

95422
RECEIVED
JAN 19 2022
SC Court of Appeals

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

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

**The Less Than Honorable Mikell Scarborough and
The Honorable? Maite Murphy**

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

Appellate Case No. 2021-00074

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,

APPELLANTS' MOTION TO CLARIFY AND RECONSIDER

Appellants' files this motion to require the SC Court of Appeals to provide substantial clarification of an alleged order recently filed in this case, as well as, reconsider any denials of motions / requests for relief, which such an order affects.

BACKGROUND

The Appellants' have recently been informed that the Court of Appeals filed an order within the last two weeks that allegedly denies one or more of the Appellants' motions filed in this case. Based on Appellant Alan Nix's current understanding of this situation, it seems as if more than one of the motions filed since September 2021 may have been denied without any meaningful explanation for the denial(s) being articulated, other than for potentially some blanket, generic reasoning this Court likes to use when faced with motions that implicate numerous South Carolina attorneys in willful and premeditated misconduct.

If the motion filed 23 December 2021 is affected by the alleged subject Order, Appellants point out that motion was directed directly to the SC Court of Appeals Clerk of Court, Ms. Abbott-Kitchings. If Ms. Abbott-Kitchings is not responsible for the order in question, that issue clearly requires significant explanation as well as would obviously require the order being set aside.

. WHEREFORE, Appellants respectfully requires this Court:

1. Clarify which motion(s) are affected by the subject order. Simply stating the date(s) the motions were filed or dated is sufficient to accurately satisfy this requirement.
2. For each motion(s) affected, articulate which portion(s) of the motion(s)' request for relief were denied, and then provide as much explanation for such denial(s) as required to ensure the denial(s) were proper and not meant for an improper purpose.
3. Based on the Court's in depth review of the affected motion(s) and the requested relief, if the Court can't fully, logically, legally, and ethically explain why such an alleged denial was ordered, set aside the order for lack of a legal basis to order any such denial(s).
4. If the Court of Appeals can not produce a copy of a signed, original, filed and non-fraudulent CERTIFICATION OF COMPLIANCE WITH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (FORECLOSURES) for these cases, similar to the one attached by Trotter from July 2020 (See Ex. A), filed on or before 20 August 2020, clarify the basis the Court of Appeals alleges they have / had jurisdiction to rule in this case, or any other related case, which is based on orders

filed by Mikell R. Scarborough on or after 20 August 2020 in cases 2017-CP-10-04031 and 2014-CP-10-05407.

5. Any other and further relief as the Court deems just, legal, ethical, prudent and proper.

January 22, 2022

Respectfully submitted,



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

Ex. A

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Brownswood Village Property Owners
Association, Inc.

2018-CP-10-05308

Plaintiff,

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

v.

Kasey M. Knight And Benjamin M. Adams

Defendant(s)

21016.3

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:

1435 Milldam Pass , Johns Island, SC 29455

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.

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: July 27, 2020 in Richland County, South Carolina.

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JAN 19 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Less Than Honorable Mikell R. Scarborough, Master in Equity

Case No. 2014-CP-10-05407
2017-CP-10-04031
2018-CP-10-03315

Appellate Case No. 2021-00074

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

Appellants,

v.

Churchill Park,

Respondent,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellants' Motion for Clarification and Reconsideration 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 19th day of January 2022:

McCabe & Trotter
McCabe, Trotter & Beverly, P.C.

Todd M. Musheff, Esq.
Law Offices of Todd M. Musheff

4500 Fort Jackson Blvd.
Columbia, SC 29209

1121 Park West Blvd., Ste. B148 (Pak Mail)
Mount Pleasant, SC 29466

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

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

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

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

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

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

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

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

Jennie Abbott-Kitchings
Clerk, SC Court of Appeals
1220 Senate St.
Columbia, SC 29210

Scarlett Wilson
Charleston County Solicitor
101 Meeting St.
Charleston, SC 29401

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

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

Allstate Insurance
c/o Rhonda Ferguson, General Counsel
2775 Sanders Road
Northbrook, IL 60062

Barry Barnette
Special Prosecutor, Public Corruption
180 Magnolia St., 3rd Floor
Spartanburg, SC 29306

Policy No. 930-088-829

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

Elizabeth Yerington
Vice President, Senior Claims Counsel
Chicago Title Insurance Company
601 Riverside Ave., Bldg. 5, Fourth Floor
Jacksonville, FL 32204
Policy No.: 7409740-1885

Dated: January 19, 2022

Respectfully submitted,

By: 

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

19 January 2022

RECEIVED
JAN 19 2022
SC Court of Appeals

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, 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 to clarify and reconsider
2. Proof of Service.
3. Check number 1206 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

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

Best regards,



Alan Nix



Nbr
14711 Dorsmore Circle
Mount Pleasant, SC 29468

RECEIVED

JAN 19 2022

SC Court of Appeals

JENNY ABBOTT - RICHINGS

CLERK OF COURT

19 JAN 2022