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**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 Scarborough and  
The Honorable? Maite Murphy**

**RECEIVED**  
DEC 23 2021  
SC Court of Appeals

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**Case Nos.: 2017-CP-10-04031 and  
2014-CP-10-05407 and  
2018-CP-10-03315**

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**Appellate Case No. 2021-00074**

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**Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix,**

**Appellants,**

**v.**

**Churchill Park,  
(not to be confused with the Real Party in  
Interest, Churchill Park Homeowners'  
Association, Inc.)**

**Respondent,**

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**APPELLANTS' MOTION REQUIRING MS. ABBOTT-KITCHINGS TO PROPERLY  
SUPERVISE HER EMPLOYEES, SET ASIDE MS. ALLEN'S 1 DECEMBER 2021  
DEMAND LETTER AND PRODUCE A PORTION OF THE COURT'S RECORDS**

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Appellant Alan Nix files this motion to require the SC Court of Appeals Clerk of Court,  
Ms. Jenny Abbott-Kitchings, to properly supervise her employees, set aside her Chief Deputy's 1

December 2021 demand letter and to immediately produce certain of the court's records relative to these cases.

## **BACKGROUND**

The Appellants' have recently become aware of Claire Allen's demand letter of 1 December 2021 which stated that the Court's records do not reflect a hearing was held by the master in equity before issuance of the order on appeal in these cases. Ms. Allen goes on to demand that the appellant must serve and file an initial brief and designation of matter within thirty days of 1 December 2021 and concludes with the threat that if appellant doesn't serve and file an initial brief and designation of matter with thirty days of 1 December 2021, that the Court of Appeals Clerk of Court will dismiss the appeal.

### **ISSUES WITH MS. ALLEN'S DEMAND LETTER**

The first issue is that there are multiple orders on appeal in these cases, not one as Ms. Allen seems to state as fact in her demand letter. Assuming Ms. Allen did some level of due diligence related to these matters prior to issuing her improper demand letter of 1 December 2021, which appears to be the case given Ms. Allen references the Court's records, Ms. Allen apparently chose to not specify which order she is referring to related to her statement about a hearing not being held prior to Scarborough issuing orders (almost certainly without judicial jurisdiction to do so) in these cases.

The next issue is that there were open motions related to this appeal as of the date Ms. Allen issued her improper demand.

The third issue is that while Ms. Allen cites the Court's records as the basis for hers, and consequently your "understanding" as well Ms. Abbott-Kitchings, Ms. Allen does not specify what those records are nor provide a copy of those records for review and/or to support her / your "understanding". Consequently, without providing more specific evidence, yours and Ms. Allen's "understanding" is exactly that as evaluated by someone without access to such Court records; a speculative "understanding" most likely designed to provide a somewhat legitimate basis for the SC Court of Appeals to do what it most wants to do.... dismiss this appeal without a judge being required to make a ruling and attempt to save the State of South Carolina, Scarborough, State Street Holdings (Co.) LLC, Charleston County, McCabe, Trotter & Musheff,

“Churchill Park”, Auto Owners Insurance Co., etc. at least ten (\$10M) million dollars in damages.

The fourth issue with Ms. Allen’s 1 December 2021 demand letter is that it strongly appears to be another data point in an ongoing pattern of improper conduct by the South Carolina Court of Appeals, and specifically your Office Ms. Abbott-Kitchings, which appears to be designed to benefit all parties involved, either directly or indirectly, except the Appellants. This appellant believes that the South Carolina Court of Appeals has most likely been aware of this assertion since at least early October 2021.

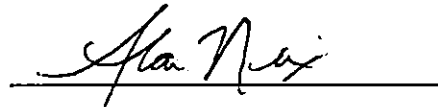
WHEREFORE, Appellants respectfully requires this Court:

1. Enter an Order no later than 1500 on 29 December 2021 setting aside your employee’s (Claire Allen) demand letter dated 1 December 2021.
2. Ensure your judges enter Orders granting Appellant’s two motions (7 December 2021 and 5 October 2021) requesting permission to file rule 60(b) motions in Charleston County.
3. Provide a subset of the Court’s records which contain:
  - a. A copy of a Certificate of Compliance with the Coronavirus Aid, Relief, and Economic Security Act (Foreclosures) which is highly similar to **Ex. A**.
    - i. Obviously the Plaintiff would be, even though they are closely related, “Churchill Park” instead of Park West Master Association, Inc., the Defendants would be Alan Nix, Norma Nix and the Estate of Norma Nix instead of Chad Thursby (even though their homes are located less than 1600 feet from each other) and the case numbers would be 2014-CP-10-05407 and 2017-CP-10-04031 instead of 2020-CP-10-04073
  - b. Copies of or other proof of payments to Charleston County by State Street Holdings (Co.) LLC totaling at least \$136,526 on or before 23 October 2020.
  - c. Copies of the correspondences Scarborough states he received from the Defendant, Alan G. Nix, subsequent to the issuance of the Writ of Assistance. (Obviously sent by Alan Nix to Scarborough and received by Scarborough from Alan Nix sometime between 30 December 2020 at 1448 and 7 January 2021 at 1440)

- i. The remainder of the Court's records related to these matters will be sought via discovery and/or subpoena).
4. If this court hasn't corrected the parties to this appeal as specified in the motion of 7 December 2021, ensure that by 1500 on 29 December 2021 that either "Churchill Park" and McCabe, Trotter & Musheff are the only Respondents OR that "Churchill Park", McCabe, Trotter & Musheff, State Street Holdings (Co.) LLC, Michael and Taryn Lazroff, MP Morris, Charleston County, Butler and College LLC, Auto Owners Insurance Co., and Allstate Insurance Company are all Respondents.
5. Any other and further relief as the Court deems just, legal, ethical, prudent and proper.

December 23, 2021

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alan Nix", is written over a horizontal line.

Alan G. Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991-4170

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Park West Master Association, Inc.

Plaintiff,

v.

Chad Thursby

Defendant(s)

**CERTIFICATION OF COMPLIANCE  
WITH THE CORONAVIRUS AID,  
RELIEF, AND ECONOMIC SECURITY  
ACT  
(FORECLOSURES)**

**017495.00115**

**My Name is:** Stephanie Trotter Kellahan.

**I am an authorized agent of the Plaintiff in the foreclosure case described at the top of this page. I am capable of making this certification. The facts stated in the certification are within my personal knowledge and are true and correct.**

**1. Verification**

Pursuant to the South Carolina Supreme Court Administrative Orders 2020-04-30-02 and 2020-05-06-01 and based upon the information provided by the Plaintiff and/or its authorized servicer as maintained in its case management/database records, the undersigned makes the following certifications:

Plaintiff is seeking to foreclose upon the following property:

1200 Willoughby Lane , Mount Pleasant, SC 29466

I verify that this property and specifically the mortgage loan subject to this action (*check one*):

- is NOT a "Federally Backed Mortgage Loan" as defined by § 4022(a)(2) of the federal Coronavirus Aid, Relief, and Economic Security Act.
- is a "Federally Backed Mortgage Loan" as defined by § 4022(a)(2) of the federal Coronavirus Aid, Relief, and Economic Security Act. Specifically, the foreclosure moratorium cited in Section 4022(c)(2) of the CARES Act has expired as of May 18, 2020, and the property and mortgage are not currently subject to a forbearance plan as solely defined in Sections 4022(b) and (c) of the CARES Act.

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**SC Court of Appeals**

Please identify which database or the other information you have used to determine that the property does not have a federally backed mortgage loan, or federally backed multifamily mortgage loan:

This is the foreclosure of an unpaid property owners' association assessment lien and is, to the best of my knowledge, not subject to the CARES Act.

**2. Declaration:**

**I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.**

My name is: Stephanie Trotter Kellahan  
*First Middle Last*

My address is: 4500 Fort Jackson Blvd. # 250 Columbia SC 29209  
*Street Address & Unit No. (if any) City State ZIP*

Signed on: September 4, 2020 in Richland County, South Carolina.

/s Stephanie Trotter Kellahan  
Stephanie Trotter Kellahan (SC Bar #77680)  
*Attorney for Plaintiff*

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SC Court of Appeals

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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DEC 28 2021

SC Court of Appeals

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Case No. 2014-CP-10-05407  
2017-CP-10-04031  
2018-CP-10-03315  
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Appellate Case No. 2021-00074  
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Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix,

Appellants,

v.

Churchill Park,

Respondent,  
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**PROOF OF SERVICE**  
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The undersigned certifies that a copy of Appellant Alan Nix's motion for Ms. Abbott-Kitchings to set aside Ms. Allen's 1 Dec 2021 demand and produce the Court's records has been served upon the individuals listed below by mailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 23<sup>rd</sup> day of December 2021 to:

McCabe & Trotter

Todd M. Musheff, Esq.

McCabe, Trotter & Beverly, P.C.  
4500 Fort Jackson Blvd.  
Columbia, SC 29209

*HAND DELIVERED*

M.P. Morris  
M.P. Morris Law Firm  
336 Old Chapin Rd.  
Lexington, SC 29072

*HAND DELIVERED*

Sarah Schreiber  
Charleston Legal Access  
3775 Spruill Ave., Ste. B  
North Charleston, SC 29405

Ryan Butler & Andrew College  
Butler & College LLC  
501 Belle Hall Parkway, Ste. 101  
Mt. Pleasant, SC 29464

Anne Smith  
SC Insurance Reserve Fund  
1201 Main St., Ste. 500.  
Columbia, SC 29201

Chief Keel, Esq.  
SC Law Enforcement Division  
4400 Broad River Rd.  
Columbia, SC 29210

John Nichols  
Office of Disciplinary Counsel  
1220 Senate St.  
Columbia SC 29201

*HAND DELIVERED*

Allstate Insurance  
c/o Rhonda Ferguson, General Counsel  
2775 Sanders Road

Law Offices of Todd M. Musheff  
1121 Park West Blvd., Ste. B148 (Pak Mail)  
Mount Pleasant, SC 29466

Julie Armstrong  
Clerk of Court, Charleston County  
100 Broad St.  
Charleston, SC 29401

Alan Wilson  
SC Attorney General  
1000 Assembly St.  
Columbia, SC 29201  
(also Scarborough's attorney?)

Rep. Ryan McCabe  
SC House of Representatives  
320A Blatt Bldg.  
Columbia, SC 29201

Natalie Ham  
Charleston County Attorney  
4045 Bridge View Dr.  
Charleston, SC 29405

Scarlett Wilson  
Charleston County Solicitor  
O.T. Wallace Bldg.  
101 Meeting St.  
Charleston, SC 29401

Michael and Taryn Lazroff  
1401 Densmore Circle  
Mt. Pleasant, SC 29466

Barry Barnette  
180 Magnolia St., 3<sup>rd</sup> Floor  
Spartanburg, SC 29306

Northbrook, IL 60062

B. Hewitt  
S. McDonald  
A. Konduros  
H.B. Williams  
T. Huff

D.G. Hill  
J. Geathers  
P. Thomas  
J. Lockemy

HAND  
DELIVERED

Dated: December 23, 2021,

Respectfully submitted,

By:



Alan G. Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991.4170

23 December 2021

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

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SC Court of Appeals

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, Norma J. Nix and the Estate of Norma J. Nix  
Case Numbers: 2017-CP-10-04031, 2014-CP-10-05407 and 2018-CP-10-03315  
Appellate Case Number: 2021-00074

Ms. Abbott Kitchings,

Please find enclosed:

1. A motion directed to you related to your employee's 1 December 2021 demand letter
2. Proof of Service.
3. Check number 1912 in the amount of \$50.00 drawn on Navy Federal Credit Union.
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 (Exhibits not included for return)

Nine copies of the motion are also being left, each addressed to one of the nine members of the court of appeals.

Please ensure this issue is promptly and properly dealt with, and no later than close of business 29 December 2021.

Best regards,



Alan Nix

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SC Court of Appeals

ABBOTT - KITCHINGS  
CLERK OF COURT  
SC COURT OF APPEALS  
23 DEC 2021