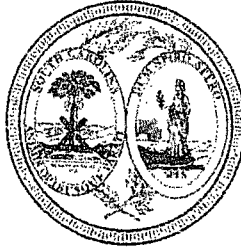


My Commission Expires November 29, 2022

State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

1205 PENDLETON STREET, SUITE 525
COLUMBIA, SC 29201

803-734-2170
www.sos.sc.gov



September 27, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mill Creek, LP
818 Pine Creek Drive
Greenville, SC 29605

RE: Mill Creek, LP, 2013-CP-23-05102

Dear Madam/Sir:

In accordance with South Carolina Code of Laws, we are enclosing herewith a copy of the Summons, Amended Complaint, and Certificate of Service in the above-entitled case. Service was accepted on September 26, 2013 and a copy has been duly filed in our office as of this date. The fee of \$10.00 has been paid.

Yours very truly,

Mark Hammond
Secretary of State

MH/mam
Enclosures

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

State of South Carolina
OFFICE OF
MARK HAMMOND
Secretary of State
1205 Pendleton Street, Suite 525
COLUMBIA, SC 29201



7013 1090 0002 0193 8051



55
UNITED STATES POSTAGE
02 1M
\$ 06.51
0004222447 SEP 27 2013
MAILED FROM ZIP CODE 29201

Mill Creek, LP
818 Pine Creek Drive
Greenville SC 29605

UAA
LH 0562
NIXIE 296 7E 1385 0018/16/13

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

29605340818

Legal Advertising

Date: 7/22/2014

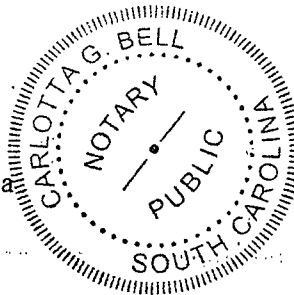
Name: FERGUSON, RONALD J / 103 MILL CREEK RD PIEDMONT SC 29673		
Ad No: 4858161	Class: 0008 Legal Notices (News)	Rate: HOUSE AD
Runs:		
Wednesday, July 9, 2014	Lines: 58	
Wednesday, July 16, 2014	Lines: 58	
Wednesday, July 23, 2014	Lines: 58	

Affidavit of Publication

I, Susan F. Mullinax, being the Legal Advertising Agent for *The Greenville News*, do hereby testify that the attached legal ad was published on 58 lines for three consecutive weeks, as set forth above, in The Greenville News beginning on 7/9/2014 and ending on 7/23/2014

Susan Mullinax
Susan F. Mullinax
Legal Advertising Agent

Carlotta G. Bell
Carlotta G. Bell
Notary Public for the State of South Carolina
My Commission Expires July 22, 2020



Post Office Box 1688 * Greenville, SC 29602
Phone: 864.298.4100



305 South Main Street * Greenville, SC 29601
Toll Free: 1.800.800.5116

Ad Text:

4858134 NOTICE AND SUMMONS AND FILING OF
SUMMONS AND COMPLAINT in the Court of
Common Pleas Case 2013-CP-23-5102 State of South
Carolina County of Greenville Ronald J. Ferguson, Plaintiff
v. Mill Creek, LP, Defendant. TO THE DEFENDANT
Mill Creek LP: YOU ARE HEREBY SUMMONED and
required to answer the Complaint in the above action, a
copy of which is herewith served upon you, and to serve a
copy of your Answer upon the undersigned at his
residence, 103 Mill Creek Road, Piedmont,
South Carolina 29673, within thirty (30) days after service
upon you, exclusive of the day of such service, and, if you
fail to answer the complaint within the time
aforesaid, judgment by default will be rendered against you
for relief demanded in the complaint. NOTICE IS
HERE-BY GIVEN that the original Complaint in
this action was filed in the office of the Clerk of Court for
Greenville County on September 20, 2013. By: Ronald J.
Ferguson

RECEIVED

JAN 26 2016

SC Court of Appeals

CERTIFICATION

I certify that this Record on Appeal contains all material proposed to be included by the parties who participated in briefing and not any other material.

January 29, 2016



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