

Exhibit

**C**

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Churchill Park,

Plaintiff,

v.

Alan Nix and the Estate of Norma Nix,

Defendants

IN THE COURT OF COMMON PLEAS

Case No.: 2017-CP-10-04031

SUPPLEMENTAL ORDER

**RECEIVED**

SEP 24 2020

SC Court of Appeals

017990.00025

On November 9, 2017, this Court issued and filed its Order and Judgment of Foreclosure and Sale. Prior to the scheduled sales date, Defendant Alan Nix filed a Notice of Appeal and posted an Appeal Bond staying the foreclosure sale. The South Carolina Court of Appeals dismissed Mr. Nix's appeal and the South Carolina Supreme Court denied Mr. Nix's Petition for Certiorari. Thereafter, on June 27, 2019 the South Carolina Court of Appeals remitted the case back to this court. The Court of Appeals further issued an Order dated July 2, 2020 directing this court add \$1,678.44 to the previous judgment.

This Order is issued for the limited purpose of updating the judgment debt to include interest that has accrued on the previous Judgment of Foreclosure and Sale, the award of costs from the Court of Appeals, and additional attorney's fees incurred since the Judgment of Foreclosure and Sale was entered.

Stephanie Trotter Kellahan, counsel for Plaintiff, submitted an Affidavit of Attorney's Fees and Affidavit of Additional Costs showing attorney's fees of \$86,795.00 and costs of \$978.64 have been incurred since the original Affidavit of Attorney's Fee was entered at trial in this matter.

I find the rates listed on the Affidavit of Attorney's Fees to be reasonable for both the locality and the experience of the professionals involved in this matter.

I further find the time and labor expended by Plaintiff's counsel to be reasonable and necessary in this matter due in large part to the actions of Defendant Alan Nix. Mr. Nix rejected Plaintiff's offer of settlement prior to trial which necessitated Plaintiff's counsel prepare for and participate in pre-trial motions hearings and a one-day trial in this matter. (Mr. Nix filed 21 post-trial motions) in this matter while simultaneously pursuing an appeal of the final order. Most of these motions were patently frivolous. Mr. Nix issued 62 trial subpoenas and then issued 62 post-trial subpoenas after final judgment had been entered, without any legal basis for the same. Including the Supplemental Damages Hearing on August 20, 2020, counsel for Plaintiff has had to attend nine court hearings in this matter. (Mr. Nix) has persisted in (mailing and emailing hundreds of letters and emails to Plaintiff, Plaintiff's) counsel, Plaintiff's former counsel, Mr. Nix's neighbors, a multitude of attorneys unrelated to the subject case, various members of the judiciary, various members of law enforcement at various levels, and various political figures. The vast majority of

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these communications were unnecessary and did not further his case in any way. Nonetheless, Plaintiff's counsel was required to review these emails and letters to ensure a response was not appropriate or necessary. Many of these letters and emails were directed at various attorneys employed by McCabe Trotter & Beverly, PC but who had never entered an appearance in this matter. Some of the communications were sent to anyone other than Stephanie Trotter Kellahan, Plaintiff's current counsel of record. Mr. Nix's refusal to appropriately direct these communications required various members of Plaintiff's counsel's law firm to expend time reviewing the communication and redirecting them to Mrs. Kellahan. In addition to the testimony presented in Mrs. Kellahan's affidavit, the court is aware of many of these issues because Mr. Nix included the Master's office in much of the extraneous communications (This Court has received correspondence from Mr. Nix which, when stacked, is over nine (9) inches tall.) Additionally, the court has over six inches of transcripts from hearings in this matter. Most of this correspondence consists of attacks on this court and the South Carolina Judiciary. This was not a typical homeowners' association foreclosure.

Finally, I find these fees to be reasonable because Plaintiff's counsel has secured the beneficial result of a favorable trial verdict, favorable appellate decision, and resolution of this matter through the sale of the property which was set today.

I find the costs were appropriately incurred in this matter and are appropriately awarded to Plaintiff pursuant to the restrictive covenants for Churchill Park and the criteria of *Dedes v. Strickland*, 414 S.E.2d. 134 (S.C. 1992).

It is therefore, hereby ORDERED that the Order for Judgment of Foreclosure and Sale filed November 9, 2017, is (supplemented to) reflect the total debt as follows:

(a) Original Judgment .....	\$22,554.97
(b) Post-Interest from 11/10/17 through 8/20/2020 at 18.00% per annum .....	\$11,289.84
(c) Court of Appeals Award.....	\$1,678.44
(d) Additional Costs.....	<del>\$978.64</del>
(e) Additional Attorney's Fees.....	\$86,795.00
+	
TOTAL debt secured by the Declaration, including interest to date shown .....	\$123,296.89

The foreclosure sale in this matter is scheduled for October 6, 2020 under the terms and conditions listed in the Judgment of Foreclosure and Sale filed November 9, 2017.

The Appeal Bond filed September 4, 2018 in this matter will be addressed post-sale.

Mr. Nix has filed a multitude of post-trial motions in this matter, most of which were filed while the case was on appeal. This court lacked jurisdiction to decide these motions while the case was on appeal. All of these motions are hereby DENIED as I find they are without merit.

**JUDGE'S SIGNATURE PAGE TO FOLLOW**



Charleston Common Pleas

**Case Caption:** Churchill Park VS Alan G Nix , defendant, et al  
**Case Number:** 2017CP1004031  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062