

26208

**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

Appellate Case Number 2018-000056

**APPELLANT'S MOTION FOR PERMISSION TO ORDER TRANSCRIPTS OUTSIDE
OF FILING DEADLINES OF RULE 207**

Appellant Alan G. Nix moves this Court for permission to order the remainder of the transcripts for the above referenced Appellate case outside of the filing deadlines of Rule 207. This Appeal was dismissed without prejudice by Order dated April 5, 2018 and consolidated with Appellate Case Number 2018-000174 and reinstated by the Court by Order dated May 9, 2018. Appellant has already ordered and received the majority of the transcripts required and has fully complied with the Court's letter dated May 11, 2018 by requesting the remaining transcripts from the Court Reporter and providing the currently requested funds for the same as of the date of this Motion

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Appellant Alan G. Nix respectfully requests the Court grant this Motion and allow Appeal 2018-000056 to proceed forward.

Dated: May 20, 2018

Respectfully submitted,



Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991.4170
alan.g.nix@gmail.com

Other Counsel of Record:

Plaintiff's Attorneys:

Stephanie Trotter, Esq.
McCabe, Trotter & Beverly, P.C.
Columbia, SC 29221

Defendant Attorney:

Norma J. Nix (2014-5407) and the Estate of
Norma J. Nix (2017-4031)
Sally Newman, Esq.
1630 Meeting Street
Charleston, SC 29405

20 May 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Ms. Christine Smith
Sandlapper Reporting, LLC
P.O. Box 30276
Charleston, SC 29417

RE: Transcript request for remaining transcripts for 2014-CP-10-05407 and 2017-CP-10-04031
S.C. Court of Appeals Case Number 2018-000056

Ms. Smith,

I, and my late wife in 2016, previously requested and have received transcripts for the following hearings for cases 2014-CP-10-05407 and 2017-CP-10-04031.

2014-CP-10-05407

1. 1 December 2015
2. 21 March 2016 - see additional information below.
3. 4 May 2017
4. 7 August 2017

2014-CP-10-05407 / 2017-CP-10-04031

1. 18 September 2017
2. 25 September 2017
3. 26 September 2017 – partial – see additional information below
4. 29 November 2017

I am in the process of verifying receipt of all of these transcripts with the exception of the known remainder of the transcript for the 26 September 2017 hearing.

As you will note, Ms. Abbott Kitchings, the Clerk of Court of the S.C. Court of Appeals is copied.

This letter is to both request the remainder of the transcript for the hearing on 26 September 2017 and to properly meet the Court of Appeals requirement for me to request the transcripts of hearings related to my appeal of case numbers 2014-CP-10-05407 and 2017-CP-10-04031 by 21 May 2018.

Consequently, I am sending this letter via certified mail to both you and Ms. Kitchings. (Given the situation with the Wando bridge being closed, the traffic getting from Mount Pleasant to the court house is quite difficult to say the least.) I have also enclosed check number 748, drawn on Navy Federal

Credit Union, and in the amount of \$701.90, to request the remainder of the transcript from the 26 September 2017 hearing. I believe based on our previous communications, the \$701.90 amount is either accurate or very close to the amount required. Please let me know soonest if additional payment is required by some chance.

Of additional note, given our discovery last July that the transcript of 21 March 2016 was inaccurate, and Judge Scarborough's denial of my motion to correct the record last 29 September 2017. I have recently submitted a motion to compel the correction of the record / transcript related to the hearing on 21 March 2016. Consequently, this could require additional action related to this transcript in the future. Also, based on my initial review of the portion of the 26 September 2017 transcript I currently have, I have identified at least one concern which I will bring to your attention once I have the entire transcript and a chance to review in its entirety.

Thank you for all of your assistance to date, please let me know if you require any additional information or payment, and if not, please let me know when the remainder of the 26 September 2017 transcript is available so I may provide the required transcripts to the S.C. Court of Appeals soon thereafter.

Best regards,

A handwritten signature in black ink, appearing to read "Alan Nix". The signature is written in a cursive, flowing style.

Alan Nix

cc.

Ms. Jennie Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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May 11, 2018

Alan G. Nix
1401 Densmore Circle
Mount Pleasant SC 29466

Re: Churchill Park v. Alan G. Nix
Appellate Case No. 2018-000056

Dear Mr. Nix:

Our records reflect that the time for ordering the transcript has expired. Pursuant to Rule 207, SCACR, the appellant must order the transcript and make satisfactory arrangements for payment with the court reporter. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

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Of which Alan G. Nix is the Appellant

Appellate Case Number 2018-000056

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The undersigned certifies that a copy of the Appellant's Motion for Permission to Order Transcripts Outside of the Filing Deadlines of Rule 207 has been served upon the individuals listed below by mailing a copy of the same, postage prepaid, in the United States Mail, addressed as shown below, this 21st day of May 2018 to:

Stephanie Trotter, Esq.
McCabe, Trotter & Beverly, P.C.
P.O. Box 212609
Columbia, SC 29221


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

(Signature next page)

Dated: May 21, 2018

Respectfully submitted

By:



Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991.4170
alan.g.nix@gmail.com

21 May 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Ms. Jennie Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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RE: Churchill Park v Alan G. Nix, et al
S.C. Appellate Case Number 2018-000056
Response to letter dated 11 May 2018

Ms. Abbott Kitchings,

In response to the letter dated May 11, 2018, received May 14, 2018, a copy of which is enclosed for reference, please find enclosed for the file:

1. Copy of my letter to Ms. Christine Smith, Charleston County Master in Equity Court Reporter, requesting the remainder of the transcripts for cases 2014-CP-10-05407 and 2017-CP-10-04031.
2. Motion requesting permission to order the transcript outside of the filing deadlines of Rule 207.

Both are being sent to you today, 21 May 2018, via USPS, certified or special delivery, signature required.

Please let me know if you require any other information or more formal proof of my request for the outstanding transcripts.

Best regards,



Alan Nix

cc.

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

Ms. Stephanie Trotter
McCabe, Trotter, & Beverly, PC
P.O. Box 212069
Columbia, SC 29221

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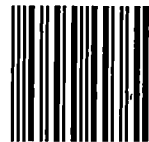
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FROM:

ALAN NIX
1401 DENSMORE CIRCLE
MT. PLEASANT, SC 29466

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TO: SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS
MS. ABBOTT KITCHINGS
CLERK OF COURT
P.O. Box 11629
COLUMBIA, SC ~~29201~~ 29211