

# The South Carolina Court of Appeals

Alan G. Nix, Appellant,

v.

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

Appellate Case No. 2023-000781

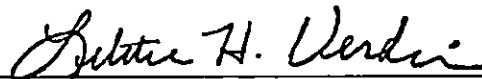
---

## ORDER

---

On May 3, 2023, Appellant filed a notice of appeal regarding three orders issued by the circuit court. On May 11, 2023, Appellant filed a motion to remand the case to the circuit court to allow various motions to be ruled upon by the circuit court. No return was filed. After careful consideration, we deny the request. *See* Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal.").

On June 19, 2023, Respondents filed a motion to dismiss this appeal because Appellant had not filed his initial brief and designation of matter within the time limits. On June 29, 2023, Appellant responded that he relied upon his motion to remand to toll the time period for filing his brief. We deny Respondents' motion to dismiss. Appellant shall file his initial brief and designation of matter within fifteen days of the date of this order. Because the motion to remand did not automatically toll the time period for filing his initial brief, Appellant must file a motion for leave of court to file out of time contemporaneously with his initial brief, and he must pay the required filing fee for a motion.



---

FOR THE COURT

Columbia, South Carolina

cc:

**FILED**  
**Jul 11 2023**

---

Alan G. Nix  
Stephanie Carol Trotter, Esquire  
Victoria Morgan Bryant, Esquire  
Churchill Park Homeowners' Association, Inc.