

25 August 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Office of Court Administration
1220 Senate St., Ste. 201
Columbia, SC 29201

RECEIVED

AUG 27 2018

SC Court of Appeals

RE: Office of Court Administration copy of letter regarding return of transcripts for correction
South Carolina Appellate Case No. 2018-000056 / 2018-000174
Churchill Park v Nix et al / Case No. 2014-CP-10-05407 and 2017-CP-10-04031

Please find enclosed a copy of the letter previously sent to the SC Court of Appeals related to the return of transcripts for correction. A copy of the deficiency letter from the SC Court of Appeals is also enclosed for reference.

For additional notification, I will also be returning the transcript of May 4, 2017 for correction within the next few days and will ensure the Court Administration is properly copied going forward.

Best regards,



Alan Nix

cc.

✓ 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
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PO Box 212069
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Sally Newman
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1630 Meeting St.
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Sarah Schrieber
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1630 Meeting St.
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Judge Scarborough
100 Broad St., Ste. 266
Charleston, SC 29401



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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August 17, 2018

Alan G. Nix
1401 Densmore Circle
Mount Pleasant SC 29466

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

Dear Mr. Nix:

Upon reviewing your letter received August 16, 2018 regarding your returning the transcripts for corrections, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- A copy of this document was not provided to the Office of Court Administration as required by the SCACR. The address for Court Administration is 1220 Senate Street, Suite 201, Columbia, SC 29201.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Stephanie Carol Trotter, Esquire
Sally C. Newman, Esquire
Joel Morris Deason, Sr., Esquire

9 August 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

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 al / 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 is 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.
Judge Scarborough
Master in Equity, Charleston County
100 Broad St. Ste. 266
Charleston, SC 29401

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

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14 August 2018

Alan Nix
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Mount Pleasant, SC 29466

Sandlapper Reporting, LLC
c/o Christine Smith
P.O. Box 30276
Charleston, SC 29417

RECEIVED
AUG 16 2018
SC Court of Appeals

Re: Return of Original Transcripts for correction
Case Number: 2014-CP-10-05407 / 2017-CP-10-04031

Ms. Smith,

As I indicated in my email to you this past Sunday morning, 12 Aug 2018, I am returning the original transcripts from 7 August 2017 to present for correction before submitting to the S.C Court of Appeals. Given I have not received a confirmation from you that you received the 30 May 2018 transcript that I returned to the Charleston County Master in Equity office last Thursday, 9 May 2018, of which I only had possession for approximately five minutes, I do request a response from you confirming you received the original and copy of that transcript from the lady that was working at the Master in Equity office's front desk at approximately 1100.

For proper tracking, I have listed below the original transcripts being returned in this mailing.

1. Hearing date: 7 Aug 2017 / Time: 0936
2. Hearing date: 18 Sep 2017 / Time: 1113
3. Hearing date: 25 Sep 2017 / Time: 1550
4. Hearing date: 26 Sep 2017 / Time: 0426 (excerpt from full transcript)
5. Hearing date: 26 Sep 2017 / Time: 1021
6. Hearing date: 29 Nov 2017 / Time: 0936

I will restate a couple of the previously noted issues:

1. The transcript from August 7, 2017 lists case 2017-CP-10-04031. That case did not exist until the next morning when I paid the \$150 restore fee to properly restore the case. It also does not list defendant Norma J Nix.
2. The transcript from September 18, 2017 lists case 2017-CP-10-04031. That case was not on the Master's docket that morning. It also does not list defendant Norma J Nix.

3. The transcript from 30 May 2018 did not list defendant Norma J Nix.

As communicated in the letter to the SC Court of Appeals dated 9 Aug 2018, I am in the process of compiling a comprehensive list of questions / concerns / additional issues related to the transcripts that need to be investigated and resolved as appropriate. Please let me know if you would prefer me to send one list once I have finished my review or if you would prefer me to send a list per transcript or something similar.

Thank you for your continued support, please let me now if you have any questions, and I will provide you with the USPS tracking number for the transcripts listed in this letter as being returned within 24 hours of sending.

Best regards,



Alan Nix

cc.

Judge Scarborough
Master in Equity, Charleston County
100 Broad St., Ste. 266
Charleston, SC 29401

✓ Jenny Abbott Kitchings
Clerk of Court, SC Court of Appeals
P.O. Box 11629
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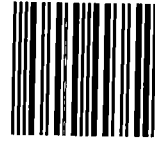
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AUG 27 2018

SC Court of Appeals

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