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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Civil Action No: 2020-CP-40-6054

Alan G. Nix,

Plaintiff,

v.

Churchill Park and Churchill Park Homeowners' Association, Inc.,

Defendants.

ORDER GRANTING DEFENDANTS MOTION TO SET ASIDE DEFAULT, MOTION TO DISMISS, AND MOTION FOR SANCTIONS

This matter came before me on November 2, 2022 on Defendant Churchill Park's Motion to Set Aside Entry of Default, Motion to Dismiss and Motion for Sanctions, as well as Plaintiff's Motions for Prejudgment Lien/Appointment of a Receiver, and Plaintiff's verbal motion for continuance. A hearing took place via Webex. Present at the hearing were V. Morgan Bryant, Esquire, as counsel for Defendant Churchill Park, and Alan G. Nix, appearing *pro se*.

Upon review of the record, pleadings, and file available to the Court, this Court GRANTS Defendant's Motion to Set Aside Entry of Default, Defendant's Motion to Dismiss and Motion for Sanctions. Being that Defendant's Motion to Dismiss is dispositive of the case, Plaintiff's motions are hereby DENIED.

FACTUAL AND PROCEDURAL HISTORY

Plaintiff, Alan Nix ("Nix" or "Plaintiff"), along with his now deceased wife, Norma Nix, owned a home in the Churchill Park neighborhood in the Park West development located at 1401 Densmore Circle, Mt. Pleasant, South Carolina. In 2013, the Nixes became delinquent in their homeowners' association payments to both Churchill Park and Park West Master Association, Inc. They ultimately paid the balance due to Park West but failed to cure the delinquency owed to Churchill Park. In 2014 Churchill Park initiated a foreclosure action in Charleston County (C/A

2017-CP-10-4031[1]). Nix, proceeding largely *pro se*, fought the foreclosure and argued that the restrictive covenants for Churchill Park defined the homeowners' association as an entity called "Churchill Park Homeowners' Association, Inc." Because the Plaintiff in the foreclosure suit was an entity incorporated as "Churchill Park," Nix argued the Plaintiff lacked standing to bring the foreclosure suit. The Honorable Mikell Scarborough entered an order finding that the Plaintiff, Churchill Park, was the successor to Churchill Park Homeowners' Association, Inc. and therefore possessed standing to foreclose the subject lien. The trial court entered an order awarding Churchill Park over $22,000. Nix appealed the foreclosure order but failed to perfect said appeal. The case was ultimately remitted to the trial court on January 21, 2020. After a hearing on supplemental damages, judgment was entered in the amount of $123, 296.89 and the property was sold at foreclosure sale on October 6, 2020.

Since 2017, Nix has filed numerous civil actions and appeals. In January 2019, Nix filed an action in Charleston County (C/A 2019-CP-10-00067), naming Churchill Park and over thirty other defendants, alleging several causes of action, including violation of the S.C. Unfair Trade Practices Act, for actions related to the underlying foreclosure case. However, Nix failed to serve any of the parties to that suit and several parties were dismissed pursuant to Rule 12(b)(6), SCRCP. In September 2019, The Hon. Maite Murphy entered an order sanctioning Nix for his frivolous court filings and directed the Charleston County Clerk of Court to refuse any filings from Nix that were not signed by a licensed attorney.[2]

In November of 2020, Nix filed two actions in Richland County less than one week apart, this action and 2020-CP-40-05255, asserting almost identical unfair trade practice claims related

[1] The foreclosure was originally filed in case 2014-CP-10-05407. The case was dismissed pursuant to Rule 40(j), SCRCP and assigned case number 2017-CP-10-4031 when it was restored to the active docket.
[2] See C/A 2018-CP-10-03315.

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to the foreclosure of his property in Charleston County. Both actions name Churchill Park and "Churchill Park Homeowners' Association, Inc." In Paragraph 8 of the Complaint filed in 2020-CP-40-05255 states that "Charleston County is not an optional nor appropriate jurisdiction / venue for Plaintiff[s] due to Judge Maite Murphy's Order Enjoining Plaintiff." By Nix's own admission, these lawsuits were filed in Richland County to circumvent the Charleston Gatekeeper Order.

Plaintiff had all applicable contact information for Churchill Park and its legal counsel and stayed in relatively constant contact with them, but Plaintiff did not attempt to notify Churchill Park or its legal counsel of the filing of this suit. Instead, Plaintiff attempted to serve Churchill Park's registered agent via mail almost four months after filing the suit. However, the USPS receipt shows the mail was not sent via restricted delivery as required by Rule 4, SCRCP, and the signature of the recipient is illegible, making it impossible to determine whether the mail was accepted by an authorized recipient. Due to these deficiencies, Churchill Park did not respond to the Complaint, and the Clerk of Court entered default against Churchill Park on July 2, 2021.

To date, Plaintiff has not properly served Churchill Park. Churchill Park discovered this lawsuit, and that default had been entered against Churchill Park, in February of 2022 after Plaintiff had filed and properly served a copy of his Motion for Prejudgment Lien/Appointment of Receiver. Defendant immediately filed its Motion to Set Aside Entry of Default on February 3, 2022. Counsel for Defendant also filed the subject Motion to Dismiss and Motion for Sanctions on February 7, 2022, and served Plaintiff with same. Plaintiff has not filed any response to Defendant's Motions.

DISCUSSION AND ANALYSIS

I. Defendant's Motion to Set Aside Entry of Default is GRANTED.

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In South Carolina, "[s]ervice of a summons and complaint upon a defendant . . . may be made by the plaintiff . . . by registered or certified mail, return receipt requested, and delivery restricted to addressee." Rule 4(d)(8), SCRCP. Service via certified mail "shall not be the basis for an entry of default unless the record contains a return receipt showing the acceptance by the defendant." Id. Additionally, "service upon a corporation may only be accomplished by service upon an authorized person; thus, a corporate defendant accepts service of process when a person authorized to accept service does so for the corporation." *Graham Law Firm, P.A. v. Makawi,* 396 S.C. 290, 297, 721 S.E.2d 430, 434 (2012).

Plaintiff alleges that he served Churchill Park via certified mail with accompanying tracking number. Plaintiff filed a USPS payment receipt showing he purchased priority mail, certified with a return receipt. However, the receipt did not show Plaintiff purchased restricted delivery. Additionally, Plaintiff's own Affidavit of Default fails to allege that he sent the summons and complaint via restricted delivery. Because Rule 4(d)(8) requires that a plaintiff serving a summons and complaint via certified mail do so by restricted delivery, and because Plaintiff's own filings indicated that he did not restrict delivery, Plaintiff is not entitled to presumption of proper service. Accordingly, Plaintiff has the burden of proof to show an authorized person of Churchill Park accepted service. Plaintiff has failed to meet that burden.

Based on Plaintiff's filings, one of the USPS tracking reports bears a signature of the person who received the mail, but it is illegible, making it impossible to determine whether the person who accepted service was authorized to do so on behalf of Churchill Park. Plaintiff filed a second proof of service, bearing the same tracking number, but displaying a different illegible signature. Based on the evidence offered by the Defendant, the electronic tracking showed a second mail item was delivered to Churchill Park Homeowners' Association, Inc., at exactly the same time as

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the Churchill Park item and bears the same signature. However, the USPS return receipt filed by the Plaintiff for that item shows a different signature from the electronic tracking and the return receipt for Churchill Park. Plaintiff acknowledged in his April 26, 2021 letter to the Clerk of Court that he cannot read the signature, and therefore Plaintiff cannot swear and affirm that Churchill Park accepted service of the summons and complaint. Accordingly, Plaintiff failed to demonstrate proper service of process upon Churchill Park.

For all of the foregoing reasons, Defendant's Motion to Set Aside Entry of Default is GRANTED.

II. Defendant's Motion to Dismiss is GRANTED.

For all of the following reasons, Defendant's Motion to Dismiss the Complaint in its entirety is GRANTED:

a. Failure to Comply with Statute of Limitations

Plaintiff's sole cause of action in this matter is one for violation of the S.C. Unfair Trade Practices Act, S.C. Code § 15-3-10 *et seq.* Claims brought under this Act must be brought within three years. S.C. Code § 15-3-20 *et seq.* SCRCP 3(a) provides that a civil action is commenced when the summons and complaint are filed with the clerk of court if: (1) the summons and complaint are served within the applicable statute of limitations; or (2) if not served with the statute of limitations, actual service must be accomplished no later than 120 days after filing.

The discovery rule states that the statute of limitations begins to run from the date the injured party either knows or should have known by the exercise of reasonable diligence that a cause of action arises from the wrongful conduct. *Johnson v. Bowen,* 313 S.C. 61, 437 S.E.2d 45 (1993). The "exercise of reasonable diligence" means that the injured party must act with some

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promptness when the facts and circumstances of an injury place a reasonable person of common knowledge and experience on notice that a claim against another party might exist. *Snell v. Columbia Gun Exchange, Inc.,* 276 S.C. 301, 278 S.E.2d 333 (1981). The fact that the injured party may not comprehend the full extent of the damage is immaterial. *Dillon County School Dist. No. Two v. Lewis Sheet Metal Works, Inc.,* 286 S.C. 207, 332 S.E.2d 555 (Ct. App.1985); *Dean v. Ruscon Corp.,* 321 S.C. 360, 468 S.E.2d 645 (1995).

The Complaint in this matter arises out of the September 2017 foreclosure trial and subsequent judgment entered November 16, 2017. Reading the Complaint in the light most favorable to the Plaintiff, the statute of limitations began to run within the month of November 2017. Thus, Plaintiff was required to file suit *and to serve* Churchill Park no later than March 30, 2021. Although the Complaint was timely filed, as explained in this Court's reasoning for granting Defendant's Motion to Set Aside Entry of Default, Plaintiff failed to properly serve Churchill Park before the statute of limitations ran. The Complaint is therefore subject to dismissal for failure to comply with the statute of limitations.

b. Richland County is the Improper Venue

"A civil action tried pursuant to this section against a domestic corporation . . . must be brought and tried in the county in which the: (1) corporation . . .has its principal place of business at the time the cause of action arose; or (2) most substantial part of the alleged act or omission giving rise to the cause of action occurred." S.C. Code § 15-7-30(E). Plaintiff alleges that venue is proper in Richland County because Churchill Park lists a Richland County address as its "principal office" with the South Carolina Secretary of State. However, Section 15-7-30(E) bases venue on a corporation's principal place of business, not the principal office. A corporation's "principal place of business is defined as (a) the home office location from which the corporation's

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officers direct, control or coordinate its activities; (b) the location of the corporation's manufacturing, sales, or purchasing; or (c) the location at which the majority of the corporate activity takes place." S.C. Code § 15-7-30(A)(10).

Churchill Park is a non-profit corporation organized to serve as the homeowners' association that governs the Churchill Park neighborhood in Mt. Pleasant, South Carolina. All of the association's assets are located in Charleston County. The neighborhood is located in Charleston County. All members of the Board of Directors live in Charleston County. The members of the homeowners association have all gained their membership by virtue of owning property within with the Churchill Park neighborhood in Charleston County. All of the actions and activities complained, specifically those related to the foreclosure action, occurred in Charleston County. The only nexus between Churchill Park and Richland County is that Churchill Park's registered agent has an office in Richland County.

The right of a defendant to be tried in the county of his or her residence is a substantial one and is not to be lightly denied. *Carroll v. Guess,* 302 S.C. 175, 394 S.E.2d 707 (1990). By his own admission, Plaintiff filed in Richland County because he had been enjoined from filing complaints in Charleston County. However, Plaintiff's inability to proceed pro se in Charleston County does not make venue proper in Richland County. Charleston County is the only appropriate venue. Therefore, the Complaint is subject to dismissal for improper venue.

c. Another Action is Pending

"Under Rule 12(b)(8), dismissal is appropriate when another action is pending between the same parties for the same claim." *Cricket Cove Ventures, LLC v. Gilland,* 390 S.C. 312, 322, 701 S.E.2d 39, 44 (Ct. App. 2010). A claim must be "precisely or substantially the same in both

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proceedings" in order for dismissal under Rule 12(b)(8), SCRCP to be appropriate. *Capital City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 106, 374 S.E.2d 524, 532 (Ct. App. 2009).

On January 4, 2019, Plaintiff filed civil action number 2019-CP-10-0067 in the Charleston County Court of Common Pleas and named, among other parties, Churchill Park and Churchill Park Homeowners' Association, Inc. as defendants. The complaint lists "Unfair Trade Practices Act" as the Ninth Cause of Action. Despite filing Case 2019-00067 over 3 years ago, Nix has never taken any steps to serve Churchill Park or prosecute the case. However, the case is still pending before the Charleston County Court of Common Pleas.

As previously noted, between November 10, 2020 and November 16, 2020 Plaintiff filed civil action number 2020-CP-40-05255[3] and this action in the Richland County Court of Common Pleas. Both suits name, among others, Churchill Park and Churchill Park Homeowners' Association, Inc. as defendants. Both lawsuits list as the sole cause of action "Unfair Trade Practices Act." In support of this claim Plaintiff alleges it was improper for Judge Scarborough to sign the judgment in the Charleston County foreclosure action in November of 2017.

Civil action number 2019-CP-10-0067 filed in Charleston County, this action, and civil action number 2020-CP-40-05255 allege that various entities, including Churchill Park, committed bad acts throughout the prosecution of the foreclosure case. Each suit lists Alan G. Nix and Churchill Park as plaintiff and defendant, respectively. Finally, each of the suits lists UTPA as at least one cause of action. All three suits are still pending and Plaintiff has not accomplished service of process on Churchill Park in any of the suits.

[3] While Alan G. Nix is not listed as a Plaintiff in the caption on the Complaint in Case 2020-05255, he is listed in the caption on the Summons, paragraph 3 of the Complaint alleges Alan G. Nix is a Plaintiff, and Alan G. Nix signed the complaint individually.

Both civil action number 2019-CP-10-0067 filed in Charleston County and civil action number 2020-CP-40-05255 were pending when Plaintiff filed the instant action. Accordingly, the Complaint is subject to dismissal based on other pending actions.

III. Defendant's Motion for Sanctions is GRANTED.

The Defendant's Motion for Sanctions, specifically for a Gatekeeper Order and for legal fees associated with the Motion for Sanctions is GRANTED.

a. Gatekeeper Order is GRANTED.

The Defendant moves for this Court to impose sanctions upon Plaintiff, pursuant to the South Carolina Frivolous Proceedings Act, S.C. Code §15-36-10, *et seq.* ("FCPSA"), and enjoin Plaintiff from filing additional pleadings until Plaintiff has consulted with, and hired, legal counsel, licensed in the State of South Carolina. This Court finds that such remedies are within the inherent authority of the Court, and are appropriate under these circumstances.

The FCPSA allows for imposition of sanctions for the initiation and prosecution of civil claims without merit where the court finds, by a preponderance of the evidence, that a reasonable attorney in the same circumstances would believe:

(a) that under the facts, his claim or defense was not clearly warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) his procurement, initiation, continuation or defense of the civil suit was intended to merely harass or injure the other party; or

(c) the case or defense was frivolous as not reasonably founded in fact or was interposed merely for delay, or was brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.

S.C. Code Ann. § 15-36-10(C)(1).

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In determining if a *pro se* litigant has violated provisions of the FCPSA, § 15-36-10(E) sets forth the following factors the court should consider:

(1) the number of parties;

(2) the complexity of the claims and defenses;

(3) the length of time available to the attorney, party, or *pro se* litigant to investigate and conduct discovery for alleged violations of the provisions of subsection (A)(4);

(4) information disclosed or undisclosed to the attorney, party, or *pro se* litigant through discovery and adequate investigation;

(5) previous violations of the provisions of this section;

(6) the response, if any, of the attorney, party, or *pro se* litigant to the allegation that he violated the provisions of this section; and

(7) other factors the court considers just, equitable, or appropriate under the circumstances.

S.C. Code Ann. § 15-36-10(E). The decision of whether to award sanctions under the FCPSA is treated as one in equity. *Pee Dee Health Care, PA v. Estate of Thompson,* 418 S.C. 557, 563, 798 S.E.2d 40, 43 (Ct. App. 2016).

This Court acknowledges that Plaintiff is *pro se*; however, lack of familiarity with legal proceedings is not an acceptable excuse and the court will hold a lawman to the same standard as an attorney. *Hill v. Dotts,* 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001). The applicable law specifically provides that *pro se* plaintiffs are subject to FCPSA, and "sanctions may be awarded regardless of whether or not the case has been tried to verdict so long as the trial court finds by a preponderance of the evidence that the party should be sanctioned." *Holmes v. East Copper Community Hospital, Inc.,* 408 S.C. 138, 758 S.E.2d 483 (2012).

Pursuant to Section 15-36-10, a *pro se* litigant, participating in a civil action may be sanctioned for filing a frivolous pleading, motion, or document, if:

> a reasonable attorney in the same circumstances would believe that his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law; a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuance, or defense of a civil cause was intended merely to harass or injure the other party … is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based … making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts.

S.C. Code Ann. § 15-36-10(C)(1)(a)-(c). The Court has wide discretion when ordering sanctions, to include: (1) reasonable costs and attorney's fees; (2) a reasonable fine to the court; or (3) a directive of a nonmonetary nature, including injunctive relief, designed to deter a future frivolous action or an action brought in bad faith. S.C. Code Ann. § 15-36-10(G).

South Carolina courts have acted on this statute and awarded sanctions against *pro se* litigants when the case was frivolous in nature; the *pro se* litigant could not substantiate claims with facts; and *pro se* litigants engage in tactics to delay proceedings, including appeals of interlocutory matters. *Holmes v. Haynsworth, Sinkler & Boyd, P.A.*, 408 S.C. 620, 760 S.E.2d 399 (2014) (holding sanctions are proper against *pro se* appellant for frivolous and dilatory litigation tactics).

This Court finds that Plaintiff has violated the FCPSA. This lawsuit is just one example of the Plaintiff's ongoing abuse of South Carolina's legal system. Since 2017, Nix has filed numerous lawsuits and notices of intent to file suit in our state's courts related to the underlying foreclosure. Including this lawsuit, all but two of those lawsuits have been dismissed in whole or in part, or there are motions to dismiss pending. The trial court in the underlying foreclosure case explained how Nix's unreasonable actions in that case necessitated a legal fee of over $86,000.00:

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I further find the time and labor expended by Plaintiff's counsel to be reasonable and necessary in this matter due in large part to the actions of Defendant Alan Nix. Mr. Nix rejected Plaintiff's offer of settlement prior to trial which necessitated Plaintiff's counsel prepare for and participate in pre-trial motions hearings and a one-day trial in this matter. Mr. Nix filed 21 post-trial motions in this matter while simultaneously pursuing an appeal of the final order. Most of these motions were patently frivolous. Mr. Nix issued 62 trial subpoenas and then issued 62 post-trial subpoenas after final judgment had been entered without any legal basis for the same. Including the Supplemental Damages Hearing on August 20, 2020, counsel for Plaintiff has had to attend nine court hearings in this matter. Mr. Nix has persisted in mailing and emailing hundreds of letters and emails to Plaintiff, Plaintiff's counsel, Plaintiff's former counsel, Mr. Nix's neighbors, a multitude of attorneys unrelated to the subject case, various members of the judiciary, various members of law enforcement at various levels, and various political figures. The vast majority of

these communications were unnecessary and did not further his case in any way. Nonetheless, Plaintiff's counsel was required to review these emails and letters to ensure a response was not appropriate or necessary. Many of these letters and emails were directed at various attorneys employed by McCabe Trotter & Beverly, PC but who had never entered an appearance in this matter. Some of the communications were sent to anyone other than Stephanie Trotter Kellahan, Plaintiff's current counsel of record. Mr. Nix's refusal to appropriately direct these communications required various members of Plaintiff's counsel's law firm to expend time reviewing the communication and redirecting them to Mrs. Kellahan. In addition to the testimony presented in Mrs. Kellahan's affidavit, the court is aware of many of these issues because Mr. Nix included the Master's office in much of the extraneous communications. This Court has received correspondence from Mr. Nix which, when stacked, is over nine (9) inches tall. Additionally, the court has over six inches of transcripts from hearings in this matter. Most of this correspondence consists of attacks on this court and the South Carolina Judiciary. This was not a typical homeowners' association foreclosure.

Nix has commenced two appeals in the circuit courts and eight appeals to the Court of Appeals. The Court of Appeals has dismissed six of Nix's appeals because he refuses to order transcripts, submit initial briefs, or prepare the record on appeal. In appellate case 2018-000056 Nix managed to file sixteen separate motions without ever filing an initial brief. These motions included two motions styled as "just do the proper and prudent thing," challenges to the court's jurisdiction because a filing didn't have a date stamp, and requests to remand the case back to the trial court for further litigation. Each of the appeals to the circuit court were also denied.

As previously noted, in one of the Charleston County cases, 2018-CP-10-03318, Nix attempted to subpoena a circuit court judge and his law clerk to testify about why the trial judge ruled in favor of the other party's motion to substitute counsel. Nix's actions were so egregious

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and frivolous that the Honorable Judge Maite Murphy entered an order directing the Charleston County Clerk of Court to reject any filing from Nix unless it was signed by a licensed attorney. It was that injunction that caused Nix to file the instant action in Richland County instead of Charleston County.

A review of our judicial department's case management system clearly shows a pattern of frivolous and vexatious conduct by the Plaintiff. He files suit on behalf of parties without any authority and names anyone and everyone remotely connected to the property located at 1401 Densmore Circle. When a court rejects his frivolous claims he accuses the judges of being corrupt or incompetent. If his cases are dismissed he files an appeal but refuse to take even the simplest of steps to progress that appeal.

Based on the pleadings, review of the judicial department's case management system, and arguments of counsel, the Court finds that Defendant has made the requisite showing that Plaintiff's motions and filings are frivolous and unduly burdensome. For all of the foregoing reasons, this Court finds that sanctions are appropriate pursuant to FCPSA. Therefore, the Court hereby **GRANTS** the Defendant's request for a Gatekeeper Order, and hereby imposes an prefiling injunction directing the Richland County Clerk of Court reject any filings from Alan G. Nix unless they are signed by an attorney licensed in South Carolina certifying that the filing complies with Rule 11, SCRCP.

b. **Legal Fees associated with the Motion for Sanctions are GRANTED.**

In accordance with the FCPSA, S.C. Code Ann. § 15-36-10(G)(1), the Defendant has also moved this Court to sanction the Plaintiff by ordering him to pay attorneys' fees associated with the preparation and participation related to the Defendant's Motion to Dismiss and Motion for

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Sanctions. As noted above, the Court has wide discretion when ordering sanctions, including the ability to order payment of reasonable costs and attorney's fees S.C. Code Ann. § 15-36-10(G).

Plaintiff's brazen decision to circumvent Judge Murphy's Gatekeeper Order in Charleston by filing not one, but two practically identical lawsuits in Richland County, indicate that prior sanctions and rulings of the courts have not deterred the Plaintiff. Despite being sanctioned in several matters, Plaintiff continues to file frivolous actions, abusing the judicial system and forcing the same parties to continuously defend and relitigate claims that Plaintiff has already lost. Plaintiff's behavior is a continual demonstration that he view litigation as a game. It would be inequitable to allow the Plaintiff to continue this behavior without monetary sanctions in addition to the equitable sanctions granted herein. Therefore, the Court hereby GRANTS the Defendant's request and order Plaintiff to pay legal fees incurred by Churchill Park associated with the Motion to Dismiss and Motion for Sanctions in the amount of **Five Thousand, Two Hundred and Ninety Dollars ($5,290.00)**, which this Court finds reasonable.

CONCLUSION

IT IS THEREFORE ORDERED that:

1. Churchill Park's Motion to Set Aside Entry of Default is GRANTED;
2. the Complaint is DISMISSED with prejudice;
3. The Clerk of Court of Richland County is ordered to reject any filings from reject any filings from Alan G. Nix, unless they are signed by an attorney licensed in South Carolina certifying that the filing complies with Rule 11, SCRCP.
4. Plaintiff is ordered to pay legal fees incurred by Churchill Park in the amount of **$5,290.00**; and
5. Plaintiff's Motion for Prejudgment Lien and Motion for Continuance are DENIED.

IT IS SO ORDERED.

[*SIGNATURE PAGE TO FOLLOW*]

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Richland Common Pleas

Case Caption: Alan G Nix vs Churchill Park

Case Number: 2020CP4006054

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

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