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

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JUN 03 2022

**SC Court of Appeals**

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

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

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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 TO CLARIFY ORDER DATED 19 MAY 2022**

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**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,

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

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

**agnix1@hotmail.com**

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**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

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# 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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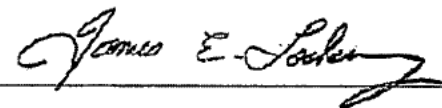
## ORDER

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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

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SC Court of Appeals

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

**The 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 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:

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

M.P. Morris  
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

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

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

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

Carolina Real Estate & Investment Group, LLC  
c/o Rachel Filer  
5101 Forest Drive, Ste. C  
Columbia, SC 29206

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

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:

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

Alan G. Nix  
c/o Michael and Taryn Lazroff  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991.4170

3 June 2022

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Alan Nix  
c/o Michael and Taryn Lazroff  
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 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



Nix  
1401 Denmore Circle  
Aunt Pleasant, SC 29466

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