

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas**

**The Honorable Mikell R. Scarborough, Master in Equity**

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**Case No. 2014-CP-10-05407  
2017-CP-10-04031**

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**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**

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**Appellate Case Number 2018-000056 &  
2018-000174**

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**MOTION TO PROPERLY RESTORE CASES 2018-000056 and 2018-000174**

**BACKGROUND**

On 5 April 2018, an order signed by Judge Lochemy was filed for appellate case 2018-000056, dismissing the appeal without prejudice pursuant to Hudson v. Hudson.

On 5 April 2018, an order signed by Judge Lochemy was filed for appellate case 2018-000174, dismissing the case for failure to timely serve the notice of appeal. (Rule 203(b)(1))

The court allegedly restored appellate case 2018-000056 by an order signed by Judge Lochemy. (Ex. A)

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The court allegedly restored appeal case 2018-000174 by an order signed by Judge Lochemy. (Ex. A) This order also attempted to consolidate appellate cases 2018-000174 and 2018-000056.

Due to the Charleston County Clerk of Court's significant delay in mailing the notice of entry related to an order entered for a hearing on 30 May 2018, as well as the ongoing pattern of delay of the Charleston County Master in Equity Court not timely scheduling Rule 59 / 60 motion hearings and / or properly ruling on such motions, Appellant had to file an amended appeal for 2018-000056 in July 2018,

Based on a review of the order on the Court of Appeals website with a website date of 9 May 2018, neither the order purportedly restoring appeal 2018-000056 or the order purportedly restoring and consolidating appeal 2018-000174 with 2018-000056 have the necessary Court of Appeals Clerk of Court filed stamp applied as is required to operate as being officially filed and with an official effective date. (the Court of Appeals website is down on 12 January 2019 for disaster recovery testing)

Consequently, at the time of this motion, neither appellate case 2018-000056 or 2018000174 are restored, and consequently, appellate case 2018-000174 is also not consolidated with 2018-000056.

Appellant assumes the Court operating without jurisdiction constitutes a significant enough of an issue to meet the standard Judge Lochemy laid out in his order of 21 December 2018.

WHEREFORE, Appellant Alan Nix respectfully requests this Court:

1. Properly file the order restoring appeal case 2018-000056.
2. Assign Charleston County case 2014-CP-10-04031 to appellate case 2018-000056.
3. Assign Charleston County case 2017-CP-10-05407 to appellate case 2018-000174.
4. After the cases are properly restored, and given the Court has not had jurisdiction to rule on any motions since 5 April 2018, enter all necessary orders to properly set aside all orders of the Court since 5 April 2018.
5. Any other and further relief as the Court deems just, prudent and proper.

Once the Court properly restores appellate cases 2018-000056 and 2018-000174, Appellant, if necessary, will file a motion seeking leave to file the 60(b) motions filed on 9 November 2018 and 13 November 2018, as well as to remand the cases back to Charleston County to rectify any remaining material errors in the record that remain unresolved. Appellant has taken, and continues to take, all measures possible to rectify issues with inaccurate transcripts and unheard motions in Charleston County. Appellant wishes to ensure the Court is aware and informed that without a significantly improved and good faith demonstration of effort by Charleston County and its employees, agents, representatives, officers, directors, contractors and subcontractors within the next ten days, Appellant will deem it necessary to resort to more formal methods to resolve the outstanding issues.

Dated: January 11, 2018

Respectfully submitted,



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# 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 which Alan G. Nix is the Appellant.

Appellate Case No. 2018-000056

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## ORDER

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This appeal was dismissed without prejudice pursuant to *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986); however, this court's review of the filings in this case show that Appellant's post-trial motions that he alleges are pending with the lower court would not toll the time to appeal the final order. Accordingly, this court's dismissal pursuant to *Hudson* was improper, and this appeal is reinstated. We hereby consolidate the appeal in Appellate Case No. 2018-000174 with this case.



FOR THE COURT

Columbia, South Carolina

cc:

Alan G. Nix  
Stephanie Carol Trotter, Esquire  
Sally C. Newman, Esquire  
The Honorable Mikell R. Scarborough

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In The Court of Appeals**

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**APPEAL FROM CHARLESTON COUNTY  
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**v.**

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**Of which Alan G. Nix is the Appellant**

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**Appellate Case Number 2018-000056 &  
2018-000174**

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**PROOF OF SERVICE**  
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The undersigned certifies that a copy of the Appellant's Motion to Properly Restore Appellate cases in caption above 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 12<sup>th</sup> day of January 2019 to:

Plaintiff Attorneys:  
Stephanie Trotter, Esq.  
McCabe, Trotter & Beverly, P.C.  
P.O. Box 212609

Todd M. Musheff, Esq.  
Law Offices of Todd M. Musheff  
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Master in Equity, Charleston County  
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Charleston County Attorneys  
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Sarah Schreiber, Esq.  
Charleston Legal Access  
1630 Meeting Street  
Charleston, SC 29405  
Norma J. Nix (2014-CP-10-05407) and  
The Estate of Norma J. Nix (2017-CP-10-04031)

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

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

Judge Young  
Chief Administrative Judge  
Charleston County  
100 Broad St., Ste. 368  
Charleston, SC 29401

Dated: January 11, 2018

Respectfully submitted,

By:



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11 January 2019

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

Ms. Jennie Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

RE: Churchill Park v Alan G. Nix, et al  
S.C. Appellate Case Number 2018-000056 / 000174  
Motion to properly restore cases .

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Ms. Abbott Kitchings,

Please find enclosed for the file:

1. Appellant's Motion to properly restore cases dated 11 January 2019
2. Proof of Service.
3. check number 804 in the amount of \$50.00 for the motion filing fee
4. Copies of the Motion and Proof of Service to be returned with your clock stamp
5. Self-addressed and postage prepaid envelope to return the enclosed copies of the Motion and Proof of Service

All of the above are being mailed to you on the date of this letter, or the next available business day of USPS to ensure proper tracking and delivery.

Thank you very much for your assistance and please let me know if you require anything else related to this filing.

Best regards,



Alan Nix  
(c) 843.991.4170  
(e) alan.g.nix@gmail.com



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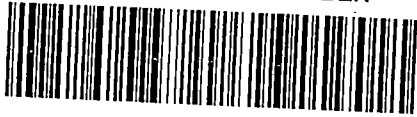
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