

9 August 2018

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

**RECEIVED**  
AUG 13 2018  
SC Court of Appeals

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

RE: Letter dated 1 Aug 2018 – Ordering and notification of receipt of transcripts  
Appellate Case No. 2018-000056 / 2018-000174  
Churchill Park v Nix et all / Case No. 2014-CP-10-05407 and 2017-CP-10-04031

Dear Ms. Abbott Kitchings,

Thank you for your letter dated August 1, 2018 related to the ordering of transcripts and required notification to the Court of receipt.

Appellant would like to take this opportunity to assist the Court with correcting the statement in your letter that reads "It is noted that the May 29, 2018 motion referenced in the new notice of appeal was decided on July 17, 2018". The correct order of events are as follows. There was a motion hearing held on May 30, 2018 before Judge Scarborough. Judge Scarborough filed the Order related to the May 30, 2018 hearing on June 1, 2018. However, the notification from the Charleston County Clerk of Court's office was not received by Appellant / Defendant until June 28, 2018. Appellant / Defendant filed a Rule 59 motion related to this Order on July 6, 2018 which, as of the date of this letter, has not been heard or scheduled to be heard. Given no action was taken by the Charleston County Clerk of Court nor the Charleston County Master in Equity based on the Rule 59 motion, Appellant found it necessary to file another notice of appeal on July 16, 2018 to account for Judge Scarborough's June 1, 2018 Order.

To address the Court's concern related to the ordering and notification of receipt of transcripts related to these cases, Appellant has ordered all of the transcripts related to these cases and has received all of the transcripts ordered with the exception of the transcript for the May 30, 2018. The first transcripts for the December 1, 2015 and March 21, 2016 hearings were received in late March 2016.

The issue that exists which has not yet been resolved by informal means is the recognition by Appellant of several issues with the transcripts that require correction. Appellant has informally raised some of these issues to the Charleston County Master in Equity Court but, given no response yet, Appellant now finds it necessary to address formally with Charleston County to properly resolve before submitting to the Court of Appeals.

To assist the Court of Appeals with understanding several of the issues involved, Appellant provides this background of the cases. On September 4, 2014, Ms. Trotter filed a lawsuit against defendants Alan G Nix and Norma J Nix on behalf of a Plaintiff named "Churchill Park". After defendant's met Ms. Trotter's Motion to Compel (hearing of December 1, 2015) with the required response on January 4, 2016, the original case, 2014-CP-10-05407, was suddenly dismissed by Judge Scarborough on March 21/23, 2016 citing an alleged 40(j) agreement.

On August 20, 2016, defendant Norma J. Nix passed away after a one month serious illness.

On May 9, 2017, Judge Scarborough restored the original case, 2014-CP-10-05407 with a reason of "Reopen Case for Rule 40J – Original Case". The case continued under the old case number from May 9, 2017 until August 8, 2017, when Defendant / Appellant, paid the \$150 fee to properly restore the case.

On August 7, 2017, Ms. Newman intervened in case number 2014-CP-10-05407 on behalf of the Estate of Norma J Nix.

Hence, the Defendant's in case 2014-CP-10-05407, which Judge Scarborough restored to the original case on May 9, 2017, are Alan G Nix and Norma J Nix. The Defendant's in the properly restored case of 2017-CP-10-04031 are Alan G Nix, Norma J Nix, and the Estate of Norma J Nix.

The above background provides the basis for the Court to understand several of the more basic issues related to the transcripts that require correction. First, the transcript of August 7, 2017 cites case number 2017-CP-10-04031 and Estate of Norma J Nix, neither of which existed at the time of that hearing, specifically case 2017-CP-04031 did not exist until the next day, August 8, 2017, when Appellant paid the required \$150 restore fee. The transcript from September 18, 2017 cites case number 2017-CP-10-04031 which was not on the Master in Equity's docket that day and does not call out Defendant Norma J Nix, the defendant in case 2014-CP-10-05407, which was on the Master's docket that morning. As the Court may already be aware, it was determined in July 2017 that the only statement in the March 21, 2016 transcript that potentially appears to be accurate is Judge Scarborough's apparent statement of "I'll take it". Despite numerous attempts by Appellant to have Judge Scarborough correct the record, thus far Judge Scarborough has chosen to DENY all requests. The only transcript that Appellant is aware of that does not have any obvious defects is the December 1, 2015 transcript for case number 2014-CP-10-05407.

Given Appellant's failed attempts to date to informally resolve the issues as they are identified, Appellant is currently in the process of generating a complete list of issues related to the transcripts to present to the Court via formal motion for proper resolution.

Additionally, the Appellant would like to make the Court Of Appeals aware that Judge Scarborough filed another Order on July 27, 2018 that Defendant / Appellant has filed a Rule 59 motion for on August 9, 2018. If the Court does not take appropriate action on Defendant's Rule 59 motion related to that order by late August, that Order will also likely be appealed.

The Appellant remains optimistic that the Court of Appeals will find it proper to grant Appellant leave to file a timely 60(b) motion, especially in light of several of the more serious issues raised in the motion for reconsideration mailed July 27, 2018.

Thank you very much for your assistance with this matter.

Best regards,



Alan Nix

Cc.

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Charleston, SC 29401

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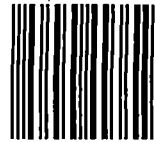
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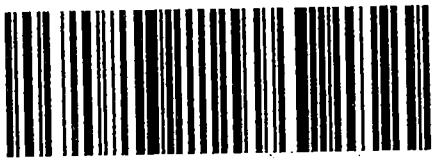
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