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**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

**APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas**

**The Honorable Jocelyn Newman**

**Case No.: 2020-CP-40-05255**

**Appellate Case No. 2022-01155**

**Norma J. Nix, et al**

**Appellants,**

**v.**

**Churchill Park Homeowners' Association, Inc., et al**

**Respondents,**

**APPELLANT'S MOTION TO RESTORE APPEAL**

**BACKGROUND**

Alan Nix received written notice of entry of the subject order on 3 Aug 2022 while being incarcerated at the County of Charleston Detention Center on bogus bench warrant 2022-B10-00100401. Mr. Andrew Countryman sent Alan Nix a copy of the order addressed to him at the Charleston County Detention Center. It is still unclear how exactly Mr. Countryman and/or his co-counsel Mr. Roger Wood knew Appellant was incarcerated at the Charleston County

Detention Center at that point in time but nevertheless apparently felt compelled to mail him a copy of their Order eleven days after entry.

On 13 Aug 2022 Alan Nix mailed a Notice of Appeal of the subject order and stated he would have to file a copy of the order being appealed once he was finally released from the County of Charleston Detention Center. At that point, Alan Nix reasonably believed he would be released within the next week or at the latest, no later than 29 Aug 2022. (61 days post his arrest by the U.S. Marshalls Fugitive Task Force on bogus bench warrant 2022-B10-00100401)

On or about 25 Aug 2022, Alan Nix received a letter from Ms. Jenny Abbott-Kitchings, also addressed to him at the Charleston County Detention Center, stating (paraphrasing given no access to actual letter at time of this motion) that she was dismissing the appeal. Ms. Jenny Abbott-Kitchings' stated justification for her action was that because Alan Nix was not an attorney licensed to practice law in South Carolina he could not represent the Estate of Norma Nix.

Shortly thereafter, Alan Nix mailed Ms. Jenny Abbott-Kitchings a letter requesting her to restore the appeal and stating that he was also a co-plaintiff in the case and that the appeal was being pursued in his individual capacity.

On 3 Oct 2022, Alan Nix was finally released from the Charleston County Detention Center.

On 24 Oct 2022, another employee of McCabe, Trotter and Beverly verbally confirmed the existence of this appeal during a jury trial roster meeting at the Richland County courthouse. Judge Newman was presiding over that jury trial roster meeting at the time of this statement and commented that she did not see why the case could not continue as to the remaining defendants while this appeal went forward.

On Friday, 28 Oct 2022, Alan Nix dropped off copies of the transcript and order being appealed at the SC Court of Appeals.

On Wednesday, 2 Nov 2022, during a motion hearing for case 2020-CP-10-06054, another employee of McCabe, Trotter and Beverly stated this appeal was not active.

## ARGUMENT

An appeal of an order may be pursued by any party to the action.

Counter to Ms. Jenny Abbott-Kitchings' allegations in her August letter, Alan Nix contends he is a co-plaintiff to the Estate of Norma J. Nix in case 2020-CP-40-05255. Alan Nix concedes it is possible Ms. Jenny Abbott-Kitchings (South Carolina Court of Appeals Clerk of Court) may have originally been confused about this situation due to misrepresentations by Mr. Wood and Mr. Countryman. However, given Alan Nix's clarifying August letter in response to Ms. Abbott-Kitchings's letter, it is difficult to imagine Ms. Abbott-Kitchings was not sufficiently on notice of this dispute prior to the end of August 2022.

Alan Nix never received a response from Ms. Abbott-Kitchings in response to his clarifying letter of August 2022 and consequently was rightfully under the impression that Ms. Abbott-Kitchings had taken the required actions to properly correct this issue back in August 2022.

Without at least the issue of whether or not Alan Nix is a co-plaintiff in case 2020-CP-40-05255 being fully resolved, it is impossible for case 2020-CP-40-05255 to properly be addressed by the plaintiffs or the Richland County Clerk of Court. Currently, it appears that the South Carolina Court of Appeals, due to Ms. Jenny Abbott-Kitchings conduct, has made some sort of determination that Alan Nix is not a co-plaintiff in case 2020-CP-40-05255. This is in direct contradiction to the Richland County Clerk of Court's current management of case 2020-CP-40-05255.

Likewise, given the implications of the order being appealed, and the intended consequences Mr. Robert Wood and Mr. Andrew Countryman attempted to further with their order, a complete appellate review of the order and its genesis is required to properly remedy.

Appellant Alan Nix requests the Court of Appeals to:

1. restore appeal 2022-01155 to an active status to allow the proper resolution of all of these issues, or, in the alternative, enter an order laying out the evidence and legal basis which fully validates Ms. Abbott-Kitchings' allegations and apparent determinations.
2. any other and further relief as the Court deems just, prudent and proper.

November 2, 2022

Respectfully submitted,



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Alan G. Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991-4170

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**APPEAL FROM RICHLAND COUNTY  
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**Norma J. Nix, et.al**

**Appellants,**

**v.**

**Churchill Park Homeowners' Association, Inc., et.al**

**Respondents,**

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**PROOF OF SERVICE**

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The undersigned certifies that a copy of Appellant Alan Nix's motion to restore appeal was served upon the individuals listed below by mailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 2nd day of November 2022 to:

Roger Wood

Andrew Countryman

Rogers, Townsend & Thomas  
1221 Main St., Ste. 1400  
Columbia, SC 29201

Countryman Law Firm  
210 Wingo Way, Unit 400  
Mount Pleasant, SC 29464


Judge McFaddin  
215 N. Harvin St.  
Sumter, SC 29150

~~Julie Armstrong~~ **JENNIFER MCBRIDE**  
Clerk of Court, Richland County  
1701 Main St.  
Columbia, SC 29201

Dated: November 2, 2022

Respectfully submitted,

By:

  
\_\_\_\_\_

Alan G. Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991.4170

2 November 2022

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**SC Court of Appeals**

Alan Nix  
c/o Michael and Taryn Lazroff  
1401 Densmore Circle  
Mount Pleasant, SC 29466

Ms. Jennie Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

RE: Norma J. Nix, et. al, v Churchill Park Homeowners' Association, Inc.  
Case Numbers: 2020-CP-40-05255  
Appellate Case Number: 2022-01155

Ms. Abbott Kitchings,

Please find enclosed:

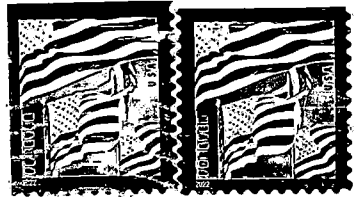
1. A motion to restore appeal 2022-01155
2. Check number 2206 in the amount of \$50.00 drawn on Navy Federal Credit Union.
3. Copies of the motion and Proof of Service to be returned with your clock stamp
4. Self-addressed and postage prepaid envelope to return the enclosed copies of the Motion and Proof of Service (Exhibits not included for return)

Best regards,



Alan Nix

PS. I WILL MAIL EXHIBITS TO SUPPORT THIS MOTION WITHIN THE WEEK.



SC Court of Appeals  
 Dept. of Social Security  
 1220 E. Lake St.  
 Columbia SC 29201

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