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**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 / 2018-000174

APPELLANT'S MOTION TO REMAND TO HEAR POST TRIAL MOTIONS

Appellant submits this motion requesting the Court of Appeals to GRANT his motion to remand cases 2014-CP-10-05407 and 2017-CP-10-04031 back to the Ninth Judicial Circuit, Charleston County, to allow for the lower court to properly hear and rule on post-trial motions. In support of this motion, the Appellant cites the below motions, as a critical subset of motions, that require proper adjudication prior to the continuing of the appeal process.

Appellant filed a motion on November 28, 2017 to restore case due to Dismissed in Error.

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Nix, Alan G Motion to Restore Motion 11/28/2017-
Case due to 15:31
Dismissed in Error

On December 6, 2017, Judge Scarborough, or one of his employees, completed the motion without scheduling it for a motion hearing, without having a hearing, and without entering a ruling.

Nix, Alan G Motion to Restore Motion 11/28/2017- 12/06/2017-
Case due to 15:31 15:31
Dismissed in Error

On November 29, 2017, Appellant filed a motion for judicial recusal immediately prior to a scheduled motion hearing that morning.

Nix, Alan G Defnt Alan Nix's Motion 11/29/2017- 06/01/2018-
Motion for Judicial 12:08 12:08
Recusal

Judge Scarborough stated during the motion hearing that since it had been submitted in less than 10 days prior to the motion hearing, that he would not take the motion up that morning.

On December 6, 2018, Judge Scarborough, or one of his employees, completed the motion without scheduling it for a motion hearing and without having a hearing.

Nix, Alan G Defnt Alan Nix's Motion 11/29/2017- 12/06/2017-
Motion for Judicial 12:08 12:08
Recusal

On July 6, 2018, Appellant filed a motion for relief of the order Judge Scarborough apparently entered on June 1, 2018.

Nix, Alan G Motion For Relief by Motion 07/06/2018-
Alan Nix, crt/srv 11:48

On July 19, 2018, Judge Scarborough, or one of his employees, completed the motion without scheduling it for a motion hearing, without having a motion hearing, and without entering a ruling.

Nix, Alan G	Motion For Relief Motion by Alan Nix, crt/srv	07/06/2018- 07/19/2018- 11:48 11:48
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Appellant states that these are only a subset of the motions requiring proper adjudication prior to the continuation of the appeal of cases 2014-CP-10-05407 and 2017-CP-10-04031, but clearly very important and relevant motions which have not been properly taken up by the lower court as of the date of this motion.

WHEREFORE, Appellant Alan Nix respectfully requests this Court:

1. Grant this Appellant's motion to Remand cases 2014-CP-05407 and 2017-CP-04031 back to the Ninth Judicial Circuit, Charleston County, to hear post trial motions.
2. Any other and further relief as the Court deems just, prudent, and proper.

Dated: September 1, 2018

Respectfully submitted,



Alan G. Nix
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Mount Pleasant, SC 29466
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THE STATE OF SOUTH CAROLINA
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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 / 2018-000174

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SC Court of Appeals

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

PROOF OF SERVICE

I certify that I served the Motion to Remand on the Respondent's attorneys of record and Judge Scarborough on September 1st, 2018 by depositing a copy of it in the United States Mail, postage paid, as follows:

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

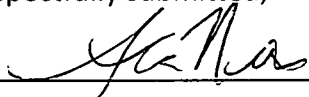
Todd Musheff, (Churchill Park)
Law Offices of Todd Musheff
1121 Park West Blvd, Ste. B 148 (Pak Mail)
Mount Pleasant, SC 29466

Sally Newman, Esq. and Sarah Schreiber, Esq. (Norma Nix and the Estate of Norma Nix)
Charleston Legal Access
1630 Meeting St.
Charleston, SC 29405

Judge Scarborough
Master in Equity, Charleston County
100 Broad Street, Suite 266
Charleston, SC 29401

September 1, 2018

Respectfully submitted,



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alan.g.nix@gmail.com

1 September 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

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

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RE: Motion to Remand case to lower court to hear post-trial motions
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

Ms. Abbott Kitchings,
Please find enclosed:

1. A Motion to Remand cases 2014-CP-10-05407 and 2017-CP-10-04031 to the Charleston County Circuit Court to hear and rule on post-trial motions
2. Check number 767 in the amount of \$25.00, drawn on Navy Federal Credit Union, and made payable to the SC Court of Appeals
3. Certificate of Service for the motion
4. A copy of the documents included and a self-addressed envelope for your Office to return the copy with your offices clock stamp affixed.

Thank you very much for your Office's assistance and please let me know if you have any questions that I may be able to assist you with.

Best regards,



Alan Nix

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

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

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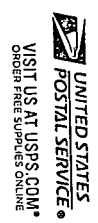
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ALAN NIX

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MT PLEASANT SC 29526
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TO:

SC Court of Appeals

HON. JERRY ARBUTT KIRKMAN

CLERK OF COURT

P.O. Box 11629

COLUMBIA, SC 29211

Label 228, March 2016

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