

16 April 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

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

Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Todd Musheff
Law Offices of Todd M. Musheff
1121 Park West Blvd., Ste B, 148
Columbia, SC 29466

Stephanie Trotter
McCabe, Trotter & Beverly, PC
PO Box 212069
Columbia, SC 29221

Sally Newman
Charleston Legal Access
1630 Meeting St.
Charleston, SC 29405

Joel Deason
McCabe, Trotter & Beverly, PC
P.O. Box 212069.
Columbia, SC 29221

Judge Scarborough
100 Broad St., Ste. 266
Charleston, SC 29401

RECEIVED
APR 19 2018
SC Court of Appeals

RE: Dismissal of 2018-000174 dated 5 April 2018
AMENDED NOTICE OF APPEAL - Appellate Case No. 2018-000056
Churchill Park v Nix et all / Case No. 2014-CP-10-05407 and 2017-CP-10-04031

Dear Ms. Abbott Kitchings,

In reference to the Order filed 5 April 2018, received 7 April 2018, dismissing Appellate Case No. 2018-000174 for failure to timely serve notice of the appeal, I would like to raise to your attention, as well as Judge Lockemy's attention, that the case apparently created as 2018-000178 was in response to your letter dated January 17, 2018 for Appellate Case No. 2018-00056 to provide required corrections within ten days. The intent was not to create a new Appellate case.

As your letter dated January 17, 2018 suggested, in addition to filing the amended appeal of case number 2018-000056 within ten days to correct the deficiencies cited, I included other related for Orders for cases 2014-CP-10-05407 and 2017-CP-10-04031 required in the amended appeal for 2018-000056.

Of additional note related to the Amended Appeal:

1. A payment for a second appeal was not included with the Amended Appeal as it was intended to amend 2018-000056, not create a new / second Appeal.
2. Judge Scarborough's Order dated November 9, 2017, currently associated with Appeal Number 2018-000056, remains to be filed with the Lexington County Clerk of Court as required by the Order of Reference signed by Clerk of Court Julie Armstrong on November 14, 2014, filed November 18, 2014. A copy of the Order of Reference from November 18, 2014, which Judge Scarborough has consistently relied upon to maintain jurisdiction of both case 2014-CP-10-05407 and 2017-CP-10-04031, along with a listing of cases in Lexington County as of today is included for your ease of reference. You will note that no cases display as of today in Lexington County under my name.

Consequently, given 2018-000056 is currently dismissed pending rulings on the open motions filed prior to the filing of the Notice of Appeal resulting in case number 2018-000056, I am including check number 620, drawn upon Navy Federal Credit Union, to reinstate Appeal 2018-000174 for all orders previously submitted with the amended appeal, with the exception of Judge Scarborough's Order dated November 9, 2017.

I have included a self-addressed envelope, with postage affixed, for your office to return a stamped original. Thank you very much for your assistance with this matter.

Best regards,



Alan Nix

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)

FILED
2018 JAN 31 PM 1:45
JULIE J. ARMSTRONG
CLERK OF COURT
RY

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

26 January 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

RECEIVED
APR 19 2018
SC Court of Appeals

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

Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Todd Musheff
McCabe, Trotter & Beverly, PC
PO Box 212069
Columbia, SC 29221

Stephanie Trotter
McCabe, Trotter & Beverly, PC
PO Box 212069
Columbia, SC 29221

Sally Newman
Charleston Legal Access
1630 Meeting St.
Charleston, SC 29405

Joel Deason
McCabe, Trotter & Beverly, PC
P.O. Box 212069.
Columbia, SC 29221

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

The South Carolina Court of Appeals

Churchill Park, Respondent,

v.

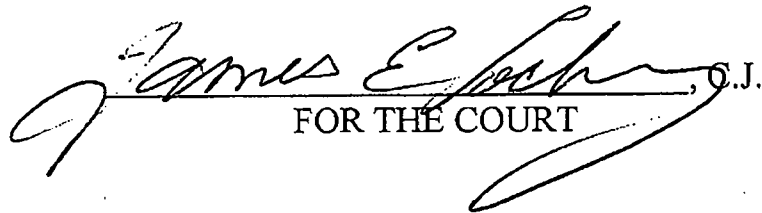
Alan G. Nix, Norma J. Nix and the Estate of Norma J.
Nix, Defendants,

of whom Alan G. Nix is the Appellant.

Appellate Case No. 2018-000174

ORDER

The notice of appeal indicates this appeal is taken from multiple orders, and indicates the appellant received written notice of entry of the order denying his motion to alter or amend on December 8, 2017. The proof of service of the notice of appeal shows service on the respondents on January 26, 2018. The appeal is dismissed for failure to timely serve the notice of appeal. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty days after receipt of written notice of entry of the order or judgment."). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Alan G. Nix
Stephanie Carol Trotter, Esquire
Sally C. Newman, Esquire

FILED

April 5, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

DOCKET NO. 2014-CP-10-05407

Churchill Park

Plaintiff,

ORDER OF REFERENCE

v.

Alan G. Nix and Norma J. Nix,

Defendant(s).

FILED
2014 NOV 18 AM 10:50
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

017990/00010

Pursuant to Rules 53(b) of the South Carolina Rules of Civil Procedure, the above-entitled case is an action for foreclosure and may be referred to a Master in Equity or Special Referee in the above-entitled county by order of a circuit court judge or the clerk of court.

IT IS HEREBY ORDERED, that this action is referred to the The Honorable Mikell R. Scarborough, as Master in Equity to take testimony and to direct entry of final judgment in this action under Rule 53(b), SCRPC, and all matters arising from or reasonably related to such action. The Master in Equity shall retain jurisdiction to perform all necessary acts incident to this foreclosure action including issuance of a writ of assistance or issuance of any rule to show cause including but not limited to any rule to show cause why a party should not be bound by the judgment of foreclosure. Further, the Master in Equity shall retain jurisdiction to hear any action contesting the validity of the foreclosure action or sale or any motions pursuant to the South Carolina Rules of Civil Procedure including but not limited to Rule 60(b). Judicial sales will be conducted pursuant to S.C. Code Section 15-39-680 or on any other convenient sale's date as may be determined by the Master in Equity/Special Referee.

The hearing shall be held in the Office of The Honorable Mikell R. Scarborough, Master in Equity for Charleston County, located at:

100 Broad Street
Suite 266
Charleston, South Carolina 29401

and the final order by the Master in Equity or Special Referee shall be filed with the Clerk of Court for Richland County not later than sixty (60) days after the date of the hearing.

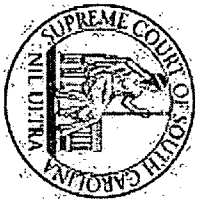
Julie J. Armstrong

 Circuit Court Judge for Charleston County or
 Clerk of Court for Charleston County

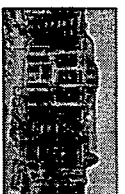
Chas

South Carolina
11/14, 2014.

PAID
Date 11/12/14
Amount \$125
MIKELL R. SCARBOROUGH
MASTER IN EQUITY
By: *AS*



Lexington County Eleventh Judicial Circuit Public Index



Lexington County Home Page South Carolina Judicial Department Home Page S.C. GOV Home Page

Search By... Court Type All Courts Court Agency All Agencies

Case # Case Type All Case Types Case SubType All Case Sub-Types

Last Name/Business nix First alan Middle Suffix Party Type All

Action Type All Actions

Date Type Beginning Ending

Tax Map# From Through

Only for Civil Cases... Index Search All Lis Pendens Judgments Cross Index Search All Judgment For Judgment Against

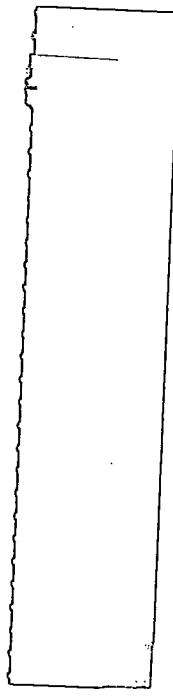
Name Search Option Begins With Contains

CMSWeb 6.1 © 2013 South Carolina Judicial Department • All rights reserved

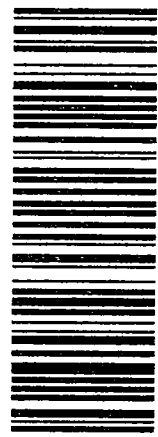
Your search did not return any results

OK

NIX
1401
DORRINE CRAIG
MT. PLEASANT, SC 29466



SECURITY MAIL



7017 3040 0000 4968 2715

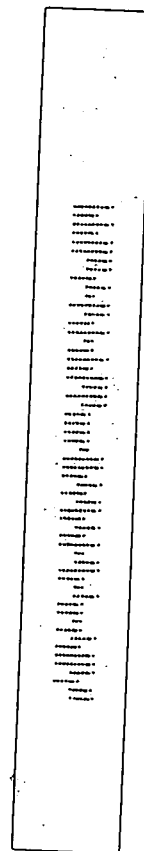


1000



29211

U.S. POSTAGE
PAID
MOUNT PLEASANT, SC
29464
APR 15, 18
AMOUNT
\$7.62
R23044N118184



RECEIVED
APR 19 2018

SC Court of Appeals

RETURN RECEIPT
REQUESTED

HONORABLE TERRY ABBOTT KIRKMAN
SC COURT OF APPEALS
PO Box 11629
COLUMBIA, SC 29221

