

3 June 2022

Alan Nix
c/o Michael and Taryn Lazroff
1401 Densmore Circle
Mount Pleasant, SC 29466

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JUN 06 2022

S.C. SUPREME COURT

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 the order of 19 May 2022 so as to have sufficient information to successfully pursue a Writ of Certiorari
2. Check number 1988 in the amount of \$50.00 drawn on Navy Federal Credit Union.
3. Copies of the motion and Proof of Service to be returned with your clock stamp
4. Self-addressed and postage prepaid envelope to return the enclosed copies of the Motion and Proof of Service (Exhibits not included for return)

Best regards,



Alan Nix

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

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

**The 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 ORDER DATED 19 MAY 2022

BACKGROUND

The Appellants' filed a rather extensive motion to restore on 14 April 2022 citing numerous issues with Ms. Abbott-Kitchings still perplexing dismissal order of approximately 30 March 2022.

On 26 April 2022, Court of Appeals Filings emailed Appellant Alan Nix approximately forty three megabytes of filings in this case as was requested by Alan Nix on 13 April 2022. Appellant Alan Nix, once notified by a Court of Appeals employee of this possibility, requested all documents related to the case, whether they were stored electronically or only on paper, and assumes that all documents related to this case was provided by Court of Appeal Filings on 26 April 2022.

Based on Appellants' review of the two attachments emailed by Court of Appeals Filing on 26 April 2022, Appellants' were not able to identify any records which remotely support Ms. Allen's statements in her letter dated and mailed on 1 December 2021.

If Alan Nix were able to review the case file on 13 April 2022, this obvious and highly relevant issue would have also been more prominently raised in the motion to restore of 14 April 2022.

The Court, as tends to be standard protocol in situations of this nature, filed a boiler plate denial of the Appellants' motion on 19 May 2022 and subsequently emailed it to Appellant Alan Nix shortly before 1700 the same day.

Thereafter, Appellant Alan Nix sought a few basic clarifications from Mr. Tyler Clark, Appeals Specialist for the SC Court of Appeals, several times without receiving any responses from Mr. Clark for over two weeks, thereby further necessitating this motion to clarify the Court's boiler plate dismissal of 19 May 2022.

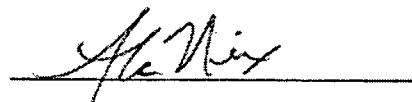
Simultaneously with this motion to clarify to the Court of Appeals, the Appellants' are filing a Writ of Certiorari with the Supreme Court of South Carolina to review this appeal and the several interesting precedents it likely creates. Given the requirement of a Writ of Certiorari, the Appellants' obviously require a more detailed explanation from the Court of Appeals to explain their apparent finding of 19 May 2022 that "*After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principal of law has been either overlooked or disregarded*".

Wherefore, to ensure Appellants' can successfully and succinctly amend the Writ of Certiorari being filed on the same day as this motion to clarify is being filed, the Appellants' need the Court of Appeals to sufficiently clarify its order of 19 May 2022 to state exactly why each of the Appellants' points raised in the motion to restore of 14 April 2022 was unpersuasive, exactly what actions it took to conclusively determine there were no material facts overlooked or disregarded, with special attention to the apparent facts Ms. Claire Allen cited in her letter of 1 December 2021, the role of retired Chief Justice Lockemy in this matter and if the Court considers any of these issues as potentially constituting a conflict of interest, or at least giving the perception of a conflict of interest, related to the Court.

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

June 3, 2022

Respectfully submitted,



Alan G. Nix
c/o Taryn and Michal Lazroff
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170

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S.C. SUPREME COURT

agnix1@hotmail.com

From: Clark, Tyler P. <tpclark@sccourts.org>
Sent: Thursday, May 19, 2022 4:44 PM
To: michael.morris@mpmorrislawfirm.com; agnix1@hotmail.com
Subject: Churchill Park v. Alan Nix 2021-000074
Attachments: Nix v. Churchill - Order.pdf

Dear Counsel and Mr. Nix,

Please find correspondence from the Court of Appeals.

Sincerely,

Tyler Clark

Appeals Specialist
SC Court of Appeals
1220 Senate St.
Columbia, SC 29201
Ph. (803) 734-1890
F. (803) 734-1839

~~~CONFIDENTIALITY NOTICE~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

# The South Carolina Court of Appeals

Churchill Park, Plaintiff,

v.

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

AND

State Street Holdings, LLC, Respondent.

Appellate Case No. 2021-000074

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## ORDER

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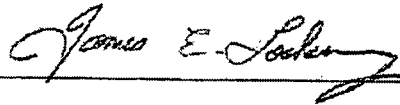
Appellant has filed a motion on April 14, 2022, which we construe as a petition to rehear the dismissal of this appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



A.J.

Columbia, South Carolina

cc:

**FILED**  
**May 19 2022**

Alan G. Nix  
Michael P Morris, Esquire  
Stephanie Trotter Kellahan, Esquire

**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  
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 to clarify the order dated 19 May 2022 so the new precedents created by the Court's orders in this case can be succinctly raised via a Writ of Certiorari to the Supreme Court was 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 3<sup>rd</sup> day of June 2022 to:

**RECEIVED**

**JUN 06 2022**

**S.C. SUPREME COURT**

McCabe & Trotter  
McCabe, Trotter & Muscheff  
4500 Fort Jackson LLC  
4500 Fort Jackson Blvd.  
Columbia, SC 29209

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

Michael & Taryn Lazroff  
c/o Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

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Clerk of Court, Charleston County  
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Charleston, SC 29401

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Charleston Legal Access  
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North Charleston, SC 29405

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SC Attorney General  
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Butler & College LLC  
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Mt. Pleasant, SC 29464

Rep. Ryan McCabe  
SC House of Representatives  
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Scarlett Wilson  
Charleston County Solicitor  
101 Meeting St.  
Charleston, SC 29201

Charleston County Public Defender Corp.  
Attn: Ashley Pennington  
101 Meeting St., 5<sup>th</sup> floor  
Charleston, SC 29401

Dated: June 3, 2022

Respectfully submitted,

By: Alan Nix

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1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991.4170

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