

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

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

**JUL 26 2023
SC Court of Appeals**

The Honorable? George McFaddin

Case No.: 2020-CP-40-06054

Appellate Case No. 2023-000781

Alan G. Nix

Appellant,

v.

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

Respondents,

**APPELLANT'S MOTION FOR LEAVE TO FILE INITIAL BRIEF LATE AND PLACE
CASE BACK IN HELD IN ABEYANCE STATUS UNTIL AFTER APPEAL 2022-01155
HAS BEEN RESTORED AND COMPLETED**

The exhibits included with this motion are incorporated by inclusion / reference.

This Court, by it's Clerk, mailed a letter dated 16 June 2023 regarding appellate case 2022-001155. This letter stated, as stated in you all's letter dated 23 Aug 2022, that because Appellant was not an attorney licensed to practice law in the state of South Carolina that no action will be

taken and your appellate case file for case 2022-001155 was closed. What that letter did not address was the motion to add three more orders from case 2020-CP-40-05255 that was filed on 3 May 2023 that directly contradicted the orders and alleged assumptions from 2022. A reasonable person would almost certainly conclude that one of the reasons that letter did not address my 3 May 2023 motion to add three orders to appellate case 2022-01155 is because, even after transacting the \$50.00 check included with that motion, your Clerk's office did not properly file that motion and the accompanying orders. I filed a response to that letter on 26 Jun 2023, a portion of which is included as Exhibit A, that directly addressed these issues and, among things, requested that the original motion from 3 May 2023 be filed with appellate case 2022-001155 no later than 28 June 2023.

As of today, 30 (thirty) days later, there is no indication whatsoever that your Clerk has taken any action at all to remedy her failure to properly perform her job duties. Given this fact pattern, a reasonable person can only conclude that Ms. Abbott-Kitchings conduct is due to something other than mere mistake or accident.

Given the Respondent's conduct in these matters, including but not limited to their attorneys and their attorneys' attorneys, these two cases are inextricably linked and filing an initial brief in this matter can not be properly done until the issues with case number 2020-CP-40-05255 / appeal 2022-001155 are addressed, which, once again, it appears almost certain at this point that your Clerk / Clerk's Office has no intention to assist in accomplishing without being compelled to do so.

The primary issue from appeal 2022-001155 that must be addressed before this appeal can move forward is whether or not Appellant Alan Nix is, or is not, a Plaintiff in case 2020-CP-40-05255. As stated previously, Mr. Countryman and Mr. Wood, McCabe & Trotter's attorneys, along with Judge Newman, claim that the only plaintiffs are Norma Nix and the Estate of Norma Nix while McCabe & Trotter and "Churchill Park", and potentially Churchill Park Homeowners' Association, Inc., along with Judge McFaddin, claim that the plaintiffs are Norma Nix, the Estate of Norma Nix AND Alan Nix. This dispute among highly related parties, (Countryman, Wood, McCabe & Trotter, Judge Newman, "Churchill Park" and McFaddin), which also can not be reasonably construed as being mere mistake or accident, must be fully settled before any fair and legal progress can be made on this appeal.

Consequently, the Appellant in this matter is preparing a Petition to compel Ms. Jenny Abbott-Kitching to perform her Clerk's job responsibilities correctly, including but not limited to, filing the original motion from 3 May 2023 in case 2022-001155 and retracting and explaining her "No Action" letter dated 16 June 2023.

Appellant requests the Court of Appeals to:

1. Clarify if the denying of Respondents motion to dismiss constituted the granting of the Appellants requests for relief contained in his Return to the motion to dismiss.
2. Place this case back in Held in Abeyance status until after appeal 2022-001155 is restored and properly completed.
3. Grant Appellant's motion for leave to file initial brief late.
4. Clarify if this court's order dated 11 July 2023 where it cites Rule 205, SCACR as the reason for denying Appellant's motion to remand means that the SC Court of Appeals lacks any and all discretion to remand a case back to a lower court once a notice of appeal is filed.
5. Clarify if Respondent Churchill Park Homeowners' Association, Inc. is represented by an attorney licensed to practice law in the state of South Carolina, and if not, take appropriate action related to that issue.
6. any other and further relief as the Court deems just, prudent and proper.

July 26, 2023

Respectfully submitted,



Alan G. Nix
c/o Michael & Taryn Lazroff
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170

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Respondents,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellant Alan Nix's Motion to place back in abeyance until appeal 2022-001155 is properly managed, etc. was served upon the parties listed below by mailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 26th day of July 2023 to:

Stephanie Trotter
"Churchill Park"
4500 Fort Jackson Blvd.
Columbia, SC 29209

Lee Janseen
Churchill Park Homeowners Assoc, Inc.
1132 Willoughby Ln.
Mt. Pleasant, SC 29466

Patricia Howard
Clerk of Court, SC Supreme Court
1231 Gervais St.
Columbia, SC 29201

Office of Disciplinary Counsel
1220 Senate St.
Columbia, SC 29201

Bob Wood
Rogers, Townsend & Thomas
1221 Main St., 14th Floor
Columbia, SC 29201

Greg Hilton, President
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23185

Dated: July 26, 2023

Respectfully submitted,

By:

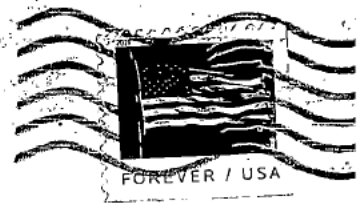


Alan G. Nix
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1401 Densmore Circle
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CLERK, COURT OF APPEALS
1220 SENATE ST.
COLUMBIA, SC 29201

COLUMBIA SC 290

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SC Court of Appeals

Ref
ALAN NIX
c/o MICHAEL + TAYLOR LAZROFF
1401 DENS
MT. PLEASANT

NIXIE 296 DE 1 0008/18/23

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

REF

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