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**Dec 05 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable George M. McFaddin, Jr.

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Appellate Case No. 2023-000781

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Alan G. Nix

Appellant,

v.

Churchill Park and Churchill Park Homeowners' Association, Inc.

Respondents,

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**RESPONDENT CHURCHILL PARK'S PETITION FOR COSTS**

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Pursuant to Rule 222, SCACR, Respondent Churchill Park ("HOA") hereby moves for the taxation of costs against Appellant. In support of this Petition, Respondent would show as follows.

On May 3, 2023 Appellant filed his Notice of Appeal in this matter. Thereafter, on May 8, 2023, Appellant filed a Motion to Remand to the trial court, which was denied by order dated July 11, 2023. Appellant then filed a motion to hold the matter in abeyance on July 26, 2023. By order dated September 11, 2023, this Court denied said motion and ordered that Appellant file his initial brief and designation of matter no later than September 26, 2023. Appellant did not file anything further and this Court dismissed the appeal by order dated November 9, 2023. Remittitur was issued by this Court on November 30, 2023. Notably, this is at least the sixth appeal filed by

Appellant that has been dismissed for failure to order a transcript or file the initial brief.<sup>1</sup>

Pursuant to Rule 222(a), SCACR, “Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” The recoverable amounts include an attorney’s fee in an amount set by Order of the Supreme Court.”<sup>2</sup> Rule 222(b), SCACR. Because the appeal was dismissed due to Appellant’s failure to file his brief, costs are taxable against Appellant pursuant to Rule 222, SCACR, and HOA is entitled to an award of costs. HOA has not incurred any costs and seeks only an award of attorney’s fees. HOA submits that this award is appropriate in light of Appellant’s repeated abuses of the appellate court system and as a deterrent to repeated future filings.

WHEREFORE, HOA prays that attorney’s fees be taxed against Appellant in the amount of \$2,500, as set forth in itemized statement of costs accompanying this motion.

December 4, 2023

/s Stephanie Trotter Kellahan  
Stephanie Trotter Kellahan (SC Bar 77680)  
McCabe Trotter & Beverly, PC  
4500 Fort Jackson Blvd., Suite 250  
Columbia, SC 29209  
Office: (803) 724-5000  
Fax: (803) 724-5001  
Email: stephanie.kellahan@mccabetrotter.com  
**ATTORNEY FOR RESPONDENT CHURCHILL  
PARK**

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<sup>1</sup> See Appellate Cases 2019-001878; 2019-001951; 2020-000676; 2020-001304; and 2021-000074

<sup>2</sup> Currently \$2,500.

Exhibit A  
ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against:

Alan G. Nix, Appellant.

<b>COSTS TAXABLE UNDER RULE 222, SCACR</b>	<b>NO. OF PAGES</b>	<b>RATE</b>	<b>REQUESTED</b>	<b>ALLOWED (For Court Use Only)</b>
Cost of Printing or Copying Final Brief				
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's Transcript				
Attorney's Fee Provided By Rule 222(b), SCACR			<b>\$2,500.00</b>	
Other (specify and explain):				
		<b>TOTAL</b>	<b>\$2,500</b>	

I, Stephanie Trotter Kellahan, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel/party.

*Stephanie Kellahan*

Stephanie Trotter Kellahan (SC Bar 77680)  
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**ATTORNEY FOR RESPONDENT  
CHURCHILL PARK**

SWORN to before me this  
5 day of November, 2023  
Jamie L. Porter (L.S.)  
Notary Public for South Carolina  
My Commission Expires: March 3, 2031



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Appellant,

Respondents,

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PROOF OF SERVICE

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I hereby certify that on December 5, 2023, I caused to be served Churchill Park's Motion for Costs upon Appellant by mailing a copy of same by first-class U.S. Mail addressed as follows:

**Alan G. Nix**  
**1401 Densmore Circle**  
**Mt. Pleasant, SC 29466**

/s Stephanie Trotter Kellahan

Stephanie Trotter Kellahan (SC Bar 77680)

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**ATTORNEY FOR RESPONDENT CHURCHILL  
PARK**