

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

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

The Honorable Mikell R. Scarborough, Master in Equity

Case No. 2014-CP-10-05407
2017-CP-10-04031

Churchill Park, Respondent

v.

**Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix, Defendants,
of which Alan G. Nix is the Appellant**

**NOTICE OF APPEAL
(amended)**

Alan G. Nix appeals the Orders of the Honorable Mikell R. Scarborough for Case number 2014-CP-10-05407 as follows:

1. Order ending case for Rule 40(j), filed March 23, 2016
2. Order restoring case Rule 40(j), filed May 9, 2017

For Case number 2017-CP-10-04031 and / or case number 2014-CP-10-05407, the following Orders of the Hon. Mikell R. Scarborough are being appealed.

3. Order restoring case Rule 40(j), filed August 8/9, 2017
4. Order filed September 29, 2017: 1) granting Plaintiff's Motion to Quash Defendant's subpoenas for trial, 2) denying Defendant's Motion to Disqualify Plaintiff's Counsel, 3) denying Motion to Stay, 4) denying Defendant's Motion for Summary Judgement, 5)

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denying Defendant's Motion to Add Additional Parties argued 9/18/2017, 6) denying Defendant's Motion to Correct Error filed August 8, 2017, 7) denying Defendant's Motion to Join filed August 7, 2017.

5. Order denying Defendant's Motion for Reconsideration, filed October 31, 2017
6. Final Order, filed November 9, 2017
7. Order filed December 1, 2017: 1) granting Plaintiff's motion to Quash post trial subpoenas and discovery 2) denying Defendant's Motion for a Directed Verdict 3) denying Defendant's Motion for Reconsideration of Orders Dated September 29, 2017 and October 31, 2017 4) Denying Defendant's Motion to Alter or Amend November 9, 2017 Order or for New Trial.

The Appellant received written notice of entry of the Master's order denying Defendant's Rule 59 Motion to Alter or Amend the Order dated November 22, 2017 on December 8, 2017. The Master in Equity, in error, scheduled the Rule 59 Motion to Alter or Amend to be argued on November 29, 2017, adding it to the Motion Roster after 4:30 PM on November 28, 2017 for a motion hearing at 9:30 AM November 29, 2017.

This Notice of Appeal is being filed on January 8, 2017 to ensure a timely appeal is filed. Appellant would like to inform the Court of Appeals that four outstanding motions of the Appellant remain to be heard and ruled upon by the lower court. The outstanding motions are as follows:

1. Motion to Restore Case due to Dismissed in Error, filed November 28, 2017
2. Motion for Judicial Recusal, filed November 29, 2017
3. Motion for Relief from Order dated December 1, 2017, filed December 18, 2017.
4. Motion to Amend Motion to Alter or Amend the Order dated November 9, 2017, filed December 18, 2017.

This Appellant currently expects these motions to be heard in February 2018. One additional motion seeking clarification of several of these Orders will be filed with the Charleston County Clerk of Court no later than January 31, 2017. Considering these motions address with specificity rather basic procedural errors related to the trial and motion hearing(s), as well as both matters of Law and Fact, Appellant is optimistic that the lower Court will be able

to appropriately resolve these issues either in favor of the Appellant (Defendants), or order a new trial before the Court of Appeals requires a brief.

January 26, 2018

Respectfully submitted,



Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 729-2400
alan.g.nix@gmail.com

Other Counsel of Record:

Plaintiff's Attorneys:

Stephanie Trotter, Esq.

Todd Musheff, Esq.

Joel Deason, Esq.

Of

McCabe, Trotter & Beverly, PC

P.O. Box 212069

Columbia, SC 29221

Defendant Estate of Norma J. Nix Attorney

Sally Newman, Esq.

1630 Meeting Street

Charleston, SC 29405

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

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

The Honorable Mikell R. Scarborough, Master in Equity

**Case No. 2014-CP-10-05407
2017-CP-10-04031**

Appellate Case No. 2018-000056

Churchill Park, Respondent

v.

**Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix, Defendants,
of which Alan G. Nix is the Appellant**

**NOTICE OF APPEAL
(amended)**

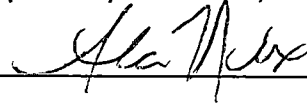
I certify that I served the Amended Notice of Appeal on the Respondent's attorneys of record, Stephanie Trotter, Esq., Joel Deason, Esq., and Todd Musheff at their address of McCabe, Trotter & Beverly, PC, P.O Box 212069, Columbia, SC 29221 by depositing a copy of it in the United States Mail, postage paid, on January 26, 2017.

The Notice of Appeal was also served on Appellant, the Estate of Norma J Nix, by depositing a copy of it in the United States Mail, postage paid, on January 26, 2017, addressed to their attorney of record, Sally Newman, Esq., at her address of Charleston Legal Access, 1630 Meeting Street, Charleston, SC 29405.

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January 26, 2018

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alan Nix", is written over a horizontal line.

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26 January 2018

Alan Nix
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Hon. Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

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RE: AMENDED NOTICE OF APPEAL - Appellate Case No. 2018-000056
Churchill Park v Nix et al / Case No. 2014-CP-10-05407 and 2017-CP-10-04031

Dear Ms. Abbott Kitchings,

In reference to your letter dated January 17, 2018 regarding the above captioned action, please find enclosed an original and one copy of the Amended Notice of Appeal as well as a Proof of Service to the Attorneys of Record for this case.

Please file the original of record with your office and return to me the copy marked "File – Appellant copy" stamped by your office via the enclosed self-addressed postage paid envelope. Thank you very much for your assistance with this matter.

Best regards,



Alan Nix

NK
1401 DAINSHORE CIRCLE
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