

Ex. A  
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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Churchill Park

Plaintiff,

vs.

Alan G. Nix; and The Estate Of Norma J. Nix,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2017-CP-10-04031

ORDER

**RECEIVED**  
JAN 19 2021  
SC Court of Appeals

This matter came before the court on January 7, 2021.

The court issued an Order for Writ of Assistance on December 31, 2020 ordering the ejectment of Defendant Alan Nix from his former property on January 22, 2021 at 12 Noon pursuant to this court's Final Order of Judgment filed November 9, 2017.

The Master's Final Order of Judgment filed November 9, 2017 states in paragraph 14, '[t]he undersigned will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance.'

On December 21, 2020, Michael Morris, attorney for State Street Holdings, LLC, the successful purchaser at the foreclosure sale, filed a Summons and Motion for Writ of Assistance. The Motion for Writ of Assistance requested that this court issue its Rule to Show Cause and an Order granting a Writ of Assistance.

Acting pursuant to the Supreme Court of South Carolina Order Re: Operation of the Trial Courts During the Coronavirus Emergency (as Amended December 16, 2020), Appellate Case No. 2020-000447, this court determined the Rule to Show Cause hearing is not necessary.

As to the Order for Writ of Assistance, the court determined to elect not to hold a hearing because the Motion may be readily decided without further input. Appellate Case No. 2020-000447 (c)(4). The court pursuant to its usual procedure, wherein the court retained jurisdiction to issue a Writ of Assistance without need for an additional hearing, issued its Order for Writ of Assistance on December 31, 2020 ordering Mr. Nix to vacate on or before January 22, 2021.

The court finds the correspondences received from the Defendant, Alan G. Nix, subsequent to the issuance of the Writ of Assistance, to be without merit and, hereby affirms its ruling issued December 31, 2020 to evict Mr. Nix if he does not voluntarily leave. Therefore,

**IT IS HEREBY ORDERED** that no further hearings need be held on the Motion for Writ of Assistance,

**IT IS FURTHER ORDERED** that State Street, the new owner of the property, is entitled to recover possession of the premises described as follows:

All that certain piece, parcel, or lot of land, together with the improvements thereon, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being more particularly shown and delineated as Lot "22" on that certain Plat by Southeastern Surveying, Inc., entitled "A Final Subdivision Plat Of Churchill Park, Phase III, Parcel 10, Parkwest Owned By C. Richard Dobson Builders, Inc., Located In The Town Of Mount Pleasant Charleston County, South Carolina", dated December 31, 1999, and recorded in Plat Book ED at Page 904, in the Register of Deeds Office for Charleston County, South Carolina. Said lot having such size, shape, dimensions, butting's, and bounding's as will by reference to said Plat more fully appear. Being a portion of the property conveyed to the grantor herein by deed from Venture Management of South Carolina, LLC dated August 12, 1999 and recorded in the Register of Deeds Office for Charleston County in Book C334 at Page 486 on September 09, 1999.

Subject to any and all easements, restrictions, rights-of-way or other zoning ordinances which may appear of record in Charleston County.

TMS: 598-03-00-096

Derivation: This being the same property conveyed to Alan G. Nix and Norma J. Nix by deed of C. Richard Dobson Builders, Inc dated July 13, 2001 and recorded July 20, 2001 in Book 377 at Page 595; thereafter conveyed to Sate Street Holdings, LLC by Master's Deed recorded on December 9, 2020 in Book 0941 at Page 914 in the Office of the Register of Deeds for Charleston County.

Property Address:  
1401 Densmore Circle  
Mt. Pleasant, SC 29466

**IT IS FURTHER ORDERED** that, upon service of a copy of this Order, the Sheriff of Charleston County, South Carolina or his authorized deputies is, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the Occupant(s) of the referenced property.

**IT IS FURTHER ORDERED** that not less than ten (10) days subsequent to said posting or service, the Sheriff shall be authorized to enter upon the afore-described premises, by force if necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all of their possessions, and to put State Street in full, peaceful and quiet possession of the premises without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Charleston County, South Carolina, showing how this Order has been executed.

**IT IS FURTHER ORDERED** that the property described herein be vacated by **12 o'clock Noon on January 22, 2021.**

**AND IT IS SO ORDERED.**

**[ELECTRONIC 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

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