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SC Court of Appeals

18 SEPT. 2024

DEAR CLERK,

PLEASE FIND ENCLOSED THE FIRST TRANSCRIPT FOR THE APPEAL
FILED 7 AUG 2024. EG. CHURCHILL PARK HOMEOWNERS ASSOCIATION,
INC. V. NORMA NIX, ESTATE OF NORMA NIX, ALAN NIX.

BASED ON A VERY QUICK REVIEW JUST NOW, IT STILL HAS NOT
BEEN CORRECTED.

I WILL ADDRESS THIS ISSUE IN THE MOTION TO PUT THIS APPEAL
ON HOLD PENDING RESOLUTION OF ITS SISTER APPEAL FILED TODAY
AS THE STATE OF SOUTH CAROLINA V. ALAN NIX.

BEST REGARDS,

Al Nix

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF RICHLAND) CASE NO.: 2020-CP-40-5255
3) 2020-CP-40-6054
4 Churchill Park)
5 Plaintiff,)
6 vs.)
7 Alan G. Nix and the Estate of) HEARING
8 Norma Nix and State Street) JUNE 18, 2024
9 Holdings,)
10 Defendant(s).))
11)
12)

13 -- Hearing reported by Susanna M. Amstutz, Court
14 Reporter and Notary Public in and for the State of South
15 Carolina; pursuant to Rule 30 of the South Carolina Rules
16 of Civil Procedure; said hearing was taken before The
17 Honorable Joseph M. Strickland at the Richland County
18 Courthouse, 1701 Main Street, Columbia, South Carolina, on
19 Tuesday, the 18th day of June, 2024; commencing at the
20 hour of 2:45 p.m.
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A P P E A R A N C E S :

REPRESENTING THE PLAINTIFF:

STEPHANIE TROTTER KELLAHAN, ESQUIRE
McCabe Trotter & Beverly, P.C.
4500 Fort Jackson Boulevard, Suite 250
Columbia, South Carolina 29209
(stephanie.kellahan@mccabetrotter.com)

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C O N T E N T S :

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EXHIBIT INDEX: PAGE:

(*No exhibits were marked during this proceeding)

Court Reporterâ€™s Legend:

- Dashes [--] Intentional or purposeful interruption
- ... Indicates trailing off
- [ph] Denotes phonetically written
- [sic] Written as said

S T I P U L A T I O N S

1
2 This hearing is taken in accordance with the
3 Federal Rules of Civil Procedure.

4 THE COURT: All right. This is Civil Action
5 Number 2020-CP-40-5255 and Civil Action Number
6 2020-CP-40-6054, Alan Nix versus Churchill Park.
7 Explain to me why he is the plaintiff.

8 MS. KELLAHAN: Your Honor, Alan Nix filed suit
9 here in Richland County in two cases almost back
10 to back against Churchill Park, among other
11 defendants. Churchill Park answered that
12 complaint with a motion to dismiss and a request
13 for sanctions. Judge Newman granted that motion
14 to dismiss and entered an award of attorneys fees
15 against Mr. Nix as sanctions for filing a
16 frivolous proceeding. Those judgments for
17 sanctions are what we are here today in an attempt
18 to collect.

19 We are aware of an appellate bond. Mr. Nix posted
20 an appeal bond in the original Charleston County
21 foreclosure case. I subpoenaed that insurance
22 company. They have indicated that there is
23 \$16,281.70 that they are holding for Mr. Nix.
24 Mr. Nix would be entitled to a refund of that
25 appeal bond because the appeal was just to prevent

1 waste to the property during the appeal. The
2 appeal is over. The property has been sold.
3 Mr. Nix just hasn't taken the steps to go get the
4 appeal bond back, the underlying amount.
5 My understanding is that the insurance company has
6 been trying to locate him to give him the money
7 and have been unsuccessful, so it is our position
8 that they are holding that money. It is his. It
9 is liquid cash that can be applied to the amount
10 of the judgment.
11 Mr. Nix also, I don't see it with me, he banks at
12 Navy Federal Credit Union, and we have a check
13 that he used. He sent to us throughout prior
14 litigation. I subpoenaed Navy Federal Credit
15 Union. I did not get a response. But we would
16 ask the court to enter an order directing them to
17 pay enough funds out of any account held by
18 Alan Nix to satisfy this judgment.
19 THE COURT: All right. These are supplemental
20 proceedings we're in. Right?
21 MS. KELLAHAN: Yes, sir.
22 THE COURT: Okay. Do you have a checking account
23 number?
24 MS. KELLAHAN: I do. I'm sorry. I don't think I
25 brought it with me today.

1 THE COURT: All right.

2 MS. KELLAHAN: But I could put it in the order.

3 THE COURT: Do you know if the account's still
4 open?

5 MS. KELLAHAN: I believe it is based on other
6 correspondence that Mr. Nix has written. He's a
7 prolific writer, and he copies everybody that he's
8 ever come across in this case when he emails and
9 writes correspondence, and we believe he still has
10 that Navy Federal Credit Union account.

11 THE COURT: All right. Let me get this clear.
12 The funds you're trying to seek, though, are an
13 appeal bond?

14 MS. KELLAHAN: We have two different sources we're
15 trying to seek. One is the appeal bond. If it is
16 sufficient to pay the judgments, then we don't
17 need to go any further. But to the extent that
18 Mr. Nix is going to claim any sort of exemption,
19 we would also like to attach the Navy Federal
20 Credit Union funds as well.

21 THE COURT: All right. How much is the judgments?

22 MS. KELLAHAN: The judgments would total, one of
23 them with interest is \$5,604.01. The other one
24 with interest is \$5,988.93. That is a total of
25 \$11,592.94.

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THE COURT: All right. Motion's granted. If you'll e-file an order, we'll take care of it.

MS. KELLAHAN: Thank you, Your Honor.

(There being no further questions, the deposition concluded at 2:49 p.m.)

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CERTIFICATE OF REPORTER

I, SUSANNA M. AMSTUTZ, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I REPORTED THE HEARING IN THE CASE OF CHURCHILL PARK VS. ALAN G. NIX AND THE ESTATE OF NORMA NIX AND STATE STREET HOLDINGS, ON TUESDAY, THE 18TH DAY OF JUNE, 2024; AND THAT THE FOREGOING 7 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF SAID HEARING.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO ALAN G. NIX, 1401 DENSMORE CIRCLE, MOUNT PLEASANT, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 9TH DAY OF JULY, 2024.

Susanna M Amstutz

SUSANNA M. AMSTUTZ, COURT REPORTER

MY COMMISSION EXPIRES: 12/17/2027

TRANSCRIPT NBR. 1: CHURCHILL PARK HOMEOWNERS ASSOCIATION, INC.
MC CABE, TROTTER, CHURCHILL PARK, ETC.

V.
NORMA NIX, ESTATE OF NORMA NIX, ALAN NIX,
V.
SOME STREET HOLDINGS CO. LLC

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1220 SENATE ST.
COLUMBIA, SC 29201