

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

98834
RECEIVED

MAY 11 2023
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable? George McFaddin

Case No.: 2020-CP-40-06054

Appellate Case No. 2023-???????

Alan G. Nix

Appellant,

v.

Churchill Park Homeowners' Association, Inc.
and
"Churchill Park"

Respondents,

APPELLANT'S MOTION TO REMAND TO CIRCUIT COURT TO ALLOW ALL
ISSUES WITH APPEAL 2022-001155 AND UNRULED UPON MOTIONS IN THIS
CASE TO BE FULLY RESOLVED

Alan Nix files this motion to remand case 2020-CP-40-06054 back to the circuit court until the numerous issues with case 2020-CP-40-5255 / appeal 2022-001155 are fully resolved and to

allow the 28 Dec 2022 motion in this case to be properly managed and ruled on. In support of this motion, the Appellant raises three principal issues:

1. Given the 3 Mar 2022 motion in case 2020-CP-40-05255 sought the disqualification of McCabe Trotter from case 2020-CP-40-05255, and consequently also appeal 2022-001155, which still has not been rule on or the status of closed properly corrected, the basis for that same disqualification would operate to disqualify McCabe Trotter from this underlying case and appeal as well.
2. Motion dated 27 Dec 2022 in this case raised several very important issues including, but not limited to, requiring McCabe Trotter to clarify which one of the "Churchill Park"'s they represent and calling for the disqualification of McCabe Trotter. (copy of motion attached as Exhibit 1) Disqualification of McCabe Trotter from this case would nullify all defense motions and orders in the underlying case leaving nothing to appeal.
3. An independent and unconflicted judge and / or investigators needs to investigate, correct, and take all other appropriate actions necessary to fully address the intentionally fraudulent misrepresentation in this case that McFaddin's dismissal applied to both defendants (Churchill Park Homeowners' Association, Inc. and "Churchill Park") instead of just "Churchill Park". It is indisputable that Churchill Park Homeowners' Association, Inc. has been in default in this case since July 2021. This ongoing obstruction of justice is causing ongoing irreversible harm to appellant and his honest association members.

Appellant Alan Nix requests the Court of Appeals to:

1. Remand this case back to the Richland County Circuit Court so the motion dated 27 Dec 2022 can be properly managed and ruled on as well as allow for the necessary investigations and corrections related to Churchill Park Homeowners' Association, Inc., McCabe Trotter and McFaddin.
2. any other and further relief as the Court deems just, prudent and proper.

May 8, 2023

Respectfully submitted,



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

Exhibit

1

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND)

CASE NO.: 2020-CP-40-06054

ALAN NIX)

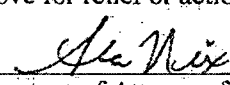
**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff,)

vs.)

CHURCHILL PARK (00108547) AND
CHURCHILL PARK HOMEOWNERS'
ASSOCIATION, INC. (00025502)

Defendant.)

Plaintiff's Attorney: Alan Nix (pro se), Bar No. _____ Address: 1401 Densmore Circle, Mt. Pleasant, SC 29466 Phone: 843.991.4170 Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Stephanje Trotter, Bar No. _____ Address: 4500 Fort Jackson Blvd., Columbia, SC 29209 Phone: 843.996.6777 Fax _____ E-mail: _____ Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: File / post proposed order and provide five business days to file response / clarify defendant being represented by McCabe Trotter Estimated Time Needed: 10 mins Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<div style="display: flex; justify-content: space-between;"> <div>  Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant </div> <div> 27 Dec 2022 Date submitted </div> </div>	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <u>MONEY ORDER 22-014507402</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	
JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

ALAN G. NIX,

Plaintiff,

vs.

"CHURCHILL PARK" AND CHURCHILL
PARK HOMEOWNERS' ASSOCIATION,
INC,

Defendants.

) IN THE COURT OF COMMON PLEAS
) THE FIFTH JUDICIAL CIRCUIT

) CASE NUMBER: 2020-CP-40-06054

) **CERTIFICATE OF SERVICE**

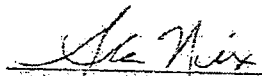
The undersigned hereby certifies that on the 31st day of December 2022, a copy of the motion to file proposed order and provide five business days to respond was served upon all parties and/or their respective counsel of record via USPS, fax and/or hand delivery as follows:

Kevin Mims
Luzuriaga Mims
1156 King St.
Charleston, SC 29403

Troy Thames
Wilson, Jones, Carter, Baxley.
4922 O'hear Ave.
N. Charleston, SC 29405

Melissa Kiddy CPA, CFE
Veris CPA
1156 Bowman Rd., Ste. 100A
Mount Pleasant, SC 29464

Auto Owners Insurance Co.
8625 Mallard Creek Rd.
Charlotte, NC 28262

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

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

ALAN G. NIX

Plaintiff,

vs.

CHURCHILL PARK HOMEOWNERS'
ASSOCIATION, INC AND "CHURCHILL
PARK"

Defendants.

) IN THE COURT OF COMMON PLEAS
) THE FIFTH JUDICIAL CIRCUIT
)

) CASE NUMBER: 2020-CP-40-06054
)

) **MOTION TO FILE PROPOSED ORDER**
) **AND REQUIRE MCCABE TROTTER**
) **TO FILE AFFIDAVIT IDENTIFYING**
) **EXACT IDENTITY OF CLIENT(S),**
) **DISQUALIFY MCCABE TROTTER &**
) **BEVERLY**
)

PLEASE TAKE NOTICE, Alan Nix hereby submits this motion requesting the court to file the proposed order from approximately 22 December 2022, grant Plaintiff five business days to respond and/or file an alternative proposed motion, require McCabe Trotter to file an affidavit positively identifying their client or clients in this case and disqualify McCabe, Trotter & Beverly from representing parties in this case if sufficient evidence of misconduct is found.

On 27 Dec 2022 Alan Nix looked at the online listing for this case and found reference to a proposed order from 22 Dec 2022. No documents appear related to this filing so viewing what was proposed and why is not possible.

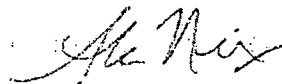
Additionally, it appears that a scheme to rename Churchill Park Homeowners' Association, Inc. to Churchill Park may be afoot. (See Exhibits D3A-D3F). As the Court can see, the South Carolina Secretary of State has finally saw fit to provide unique identifiers for corporations doing business in South Carolina. (Exhibits D1 and D2). Given the Defendants' ongoing and numerous misrepresentations about "Churchill Park" (Entity ID 00108547), Churchill Park Homeowners' Association, Inc. (Entity ID 00025502) and numerous other versions of Churchill Park not ever incorporated in South Carolina, such as Churchill Park at

Park West Association, Inc., it seems proper to require McCabe Trotter to file an affidavit explicitly identifying their client or clients. The SC Secretary of State's Entity ID number should be used in the affidavit to ensure there is no possible confusion as to who McCabe Trotter truly represents. Depending on the information in their affidavit(s) and other filings / communications, a motion for sanctions may be requested if the Court does not take such action on its own. Plaintiff Alan Nix assumes the Court understands it is impermissible for attorneys to assist their clients with fraud and that such conduct, along with other related misconduct, creates a conflict of interest requiring recusal, and if recusal is not sought, disqualification.

WHEREFORE, Plaintiff Alan Nix, respectfully requests the Court to:

1. File the 22 Dec 2022 proposed order so that it is publicly available and provide five (5) business days after it is filed to file a response and/or an alternative proposed order.
2. Enter an order requiring McCabe Trotter to file an affidavit stating with specificity (eg. SC Secretary of State Entity ID if one exists) the exact identify of their client or clients in this action.
3. If sufficient misconduct and/or conflict of interest is found related to McCabe Trotter's actions with the Defendants, enter an order disqualifying McCabe Trotter from representing any parties in this matter.
4. any other and further relief the Court finds Proper, Prudent and Just.

December 27, 2022. Respectfully submitted,



Alan Nix
1401 Densmore Circle

Mount Pleasant, SC 29466
843.991.4170

Business Entities Online

File, Search, and Retrieve Documents Electronically

CHURCHILL PARK

Corporate Information

Entity Id: 00108547

Entity Type: Nonprofit

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 07/31/2003

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: Lee M. Janssen

Address: 1132 Willoughby Ln
Mount Pleasant, South Carolina 29466

Official Documents On File

Filing Type	Filing Date
Notice of Change of Registered Office or Registered Agent or Both of a Nonprofit Corporation	12/09/2021
Resignation of Registered Agent and Discontinuance of Registered Office	06/01/2021
Notice of Change of Principal Office	02/28/2020
Notice of Change of Registered Office or Registered Agent or Both of a Nonprofit Corporation	11/20/2017
Notice of Change of Registered Office or Registered Agent or Both of a Nonprofit Corporation	02/15/2017
Change of Agent or Office	10/08/2014
Change of Agent or Office	05/03/2008
Incorporation	07/31/2003

Business Entities Online

File, Search, and Retrieve Documents Electronically

CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.

Corporate Information

Entity Id: 00025502

Entity Type: Nonprofit

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 01/24/2000

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: InCorp Services, Inc.

Address: 317 Ruth Vista Road
Lexington, South Carolina 29073

Official Documents On File

Filing Type	Filing Date
Notice of Change of Registered Office or Registered Agent or Both of a Nonprofit Corporation	12/11/2017
Notice of Change of Principal Office	12/11/2017
Application for a Reinstatement of a Corporation Dissolved by Administrative Action	12/11/2017
Notice of Change of Registered Office or Registered Agent or Both of a Nonprofit Corporation	12/11/2017
Administrative Dissolution	07/27/2017
Resignation of Registered Agent and Discontinuance of Registered Office	03/30/2017
Incorporation	01/24/2000

~~1111~~

D3A

Churchill Park Homeowners Association, Inc Collections Policy for 2021

Each owner agrees to timely pay to the Association (a) annual assessments or charges; (b) special assessments; and (c) specific assessments against any particular Lot. Each Owner also agrees to pay reasonable fines as may be imposed.

All assessments shall accrue interest at a rate of 18% but not less than 50 cents; including without limitation, reasonable attorney's fees incurred. The assessments and charges shall be a continuing lien on the Lot against which each assessment is made and shall be the personal obligation of the person who was the Owner of such Lot at the time of the assessment.

Assessments are due in January of each year and Owners will have until April 30th to pay. As of May 1st interest rates will be applied and will continue each month until paid in full.

From the CCR;

Late Charges: All Assessments, Shall Accrue late charges, interest (not to exceed the lesser of the maximum rate permitted by law or eighteen percent (18%) per annum on the principal amount due), cost, including without limitation reasonable attorney's fees actually incurred. The assessment and charges shall be a continuing lien upon the Lot against which each assessment is made and shall also be personal obligation of the person who was the Owner of such Lot at the time the assessment fell due.

~~5115~~
D3B

HOA Meeting April 16th 2021

Began 4:25p

Attended by Lee Janssen, Jon Cox, Allen Thornton and Margaret Stark

1. Transition from CMG to Self goverried

- Hand out and have residents sign for the letter and current bill. Collect signature for name change if needed and obtain current email if we don't have one.
- Start getting together information on the amendments we would like to have for the neighborhood (ie. house colors, etc).
- Review of budget obtained from CMG up until April
- ARC requests- remove the \$250 deposit, if not completed within 90 days notices will be sent out.
- Violations- notices sent every 30d instead of 10 days. Read receipt email for notices v letters so save on postage.
- Website- stressed the importance of every resident registering
- Capital improvement collected from new residents should be \$495

2. Legal Name change

- Continue to obtain signatures. Due to Lee by May 1st.

3. Budget

- Transfer all accounts to new Wells Fargo Acct
- Establish new budget going forward.

4. Capital Improvements

- Hold \$16,000 for capital improvements
- Approved current quotes for landscaping front sign and median, pond area. Pending approval for Thayer Island after updated quote available. Hold \$4000 aside for Desmore Circle landscaping.
- Discussed possible addition to pond of aeration. Algae and grass improving. In contact with pond management.

~~516~~
D3C

-Irrigation quotes discussed. Awaiting for second quote and construction damaged to be repaired.

-reviewed work done to trees

5. Next meeting to be May 1, 2021.

-Plan to discuss entrance sign, bench pavers, amendments, current violations.

~~CONFIDENTIAL~~
D3D

November 16, 2021

Churchill Park HOA Board of Directors Meeting

Members of the Board met at the Panera Bread on Hwy17 in Mount Pleasant. Jon Cox, Allen Thornton and Lee Janssen were in attendance for the meeting. The meeting was called to order at 7:00pm and adjourned at 8:15pm.

The following topics were discussed:

1. Legal
 - a. Status of quiet title action.
 - i. No update available since signed petition delivered to lawyer. Lee will follow with email next week.
 - b. Property taxes have been paid.
 - c.
2. Landscaping
 - a. Fall annuals have been planted at no cost to the HOA for reimbursement of failed spring enhancement.
 - b. Current contract is up for renewal in April.
 - c. Pine straw for common areas to include palm trees near the pond.
 - d. Seeking new bids for enhancement at both islands.
 - e. Irrigation issues at the front monuments. Repairs have been made, but suspect additional repairs are required.
 - f. Landscape lighting update for trees.
 - i. Checking with electricians to quote this work.
 - g. Complete the pavers at the park bench on Monday 11/29/21
 - h. Plans to update the plantation mix for the path.
 - i. Will order along with supplies for the park bench pavers.
3. Pond
 - a. Plan for addition of aeration system.
 - i. Seeking updated quote from PLM for this work.
 - b. Start reinforcement of the sandy area near the pond.
 - i. Will order back-fill along with supplies for the park bench pavers.
 - c. Grasses have been planted around the pond for erosion control.
4. Christmas Decorations
 - a. Monuments will be decorated on Friday, Dec. 3rd
 - b. Some additional garland will be required.
5. Addition of message board at the entrance.
 - a. Message board should be of similar style mailbox and street signs.
6. Plan for End of Year HOA Meeting.
 - a. Email all homeowners to inform of time and date.
 - b. Solicit interested candidates for Board of Director vacancies.
 - c. Solicit interested candidates for ARC vacancies.

~~SECRET~~
D3E

December 20, 2021

Churchill Park HOA Board of Directors Meeting

Members of the Board met at the Park West Clubhouse.
Jon Cox, Allen Thornton and Lee Janssen were in attendance for the meeting.
The meeting was called to order at 5:30pm and adjourned at 7:00 pm.

The following topics were discussed:

1. Termination of contract with Margaret Stark
 - a. Limited board access to records
 - b. Accused board member of tampering with records after holes were discovered in record documentation
 - c. Poor communication-forwards board discussions to association members. Action continues after requested to stop.
 - d. Waves fees without approval of board.
 - e. Self-payment to First Responders Grants, LLC
 - f. Double payment for Sept.

2. Bids have been received from 3 management companies
 - a. PMI
 - b. Sentry
 - c. Hood & Selander

3. Insurance Coverage
 - a. Current company and policy
 - b. New quotes?

4. Approval of Agenda for Annual Meeting
 - a. Financial Report
 - b. Approve FY-22 budget
 - c. Review capital improvement projects
 - d. Legal update regarding name change and quiet title action
 - e. Appoint new board members
 - f. Q & A

5. Review tax filings for 2020

- 6. Update name with IRS and Bank from Churchill Park

7. File amendments with SC Secretary of State

- 8. Status of Quiet Title Action with Lawyers

~~CONFIDENTIAL~~
D3F

February 22, 2022

Churchill Park HOA Board of Directors Meeting

Members of the Board met at the Janssen residence.
Craig Hoffman and Lee Janssen were in attendance for the meeting.
The meeting was called to order at 6:30pm.

The following topics were discussed:

1. Board Member Roles, items included:
 - a. Roles and Responsibilities
 - b. Property Inspections
 - c. Admin Role
2. Website
 - a. Board approved that Ms. Janssen will continue to update
3. Welcome committee and Newsletter
 - a. Board approved Ms. Janssen to continue serving in this role until a successor is named
4. Financial Update
 - a. Board reviewed the financials
 - b. All property taxes for the year have been paid
 - c. Approved the plan to have Scott Hood prepare the taxes
5. Neighborhood improvements
 - a. Lights have been fixed
 - b. Irrigation system issues are still outstanding
 - c. Board Approved a reader board with a cost not to exceed \$1,500
 - d. Pond Aeration was discussed and tabled until the outstanding lawsuit has been settled
 - e. Painting the Front bench was discussed, and it was agreed that Mr. Janssen will further evaluate
 - f. Spring flowers and mulch will be coming
6. Name Change Update
 - a. Name will be changed to Churchill Park when the taxes are filed
7. Lawyer Update was discussed
8. New Management Company
 - a. Mr. Janssen to take the lead on getting proposals
9. Neighborhood Concerns
 - a. Concern with the children in the woods has been resolved
 - b. Willoughby Home with unapproved changes to home was discussed and a letter will be sent
10. Motion was made to adjourn the meeting at 8:00pm

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

RECEIVED

MAY 11 2023

SC Court of Appeals

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

The Honorable? George McFaddin

Case No. 2020-CP-40-006054

Appellate Case No. 2023-??????

Alan G. Nix

Appellant,

v.

**Churchill Park Homeowners' Association, Inc.
and
"Churchill Park"**

Respondents,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellant Alan Nix's motion to remand case to circuit 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 8th day of May 2023 to:

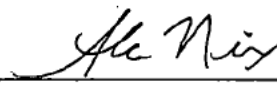
Stephanie Trotter
"Churchill Park"
4500 Fort Jackson Blvd.
Columbia, SC 29209

Lee Janseen
Churchill Park Homeowners Assoc, Inc.
1132 Willoughby Ln.
Mt. Pleasant, SC 29466

Jeanette McBride
Clerk of Court, Richland County
1701 Main St.
Columbia, SC 29201

Dated: May 8, 2023

Respectfully submitted,

By: 

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

8 May 2023

RECEIVED
MAY 11 2023
SC Court of Appeals

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: Alan Nix v Churchill Park Homeowners' Association, Inc. and "Churchill Park"
Case Number: 2020-CP-40-06054
Appellate Case: 2023-??????

Ms. Abbott Kitchings,

Please find enclosed:

1. A motion to remand appellate case number 2023-?????? Back to the circuit court until the unrulled upon motion in appellate case 2022-001155 are fully ruled on.
2. Check number 2139 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 Densmore Circle
Mount Pleasant, SC 29469

RECEIVED
MAY 11 2023
SC Court of Appeals

JENNY ABBOTT - KITCHING
CLERK OF COURT
S.C. COURT OF APPEALS
1220 SENATE ST.
COLUMBIA, SC 29201

P		U.S. POSTAGE \$9.55 PM 29469 Date of use 05/08/23 02 0475 981290482
	PRIORITY MAIL®	
ALAN NIX 1401 DENSMORE CIR MOUNT PLEASANT SC 29469-9040		5.20 oz RDC 05
EXPECTED DELIVERY DAY: 06/10/23		C076
SHIP TO:	JENNY ABBOTT-KITCHINGS SC COURT OF APPEALS 1220 SENATE ST COLUMBIA SC 29201-3769	
USPS TRACKING® NUMBER		
		
9505 5065 7551 3128 3972 46		
		