

RECEIVED

Jun 26 2023

SC Court of Appeals

26 June 2023

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: Norma J. Nix, Estate of Norma Nix and Alan Nix v Churchill Park Homeowners' Association, Inc., et. al. – Letter dated 16 June 2023
Case Number: 2020-CP-40-05255
Appellate Case Number: 2022-01155

Ms. Abbott Kitchings,

Please accept this letter as a response to your letter dated 16 June 2023 related to the above cited case.

The following exhibits are included for reference.

1. Copy of your letter dated 16 June 2023 related to the above cited case
2. Copy of check number 2136 in the amount of \$50.00 drawn on Navy Federal Credit Union which was transacted by the State on 5 May 2023
3. Copy of check number 2137 in the amount of \$250.00 drawn on Navy Federal Credit Union which was transacted by the State on 5 May 2023
4. Copy of the motion dated 3 May 2023 related to check number 2136 which was hand delivered to your office at approximately 1557 on 3 May 2023. Appeal number 2022-001155
5. Copy of email and attachments from 16 June 2023 related to case 2023-CP-10-00913 (the remainder of the documents produced by Capers Barr under subpoena are omitted to save USPS postage costs. Believe the court already has those documents under a separate filing)
6. Copy of National Conference of Appellate Court Clerks Code of Professional Conduct

So as to ensure this letter in response to your letter dated 16 June 2023 is properly interpreted, please allow me to address the last sentence of your letter first. You state as fact in

the last sentence that "Our case file in this matter is closed". I would strongly suggest you reconsider your position on this case / case file given this response.

In your first sentence, you start off by stating that "The Court received your motion to reinstate filed November 7, 2022, respondents' return, and a reply". While those facts appear to be mostly true, with a serious concern about your use of "respondents'" in that sentence, what is most striking is your lack of reference to Exhibit Four (four) attached to this letter. Exhibit Four (4) is motion related to this same case which was hand delivered to the Court of Appeals on the afternoon of 3 May 2023 at approximately 1600. This motion was delivered to the court of appeals at the exact same time as the Notice of Appeal for case 2020-CP-40-06054.

Not only can I prove that said motion was hand delivered on 3 May 2023 to the lobby of 1220 Senate St., it is easily proven given you, or someone under your supervision, clearly opened the envelope containing the subject motion and then transacted the \$50.00 check which was contained with the motion. See exhibit 2 for check number 2136.

Which brings us to the principal issue at hand. You, Judge Newman, Andy Countryman and Bob Wood state as fact that I am not a plaintiff in the above cited case while Mr. McFaddin, Ms. McBride, Stephanie Trotter and Victoria Bryant state as fact that I am a plaintiff. Given Stephanie Trotter used to work for Mr. Wood and is represented by Andy Countryman and Bob Wood in this same case, clearly, we have a serious issue with regards to all the above cited parties related to this case and subsequent appeal and motions.

What is unfortunately not in dispute related to you and your office's conduct in this matter, is that despite you all transacting check number 2136 on 5 May 2023, you have never filed the motion for appeal 2022-001155 dated and hand delivered on 3 May 2023. Exhibit 4 (four). What is even more concerning about your 16 June 2023 letter is the timing. Please reference exhibit 5 (five) which is an email from 16 June 2023 with the subject line of "insurance claim – policy # 182316 367509913 – Churchill Park Homeowners' Association, Inc." You will note that this is related to these same parties and a highly related and questionable case filed in Charleston County with case number 2023-CP-10-00913. I seriously doubt any impartial and basically reasonable person would conclude that your sudden action on appeal 2022-001155 on 16 June 2023, after no action at all for over six months, was merely a coincidence.

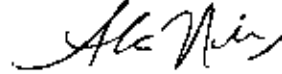
Lastly, what I am relatively sure of is that it is not within the scope of your job to knowingly engage in improper conduct to attempt to protect corrupt judge(s), attorneys and clerk(s) of court. I recommend you review exhibit 6 (six) in detail and operate in compliance with the stated Canons. Additionally, please note on the third page of exhibit 5 (five) reference to the "DOJ". DOJ = Department of Justice.

Please ensure:

1. that the original motion hand delivered to your office on 3 May 2023 for appeal 2022-001155 is filed no later than noon on 28 June 2023.
2. withdraw your highly questionable "our case file is closed" letter dated 16 June 2023.
3. Amend the parties for case number 2022-001155 to include Alan Nix as a plaintiff
4. Promptly report any misconduct by attorneys or judicial officers related to this matter to the Office of Disciplinary Counsel. By serving a copy of this letter on the ODC at the same time as filing this letter, consider this a complaint against you and the attorneys and judges involved in this matter.
5. Enter an order no later than noon on 28 June 2023 explaining your conduct in this matter and laying out all corrective actions you have taken to address these issues.

6. Enter an order recusing yourself and your organization from being involved in any matters involving any of the "Churchill"s, Alan Nix and Norma Nix.

Best regards,



Alan Nix

cc.

Jeanette McBride
Clerk of Court, Richland County
1701 Main St., Room 205.
Columbia, SC 29201

Stephanie Trotter
Rep. McCabe & Trotter
4500 Fort Jackson Blvd.
Columbia, SC 29209

Churchill Park Homeowners' Association, Inc.
c/o Lee Janssen
1132 Willoughby Ln.
Mt. Pleasant, SC 20466

Victoria Bryant
McCabe & Trotter
880 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464

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

Greg Hilton, President
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23185

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

Andy Countryman
Countryman Law
210 Wingo Way, Ste. 400
Mount Pleasant, SC 29464

Bob Wood
Rogers, Townsend & Thomas
1221 Main St. , 14th Floor
Columbia, SC 29201



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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

GATHERINE S. HARRISON
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 16, 2023

Alan G. Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466

Re: Norma J. Nix v. Churchill Park
Appellate Case No. 2022-001155

Dear Mr. Nix:

The Court received your motion to reinstate filed November 7, 2022, respondents' return, and a reply. As stated in our August 23, 2022 letter, no action will be taken on your filings because you are not an attorney licensed to practice law, and you are not authorized to represent Norma J. Nix or the Estate of Norma J. Nix. Our case file in this matter is closed.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

cc: Victoria Morgan Bryant, Esquire
Stephanie Trotter Kellahan, Esquire
Andrew W. Countryman, Esquire

2

Alan G. Dix
1401. Densmore Circle
Mount Pleasant, SC 29466

LOCK FOR
Micrographic film across top
Heat sensitive circle at upper right corner

2136
44-4 497/2860

3 MAY 2023
Date

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\$ 50.00

Fifty and no/100

Dollars

Navy Federal Credit Union

For MOTION APPELL RICHARD 2020-5235

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98.780

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98780

PAY TO THE ORDER OF
WELLS FARGO BANK, N.A.
FOR DEPOSIT ONLY
SC STATE BAR ASSOCIATION'S
General Deposit Account
(B040 SC Judicial Branch)

↑
5 MAY 2023

MICROFILM ONLY PRESERVED 5/5/2023

4

3 May 2023

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

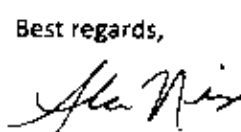
RE: Norma J. Nix, et. al, v Churchill Park Homeowners' Association, Inc., et. al.
Case Number: 2020-CP-40-05255
Appellate Case Number: 2022-01155

Ms. Abbott Kitchings,

Please find enclosed:

1. A motion to add orders to appeal 2022-01155 and remand case to the circuit court due to unrulred upon motions from February and March 2022
2. Check number 2136 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,

 *A.N.*
26 JUN 2023

Alan Nix

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

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

The Honorable? George McFaddin

Case No. 2020-CP-40-05255

Appellate Case No. 2022-01155

Norma J. Nix, et.al

Appellants,

v.

Churchill Park Homeowners' Association, Inc., et.al

Respondents,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellant Alan Nix's motion to add order to appeal 2022-001155 and 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 3rd day of May 2023 to:

Roger Wood

Andrew Countryman

Rogers, Townsend & Thomas
1221 Main St., Ste. 1400
Columbia, SC 29201

Countryman Law Firm
210 Wingo Way, Unit 400
Mount Pleasant, SC 29464

Ethan Nix
211 Posey Hill Rd.
Liberty, SC 29657

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

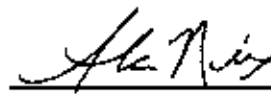
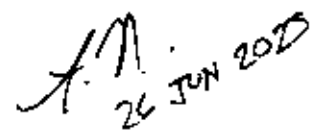
Stephanie Trotter
"Churchill Park"
4500 Fort Jackson Blvd.
Columbia, SC 29209

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

Dated: May 3, 2022

Respectfully submitted,

By:

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

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

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

**The Honorable Jocelyn Newman
And
The Honorable? George McFaddin**

Case No.: 2020-CP-40-05255

Appellate Case No. 2022-001155

Norma J. Nix, et al

Appellants,

v.

Churchill Park Homeowners' Association, Inc., et al

Respondents,

**APPELLANT'S MOTION TO ADD ORDERS TO APPEAL AND REMAND TO
CIRCUIT COURT TO RESOLVE UNHEARD / RULED ON CRITICAL MOTIONS**

Alan Nix files this motion to add three orders to appeal 2022-001155 and have this matter returned to the circuit court due to two critical motions from February and March 2022 which, despite Appellant's best efforts since November 2022, remain unscheduled and, consequently, not ruled on. The three orders to be added to this appeal are included as Exhibits B, C and D.

Exhibit B: Order dated 3 Jan 2023 in unusual font (3 pages)

Exhibit C: Order dated 3 Jan 2023 in McCabe Trotter font

Exhibit D: Order dated 9 Mar 2023 in unusual font (3 pages)

Exhibit A is a copy of the transcript from 3 Nov 2022.

Recommend cross referencing this appeal with the appeal being filed simultaneously with this motion for case 2020-CP-40-06054.

Appellant Alan Nix filed a motion in this case on 7 Feb 2022 entitled "*Motion for Continuance and Add Parties*" which has never been scheduled or ruled on in Richland County circuit court. The additional parties portion of this motion is especially critical given the damages the additional parties lack of action in cases 2021MH300017 and/or 2021-MH-39-00049 have caused to the appellants / plaintiffs in this case.

Appellant Alan Nix filed a motion in this case in Richland County on 3 Mar 2022 entitled "*Rule 59 Motion for Reconsideration, Disqualification of McCabe, Trotter & Beverly, Produce all Information Related to 10 Feb 2022 Hearing Scheduling, Potential Recusal*". Despite the motion clearly requesting a motion hearing, the motion appears to have been closed by a still unknown party within six (6) minutes of it being filed. This motion must be heard and ruled on given its obvious foundational impacts to the underlying case and, consequently, this appeal.

Appellant will file a copy of the criminal complaint related to these parties' conduct in these matters as soon as the additional information required is received.

Appellant Alan Nix requests the Court of Appeals to:

1. Add the three orders included with this motion to appeal 2022-001155.
2. Remand this case back to the Richland County Circuit Court so the critical motions from 3 Mar 2022 (closed without authorization or notice five minutes after filing) and 7 Feb 2022 can be properly scheduled and ruled on.
3. any other and further relief as the Court deems just, prudent and proper.

May 3, 2023

Respectfully submitted,

Alan Nix

*A.N.
26 JUN 2023*

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

Exhibit

A

1 STATE OF SOUTH CAROLINA }
2 COUNTY OF RICHLAND } COURT OF COMMON PLEAS NONJURY

3
4 NORMA J. NIX, ALAN G. NIX, AND THE } TRANSCRIPT
ESTATE OF NORMA J. NIX, }
5 PLAINTIFFS, } OF
6 VS. } RECORD

7 CHURCHILL PARK, CHURCHILL PARK }
8 HOMEOWNERS' ASSOCIATION, INC., PARK }
WEST MASTER ASSOCIATION, INC., }
9 LANDTECH OF CHARLESTON, LLC, }
LANDTECH INCORPORATED OF SOUTH }
10 CAROLINA, PARK WEST DEVELOPMENT, }
INC., CHUCKLEHOOVER LLC, RICHARD }
11 RICCOBONI, GOLD CROWN MANAGEMENT, }
LLC, CEDAR MANAGEMENT GROUP, LLC; }
12 OFFICERS AND DIRECTORS OF ALL NAMED } 2020-CP-40-5255
ENTITIES, }
13 DEFENDANTS. }

14
15 November 3rd, 2022

16 B E F O R E :
17 THE HONORABLE GEORGE M. MCFADDIN, JR., Judge.
18

19 A P P E A R A N C E S :
20 ALAN G. NIX
Pro Se
21
22 MORGAN BRYANT
ESQ.
23 Attorney for the Defendant
24

25 Transcribed by Pamela E. Green, from
webEX Recording Only

I N D E X

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(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

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P R O C E E D I N G S

THE COURT: And now -- where are we now, folks?

MS. BRYANT: Your Honor, this would be the Churchill Park -- Mr. Nix versus Churchill Park matter. It was on the roster for yesterday. It was originally on this roster and was moved. We held that open for today.

THE COURT: Are you with us, Mr. Nix?

MR. NIX: I am, Your Honor.

THE COURT: All right.

MR. NIX: I am, Your Honor.

THE COURT: Okay. So this is Norma Nix case versus Churchill, Churchill Park?

MS. BRYANT: Your Honor, the case caption is Norma Nix, the Estate of Norma Nix, and Alan Nix versus Churchill Park and several other parties.

This matter, unlike yesterday, the, the claims are the same. The underlying facts are the same. However, he named additional parties, McCabe, Trotter & Beverly and Todd -- law firm of Todd Musheff have been dismissed from that case, and, unlike yesterday, there is no default entered against Churchill Park in this matter. This is just our motion to dismiss and motion for sanctions on behalf of Churchill Park.

THE COURT: All right. Proceed, ma'am.

1 MS. BRYANT: Your Honor, this is the almost identical
2 motion that you heard yesterday. I'm going to dispense with
3 the facts and the background of the case since you heard
4 quite a bit in, in yesterday's hearing if you don't mind.

5 THE COURT: Yes, ma'am, and wrote all of it down to
6 read later, yes, ma'am.

7 MS. BRYANT: Great.

8 The motion to dismiss is based on again a Statute of
9 Limitations on Mr. Nix claim for unfair and deceptive trade
10 practices has run. He failed to serve any party in this
11 matter including the parties that have already been
12 dismissed. There's no affidavit of service in the file.
13 Insufficiency of service of process is another reason for
14 dismissal.

15 Improper venue, we went over that yesterday as well.
16 Again, he -- even on the face of his complaint, in Paragraph
17 8, Mr. Nix admits that this matter -- Charleston County is
18 the -- is not optional for this case because of the
19 gatekeeper order that Judge Murphy entered in Charleston.
20 So, he's, he's brought this matter onto Richland undeterred
21 by the gatekeeper order.

22 The registered agent address is what Mr. Nix claims is
23 the basis for jurisdiction here, and as we know, registered
24 agent does not equate to the principal place of business.

25 This is an HOA in Mount Pleasant in Charleston, South

1 Carolina. The neighborhood's located in Charleston.
2 Everybody's from Charleston. Corporate assets are in
3 Charleston. The foreclosure complained about is in
4 Charleston, and, and he's, again, simply brought this matter
5 here because there's a gatekeeper order preventing him from
6 bringing it in Charleston.

7 Additionally, there's another action in this matter
8 that is pending still. Nix filed a 2019 lawsuit naming
9 Churchill Park and 30 other defendants. There were 17
10 claims in that 2019 case including unfair and deceptive
11 trade practices, which is, is the only claim on this matter
12 today.

13 There is a motion to dismiss Churchill Park in that
14 matter. But there has never been an order entered.
15 Technically it is still pending. The public index shows it
16 as closed, which is often inaccurate. But I imagine that
17 the clerk has closed it because of the gatekeeper order and,
18 and Mrs. Nix -- Mr. Nix inability to file anything else.

19 Additionally, there's two more points for -- in support
20 of our motion to dismiss. Norma Nix is deceased. So she is
21 an improper party and Mr. Nix is engaged in the unauthorized
22 practice of law by naming and purporting to represent the
23 Estate of, of Mrs. Nix, Norma Nix.

24 Your Honor, that brings me to the motion for sanctions
25 that is included with this. Again, as we went over

1 yesterday, a quick review of our Judicial Department's Case
2 Management System shows, you know, a pattern of frivolous
3 and vexatious conduct by Mr. Nix. I mean we have -- this is
4 his seventh lawsuit that he's initiated that he's named
5 Churchill Park in, and, again, he seems to be jurisdiction
6 shopping.

7 If he can't file because of a gatekeeper order in
8 Charleston, he's gonna try in Richland. Not sure that's
9 gonna stop him from trying other counties either. And for
10 all these reasons, we're requesting an injunction, a
11 gatekeeper order be entered against him, and, and for him to
12 pay our legal fees.

13 I will note that Judge Newman did enter a motion to
14 dismiss and an order for sanctions in favor of McCabe,
15 Trotter & Beverly, my law firm that was dismissed. They're
16 represented by separate counsel, our mal, our malpractice
17 counsel. That dismissal is what Mr. Nix appealed to the
18 Court of Appeals in, in August. It is dismissed because
19 they determined he does not have a, a law license and is
20 unauthorized to represent Mrs. Nix because she's deceased or
21 her estate.

22 So that appeal is closed. Even if it was pending, this
23 Court retains jurisdiction over the remaining parties who
24 are not dismissed or affected by that motion on appeal.

25 THE COURT: Mr. Nix?

1 MR. NIX: Can you hear me, Your Honor?

2 THE COURT: Mr. Nix, may I remind you please that I've
3 heard a lot about this case yesterday. So, please don't,
4 don't repeat all I've heard yesterday.

5 MR. NIX: Oh, I, I don't intend to, Your Honor.
6 Can you hear me okay?

7 THE COURT: Yes, sir.

8 MR. NIX: Okay. So, first of all, I'm gonna come back
9 to the, the, the key issue here, which is the appeal.

10 I did go and verify yesterday that the appeal was
11 closed and I have already mailed a motion to restore it
12 because Ms. Jenny Abbott Kitchings, the Clerk of Court for
13 the Court of Appeals, maintains that the only parties in the
14 case are my late wife, which is act -- it is not -- is
15 inaccurate and the unauthorized, unauthorized practice of
16 law that, that she claims will -- gave her the authority to
17 end the appeal is also not accurate.

18 There was actually a letter sent to her after she did
19 that explaining those facts and asking the case be restored.
20 As of yesterday morning when this came up, I was under the
21 impression it had been restored. I'd actually even went and
22 filed the transcript and the order last week to perfect the
23 appeal. So, the appeal issue is paramount to this specific
24 case today and I'm not gonna contest that an appeal of
25 the -- of one portion of the case doesn't prevent this

1 motion from going forward under normal circumstances.

2 The issue that currently exists is the dispute which,
3 quite frankly, McCabe, Trotter and their legal counsel, who
4 know better, have made that the Norma Nix case does not
5 include me as a plaintiff. So, McCabe Trotter and their
6 legal counsel, Mr. Wood from Rogers Townsend and
7 Mr. Countryman, have went out of their way to create a
8 misrepresentation of the Court related to the parties.

9 Consequently, until that issue is resolved, I don't
10 know how I can legally go forward with this motion meaning I
11 don't want to do anything wrong and, simultaneously, I don't
12 have the right to do anything correct because of what's went
13 on with the Court of Appeals.

14 So, the motion before the Court of Appeals to restore
15 the case, correct the parties, and make the appeal go
16 forward is in the mail already, and until the issue with the
17 parties is solved, which the Court of Appeals, through their
18 Clerk of Court has made the case that I'm not a party to
19 this as a plaintiff, is resolved, this motion going forward
20 makes it very difficult for me to do the right thing for
21 myself or for my, my wife's estate.

22 The---

23 THE COURT: Okay.

24 MR. NIX: ---last point I would make here is, and I'm
25 sorry, Ms. Bryant, she was making the case that the venue is

1 improper. That is -- and, and she actually just said, and
2 I'm -- to the best of my ability of remembering what she
3 said, she said the registered agent address does not make it
4 the principal office except for her very own law partner,
5 Ms. Trotter, filed the document with the Secretary of State
6 in March or, I'm sorry, late February of 2020 changing the
7 principal office of Churchill Park to the same address as
8 the registered agent, which is 1320 Main Street in Columbia,
9 South Carolina. The principal office for that corporation
10 is in Richland County and that makes the venue proper.

11 I also do not contest the issue that service was not
12 perfected. That's a different issue and, quite frankly, the
13 Clerk of Court, based on what I know, could of dismissed the
14 case because of lack of service before all this went down.

15 The Statute of Limitations issue is not true but -- and
16 there was no real facts given to that. They're just,
17 they're just saying that.

18 Like I said yesterday, the issue with Judge Maite
19 Murphy and her, her order in Charleston County is also being
20 contested because she had no authority due to she was not
21 the chief justice -- chief administrative judge for
22 Charleston County at the time she did that and Judge
23 Jefferson said that the only person who could do that would
24 be the Chief, Chief Justice of Supreme Court or the chief
25 justice -- chief administrative judge for the county. So,

1 so that also's being addressed.

2 THE COURT: Okay.

3 MR. NIX: So -- but I do think the key issue this
4 morning is, and, and Ms. Mc -- Ms., Ms. Trotter, you know,
5 and Ms. Bryant are, are fully aware of this, there's a
6 disagreement between the Court of Appeals, Clerk of Court,
7 and Richland County as to the plaintiff parties involved in
8 this, and until that's resolved correctly, I, I can't
9 represent myself accurately and I can't represent anybody
10 else legally.

11 So, the case probably is and, and, quite frankly, I, I,
12 I intend to pursue the issues that prevented me from, from
13 filing this on time through -- against other parties. But,
14 you know, the last thing I want to put on the record right
15 here real quickly if you don't mind, Your Honor---

16 THE COURT: It's all on the record, Mr. Nix.

17 MR. NIX: ---those are---

18 THE COURT: Mr. Nix, it's all on the record, sir.

19 MR. NIX: Okay. Well, I'm sorry. I---

20 THE COURT: Mr. Nix---

21 MR. NIX: I'm sorry. That was -- it's a euphonism. I
22 apologize.

23 The last thing I want to say is there was a
24 conversation yesterday about Churchill Park Homeowners'
25 Association, Incorporated never being the real, the real

1 entity and it being up in Greenville, those are just pure
2 falsehoods and---

3 THE COURT: Mr. Nix.

4 MR. NIX: ---I intend---

5 THE COURT: Mr. Nix. Mr. Nix. Mr. Nix. Mr. Nix. I
6 asked you and I beseech you, please don't tell me what you
7 told me yesterday. I've got---

8 MR. NIX: Okay.

9 THE COURT: ---almost a legal pad full of notes from
10 yesterday and I well remember that argument yesterday. So
11 --.

12 MR. NIX: Okay. well, that's fine.

13 THE COURT: All right.

14 MR. NIX: I just -- I think the main issue for this
15 morning is until the Court of Appeals deals with the issue
16 of the plaintiffs and the party, I don't have the ability to
17 legally argue, argue anything this morning.

18 THE COURT: All right. I thank y'all for your
19 patience. I do remember this well from yesterday. I will
20 issue an -- a ruling. It is in the stack but I'll add it to
21 the file from yesterday so that it doesn't get separated
22 from the other one.

23 Okay?

24 MR. NIX: Thank you very much, Your Honor.

25 THE COURT: Mr., Mr. Nix, have a good day.

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MS. BRYANT: Thank you, Your Honor.

MR. NIX: Appreciate it.

THE COURT: You too, ma'am.

* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

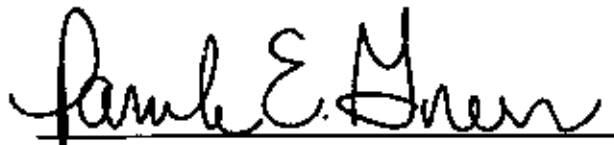
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the state of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Richland County, South Carolina, on the 3rd day of November, 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

November 13th, 2022



PAMELA E. GREEN, Court Reporter

Exhibit

B

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
C/A No.: 2020-CP-40-05255

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

Plaintiffs,

ORDER

vs.

Churchill Park, Churchill Park
Homeowners' Association, Inc.,
Park West Master Association,
Inc., Landtech of Charleston,
LLC, Landtech Incorporated of
South Carolina, Park West
Development, Inc.,
Chucklehoover, LLC, Richard
Riccoboni, Gold Crown
Management, LLC, Cedar
Management Group, LLC; Officers
and Directors of All Named
Entities,

Defendants.

In this matter, this court issued a ruling memorandum on 11 November 2022. In that ruling this court stated that "...ANY OBJECTIONS TO THESE RULINGS MUST BE MADE BY WAY OF A TIMELY FILED AND PROPERLY-SERVED SCRCP 59(E) MOTION."

This court received the proposed orders from Ms. Bryant as requested. This court reviewed the orders and found them proper. On or about 29 December 2022, this office received from Mr. Nix copies of what appear to be motions to file the proposed orders this court requested (see above) and related relief.

As to the motion to file the proposed orders, as he moved, his motion is not needed. This court has this date directed that the orders be "uploaded" or filed with the court.

As to the balance of his motions dated 27 December 2022, I find that these motions are not proper SCRCP 59(e) motions. They are not filed subsequent to the filing of the requested and filed orders. Therefore, I decline to address or consider the relief he

seeks in these motions. As stated in the memorandum ruling, Mr. Nix may file, when timely and proper, SCRCP 59(e) motions. The parties are reminded that the court has the discretion to hold or not hold a hearing to address SCRCP 59(e) motions, and the setting of a motion hearing by either party does not bind the court to holding the hearing.



Richland Common Pleas

Case Caption: Norma J Nix , plaintiff, et al vs Churchill Park Homeowners Association Inc , defendant, et al
Case Number: 2020CP4005255
Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

Exhibit

C

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
C/A No.: 2020-CP-40-05255

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

Plaintiffs,

v.

Churchill Park, Churchill Park Homeowners'
Association, Inc., Park West Master
Association, Inc., Landtech of Charleston,
LLC, Landtech Incorporated of South
Carolina, Park West Development, Inc.,
Chucklehoover, LLC, Richard Riccoboni,
Gold Crown Management, LLC, Cedar
Management Group, LLC; Officers and
Directors of All Named Entities,

Defendants.

**ORDER GRANTING CHURCHILL
PARK'S MOTION TO DISMISS,
AND MOTION FOR SANCTIONS
(INCLUDING GATEKEEPER
ORDER & ATTORNEY'S FEES)**

This matter came before me on November 3, 2022, Defendant Churchill Park's Motion to Dismiss Plaintiff's Complaint, and Motion for Sanctions, and Plaintiff's verbal motion for continuance. A hearing took place via Webex. Present at the hearing were Morgan Bryant, Esquire, as counsel for Defendant Churchill Park, and Alan G. Nix, attending *pro se*.

Upon review of the record, pleadings, and file available to the Court, this Court GRANTS Defendant's Motions and Motion for Sanctions. Being that Defendant's Motion to Dismiss is dispositive of the case, Plaintiff's motion to continue is DENIED.

FACTUAL AND PROCEDURAL HISTORY

Plaintiff, Alan Nix ("Plaintiff" or "Nix"), along with his now deceased wife, Norma Nix, owned a home in the Churchill Park neighborhood in the Park West development located at 1401 Densmore Circle, Mt. Pleasant, South Carolina. In 2013, the Nixes became delinquent in their

homeowners' association payments to both Churchill Park and Park West Master Association, Inc. They ultimately paid the balance due to Park West but failed to cure the delinquency owed to Churchill Park. In 2014 Churchill Park initiated a foreclosure action in Charleston County (C/A 2017-CP-10-4031¹). Nix, proceeding largely pro se, fought the foreclosure and argued that the restrictive covenants for Churchill Park defined the homeowners' association as an entity called "Churchill Park Homeowners' Association, Inc." Because the Plaintiff in the foreclosure suit was an entity incorporated as "Churchill Park," Nix argued the Plaintiff lacked standing to bring the foreclosure suit. The Honorable Mikell Scarborough entered an order finding that the Plaintiff, Churchill Park, was the successor to Churchill Park Homeowners' Association, Inc. and therefore possessed standing to foreclose the subject lien. The trial court entered an order awarding Churchill Park over \$22,000. Nix appealed the foreclosure order but failed to perfect said appeal. The case was ultimately remitted to the trial court on January 21, 2020. After a hearing on supplemental damages, judgment was entered in the amount of \$123,296.89 and the property was sold at foreclosure sale on October 6, 2020.

Since 2017 Nix has filed numerous civil actions and appeals suing anyone who has even the most tenuous connection to his former home. In January 2019, Nix filed an action in Charleston County (C/A 2019-CP-10-00067), naming Churchill Park and over thirty other defendants, alleging several causes of action, including violation of the S.C. Unfair Trade Practices Act, for actions related to the underlying foreclosure case. However, Nix failed to serve any of the parties to that suit and several parties were dismissed pursuant to Rule 12(b)(6), SCRCP. In September 2019, The Hon. Maite Murphy entered an order sanctioning Nix for his frivolous court filings and

¹ The foreclosure was originally filed in case 2014-CP-10-05407. The case was dismissed pursuant to Rule 40(j), SCRCP and assigned case number 2017-CP-10-4031 when it was restored to the active docket.

directed the Charleston County Clerk of Court to refuse any filings from Nix that were not signed by a licensed attorney.²

In November of 2020, Nix filed two actions in Richland County less than one week apart, this action and 2020-CP-40-06054, asserting almost identical unfair trade practice claims related to the foreclosure of his property in Charleston County. Both actions name Churchill Park and "Churchill Park Homeowners' Association, Inc." In Paragraph 8 of the Complaint in this action, Plaintiff states that "Charleston County is not an optional nor appropriate jurisdiction / venue for Plaintiff[s] due to Judge Maite Murphy's Order Enjoining Plaintiff." By Nix's own admission, these lawsuits were filed in Richland County to circumvent the Charleston Gatekeeper Order.

Nothing in the record for this matter indicates that Plaintiff attempted to serve Churchill Park in this matter, and Plaintiff has taken no action to prosecute this case against Churchill Park since filing.

DISCUSSION, ANALYSIS, AND ORDER

I. This Court Dismisses Plaintiff's Cause of Action for Unfair Trade Practices.

a. Statute of Limitations

Plaintiff's sole cause of action in this matter is one for violation of the S.C. Unfair Trade Practices Act, S.C. Code § 15-3-10 *et seq.* Claims brought under this Act must be brought within three years. S.C. Code § 15-3-20 *et seq.* SCRCP 3(a) provides that a civil action is commenced when the summons and complaint are filed with the clerk of court if: (1) the summons and complaint are served within the applicable statute of limitations; or (2) if not served with the statute of limitations, actual service must be accomplished no later than 120 days after filing.

² See C/A 2018-CP-10-03315.

The discovery rule states that the statute of limitations begins to run from the date the injured party either knows or should have known by the exercise of reasonable diligence that a cause of action arises from the wrongful conduct. *Johnson v. Bowen*, 313 S.C. 61, 437 S.E.2d 45 (1993). The “exercise of reasonable diligence” means that the injured party must act with some promptness when the facts and circumstances of an injury place a reasonable person of common knowledge and experience on notice that a claim against another party might exist. *Snell v. Columbia Gun Exchange, Inc.*, 276 S.C. 301, 278 S.E.2d 333 (1981). The fact that the injured party may not comprehend the full extent of the damage is immaterial. *Dillon County School Dist. No. Two v. Lewis Sheet Metal Works, Inc.*, 286 S.C. 207, 332 S.E.2d 555 (Ct. App.1985); *Dean v. Ruscon Corp.*, 321 S.C. 360, 468 S.E.2d 645 (1995).

The Complaint in this matter arises out of the September 2017 foreclosure trial and subsequent judgment entered November 16, 2017. Reading the Complaint in the light most favorable to the Plaintiff, the statute of limitations began to run within the month of November 2017. Thus, Plaintiff was required to file suit *and to serve* Churchill Park no later than March 30, 2021. Although the Complaint was timely filed, Plaintiff made no attempt and therefore has failed to properly serve Churchill Park before the statute of limitations ran. The Complaint is therefore subject to dismissal for failure to comply with the statute of limitations.

b. Richland County is the Improper Venue

“A civil action tried pursuant to this section against a domestic corporation . . . must be brought and tried in the county in which the: (1) corporation . . . has its principal place of business at the time the cause of action arose; or (2) most substantial part of the alleged act or omission giving rise to the cause of action occurred.” S.C. Code § 15-7-30(E). Plaintiff alleges that venue is proper in Richland County because Churchill Park lists a Richland County address as its

“principal office” with the South Carolina Secretary of State. However, Section 15-7-30(E) bases venue on a corporation’s principal place of business, not the principal office. A corporation’s “principal place of business is defined as (a) the home office location from which the corporation’s officers direct, control or coordinate its activities; (b) the location of the corporation’s manufacturing, sales, or purchasing; or (c) the location at which the majority of the corporate activity takes place.” S.C. Code § 15-7-30(A)(10).

Churchill Park is a non-profit corporation organized to serve as the homeowners’ association that governs the Churchill Park neighborhood in Mt. Pleasant, South Carolina. All of the association’s assets are located in Charleston County. The neighborhood is located in Charleston County. All members of the Board of Directors live in Charleston County. The members of the homeowners association have all gained their membership by virtue of owning property within with the Churchill Park neighborhood in Charleston County. All of the actions and activities complained, specifically those related to the foreclosure action, occurred in Charleston County. The only nexus between Churchill Park and Richland County is that Churchill Park’s registered agent has an office in Richland County.

The right of a defendant to be tried in the county of his or her residence is a substantial one and is not to be lightly denied. *Carroll v. Guess*, 302 S.C. 175, 394 S.E.2d 707 (1990). By his own admission, Plaintiff filed in Richland County because he had been enjoined from filing complaints in Charleston County. However, Plaintiff’s inability to proceed pro se in Charleston County does not make venue proper in Richland County. Charleston County is the only appropriate venue. Therefore, the Complaint is subject to dismissal for improper venue.

c. Another Action is Pending

"Under Rule 12(b)(8), dismissal is appropriate when another action is pending between the same parties for the same claim." Cricket Cove Ventures, LLC v. Gillard, 390 S.C. 312, 322, 701 S.E.2d 39, 44 (Ct. App. 2010). A claim must be "precisely or substantially the same in both proceedings" in order for dismissal under Rule 12(b)(8), SCRCP to be appropriate. Capital City Ins. Co. v. BP Staff, Inc., 382 S.C. 92, 106, 374 S.E.2d 524, 532 (Ct. App. 2009).

On January 4, 2019, Plaintiff filed civil action number 2019-CP-10-0067 in the Charleston County Court of Common Pleas and named, among other parties, Churchill Park and Churchill Park Homeowners' Association, Inc. as defendants. The complaint lists "Unfair Trade Practices Act" as the Ninth Cause of Action. Despite filing Case 2019-00067 over 3 years ago, Nix has never taken any steps to serve Churchill Park or prosecute the case. However, the case is still pending before the Charleston County Court of Common Pleas.

As previously noted, between November 10, 2020 and November 16, 2020 Plaintiff filed this action and civil action number 2020-CP-40-06054 in the Richland County Court of Common Pleas. Both suits name, among others, Churchill Park and Churchill Park Homeowners' Association, Inc. as defendants. Both lawsuits list as the sole cause of action "Unfair Trade Practices Act." In support of this claim Plaintiff alleges it was improper for Judge Scarborough to sign the judgment in the Charleston County foreclosure action in November of 2017.

Civil action number 2019-CP-10-0067 filed in Charleston County, this action, and civil action number 2020-CP-40-06054 all allege that various entities, including Churchill Park, committed bad acts throughout the prosecution of the foreclosure case. Each suit lists Alan G. Nix and Churchill Park as plaintiff and defendant, respectively. Finally, each of the suits lists UTPA

as at least one cause of action. All three suits are still pending and Plaintiff has not accomplished service of process on Churchill Park in any of the suits.

Both civil action number 2019-CP-10-0067 filed in Charleston County and civil action number 2020-CP-40-05255 were pending when Plaintiff filed the instant action. Accordingly, the Complaint is subject to dismissal based on other pending actions.

The Defendant's Motion for Sanctions, specifically for a Gatekeeper Order and for legal fees associated with the Motion for Sanctions is GRANTED.

II. Defendant's Motion for Sanctions is GRANTED.

The Defendant's Motion for Sanctions, specifically for a Gatekeeper Order and for legal fees associated with the Motion for Sanctions is GRANTED.

a. Gatekeeper Order is GRANTED.

The Defendant moves for this Court to impose sanctions upon Plaintiff, pursuant to the South Carolina Frivolous Proceedings Act, S.C. Code §15-36-10, *et seq.* ("FCPSA"), and enjoin Plaintiff from filing additional pleadings until Plaintiff has consulted with, and hired, legal counsel, licensed in the State of South Carolina. This Court finds that such remedies are within the inherent authority of the Court, and are appropriate under these circumstances.

The FCPSA allows for imposition of sanctions for the initiation and prosecution of civil claims without merit where the court finds, by a preponderance of the evidence, that a reasonable attorney in the same circumstances would believe:

- (a) that under the facts, his claim or defense was not clearly warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;
- (b) his procurement, initiation, continuation or defense of the civil suit was intended to merely harass or injure the other party; or

- (c) the case or defense was frivolous as not reasonably founded in fact or was interposed merely for delay, or was brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.

S.C. Code Ann. § 15-36-10(C)(1).

In determining if a *pro se* litigant has violated provisions of the FCPSA, § 15-36-10(E) sets forth the following factors the court should consider:

- (1) the number of parties;
- (2) the complexity of the claims and defenses;
- (3) the length of time available to the attorney, party, or *pro se* litigant to investigate and conduct discovery for alleged violations of the provisions of subsection (A)(4);
- (4) information disclosed or undisclosed to the attorney, party, or *pro se* litigant through discovery and adequate investigation;
- (5) previous violations of the provisions of this section;
- (6) the response, if any, of the attorney, party, or *pro se* litigant to the allegation that he violated the provisions of this section; and
- (7) other factors the court considers just, equitable, or appropriate under the circumstances.

S.C. Code Ann. § 15-36-10(E). The decision of whether to award sanctions under the FCPSA is treated as one in equity. *Pee Dee Health Care, PA v. Estate of Thompson*, 418 S.C. 557, 563, 798 S.E.2d 40, 43 (Ct. App. 2016).

This Court acknowledges that Plaintiff is *pro se*; however, lack of familiarity with legal proceedings is not an acceptable excuse and the court will hold a lawman to the same standard as an attorney. *Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001). The applicable law specifically provides that *pro se* plaintiffs are subject to FCPSA, and “sanctions may be awarded regardless of whether or not the case has been tried to verdict so long as the trial court

finds by a preponderance of the evidence that the party should be sanctioned.” *Holmes v. East Copper Community Hospital, Inc.*, 408 S.C. 138, 758 S.E.2d 483 (2012).

Pursuant to Section 15-36-10, a *pro se* litigant, participating in a civil action may be sanctioned for filing a frivolous pleading, motion, or document, if:

a reasonable attorney in the same circumstances would believe that his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law; a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuance, or defense of a civil cause was intended merely to harass or injure the other party ... is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based ... making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts.

S.C. Code Ann. § 15-36-10(C)(1)(a)-(c). The Court has wide discretion when ordering sanctions, to include: (1) reasonable costs and attorney’s fees; (2) a reasonable fine to the court; or (3) a directive of a nonmonetary nature, including injunctive relief, designed to deter a future frivolous action or an action brought in bad faith. S.C. Code Ann. § 15-36-10(G).

South Carolina courts have acted on this statute and awarded sanctions against *pro se* litigants when the case was frivolous in nature; the *pro se* litigant could not substantiate claims with facts; and *pro se* litigants engage in tactics to delay proceedings, including appeals of interlocutory matters. *Holmes v. Haynsworth, Sinkler & Boyd, P.A.*, 408 S.C. 620, 760 S.E.2d 399 (2014) (holding sanctions are proper against *pro se* appellant for frivolous and dilatory litigation tactics).

This Court finds that Plaintiff has violated the FCPSA. This lawsuit is just one example of Plaintiff’s ongoing abuse of South Carolina’s legal system. Since 2017, Nix has filed numerous lawsuits and notices of intent to file suit in our state’s courts related to the underlying foreclosure. Including this lawsuit, all but two of those lawsuits have been

dismissed in whole or in part, or there are motions to dismiss pending. The trial court in the underlying foreclosure case explained how Nix's unreasonable actions in that case necessitated a legal fee of over \$86,000.00:

I further find the time and labor expended by Plaintiff's counsel to be reasonable and necessary in this matter due in large part to the actions of Defendant Alan Nix. Mr. Nix rejected Plaintiff's offer of settlement prior to trial which necessitated Plaintiff's counsel prepare for and participate in pre-trial motions hearings and a one-day trial in this matter. Mr. Nix filed 21 post-trial motions in this matter while simultaneously pursuing an appeal of the final order. Most of these motions were patently frivolous. Mr. Nix issued 62 trial subpoenas and then issued 62 post-trial subpoenas after final judgment had been entered without any legal basis for the same. Including the Supplemental Damages Hearing on August 20, 2020, counsel for Plaintiff has had to attend nine court hearings in this matter. Mr. Nix has persisted in mailing and emailing hundreds of letters and emails to Plaintiff, Plaintiff's counsel, Plaintiff's former counsel, Mr. Nix's neighbors, a multitude of attorneys unrelated to the subject case, various members of the judiciary, various members of law enforcement at various levels, and various political figures. The vast majority of

these communications were unnecessary and did not further his case in any way. Nonetheless, Plaintiff's counsel was required to review these emails and letters to ensure a response was not appropriate or necessary. Many of these letters and emails were directed at various attorneys employed by McCabe Trotter & Beverly, PC but who had never entered an appearance in this matter. Some of the communications were sent to anyone other than Stephanie Trotter Kellahan, Plaintiff's current counsel of record. Mr. Nix's refusal to appropriately direct these communications required various members of Plaintiff's counsel's law firm to expend time reviewing the communication and redirecting them to Mrs. Kellahan. In addition to the testimony presented in Mrs. Kellahan's affidavit, the court is aware of many of these issues because Mr. Nix included the Master's office in much of the extraneous communications. This Court has received correspondence from Mr. Nix which, when stacked, is over nine (9) inches tall. Additionally, the court has over six inches of transcripts from hearings in this matter. Most of this correspondence consists of attacks on this court and the South Carolina Judiciary. This was not a typical homeowners' association foreclosure.

Nix has commenced two appeals in the circuit courts and eight appeals to the Court of Appeals. The Court of Appeals has dismissed six of Nix's appeals because he refuses to order transcripts, submit initial briefs, or prepare the record on appeal. In appellate case 2018-000056 Nix managed to file sixteen separate motions without ever filing an initial brief. These motions included two motions styled as "just do the proper and prudent thing," challenges to the court's jurisdiction because a filing didn't have a date stamp, and requests

to remand the case back to the trial court for further litigation. Each of the appeals to the circuit court were also denied.

As previously noted, in one of the Charleston County cases, 2018-CP-10-03318, Nix attempted to subpoena a circuit court judge and his law clerk to testify about why the trial judge ruled in favor of the other party's motion to substitute counsel. Nix's actions were so egregious and frivolous that the Honorable Judge Maite Murphy entered an order directing the Charleston County Clerk of Court to reject any filing from Nix unless it was signed by a licensed attorney. It was that injunction that caused Nix to file the instant action in Richland County instead of Charleston County.

A review of our judicial department's case management system clearly shows a pattern of frivolous and vexatious conduct by Plaintiff. He files suit on behalf of parties without any authority and names anyone and everyone remotely connected to the property located at 1401 Densmore Circle. When a court rejects his frivolous claims he accuses the judges of being corrupt or incompetent. If his cases are dismissed he files an appeal but refuse to take even the simplest of steps to progress that appeal.

Based on the pleadings, review of the judicial department's case management system, and arguments of counsel, the Court finds that Defendant has made the requisite showing that Plaintiff's motions and filings are frivolous and unduly burdensome. For all of the foregoing reasons, this Court finds that sanctions are appropriate pursuant to FCPSA. Therefore, the Court hereby **GRANTS** the Defendant's request for a Gatekeeper Order, and hereby imposes an pre-filing injunction directing the Richland County Clerk of Court reject any filings from Alan G. Nix, unless they are signed by an attorney licensed in South Carolina certifying that the filing complies with Rule 11, SCRPC.

b. **Legal Fees associated with the Motion for Sanctions are GRANTED.**

In accordance with the FCPSA, S.C. Code Ann. § 15-36-10(G)(1), the Defendant has also moved this Court to sanction the Plaintiff by ordering him to pay attorneys' fees associated with the preparation and participation related to the Defendant's Motion to Dismiss and Motion for Sanctions. As noted above, the Court has wide discretion when ordering sanctions, including the ability to order payment of reasonable costs and attorney's fees S.C. Code Ann. § 15-36-10(G).

Plaintiff's brazen decision to circumvent Judge Murphy's Gatekeeper order in Charleston by filing not one, but two practically identical lawsuits in Richland County, indicate that prior sanctions and rulings of the courts have not deterred the Plaintiff. Despite being sanctioned in several matters, Plaintiff continues to file frivolous actions, abusing the judicial system and forcing the same parties to continuously defend and relitigate claims that Plaintiff has already lost. Mr. Nix's behavior is a continual demonstration that he view litigation as a game. It would be inequitable to allow Nix to continue this behavior without monetary sanctions in addition to the equitable sanctions granted herein. Therefore, the Court hereby GRANTS the Defendant's request and order Plaintiff to pay legal fees incurred by Churchill Park associated with the Motion to Dismiss and Motion for Sanctions in the amount of **Four Thousand, Nine Hundred and Fifty Dollars (\$4,950.00)**, which this Court finds reasonable.

CONCLUSION

IT IS THEREFORE ORDERED that:

1. the Complaint is DISMISSED with prejudice;
2. The Clerk of Court of Richland County is ordered to reject any filings from reject any filings from Alan G. Nix, unless they are signed by an attorney licensed in South Carolina certifying that the filing complies with Rule 11, SCRCP.

3. Plaintiff is ordered to pay legal fees incurred by Churchill Park in the amount of \$4,950.00; and
4. Plaintiff's Motion for Continuance is DENIED.

IT IS SO ORDERED.

[SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: Norma J Nix , plaintiff, et al vs Churchill Park Homeowners Association Inc , defendant, et al
Case Number: 2020CP4005255
Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

Exhibit

D

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
C/A No.: 2020-CP-40-05255

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

Plaintiffs,

Order on Plaintiffs'
SCRCP 59(e) Motion

vs.

Churchill Park, Churchill Park
Homeowners' Association, Inc.,
Park West Master Association,
Inc., Landtech of Charleston,
LLC, Landtech Incorporated of
South Carolina, Park West
Development, Inc.,
Chucklahoover, LLC, Richard
Riccoboni, Gold Crown
Management, LLC, Cedar
Management Group, LLC; Officers
and Directors of All Named
Entities,

Defendants.

SCRCP 59(E) HEARING DATE: NO HEARING
PLAINTIFF'S ATTORNEY: SELF-REPRESENTED
DEFENDANT'S ATTORNEY: MORGAN BRYANT
COURT REPORTER: NOT APPLICABLE
PRESIDING JUDGE: GEORGE M. McFADDIN, Jr.
ORDER PREPARED BY PRESIDING JUDGE

Plaintiff filed his SCRCP 59(e) motion on this court. I have
carefully read his motion, and I respectfully decline to grant
Plaintiff's motion to alter, amend, or vacate the final order filed
on January 3, 2023.

I respectfully decline to hold a "reconsideration" hearing.
In subsection (f) of SCRCP 59 it is stated clearly that such a
hearing "...may in the discretion of the court be determined on the
briefs filed by the parties without oral argument." Here, both

parties, to include Plaintiff, have clearly provided their separate arguments for the court's consideration. Plaintiff has, with alacrity, provided his positions well. This court does not need briefs from any parties. This court has the discretion to determine that a hearing to address the motion is not needed.

Based upon the foregoing, it is done and ORDERED this 9th day of March, 2023 at Sumter, South Carolina, that Plaintiff's SCRCF 59(e) motion shall be, and is, hereby denied. It is further ORDERED that this court declines to set and hold a hearing to address Plaintiff's motion.



Richland Common Pleas

Case Caption: Norma J Nix , plaintiff, et al vs Churchill Park Homeowners
Association Inc , defendant, et al
Case Number: 2020CP4005255
Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759



Alan.G.Nix@outlook.com

From: Alan Nix
Sent: Friday, June 16, 2023 12:57 PM
To: dgarrick@tayloragency.com; info@tayloragency.com
Cc: leejanssen1@yahoo.com; 'Kevin Mims'; cmcnair@lmlawllp.com;
eluzuriaga@lmlawllp.com; MStark@FirstResponderGrants.com;
gardner.monica@aoins.com; ranstoney@joyelawfirm.com;
cbarr@barrungermcintosh.com; tthames@wjlaw.net; marnold@tompssc.com;
julie@barrungermcintosh.com; info@barrungermcintosh.com
Subject: insurance claim - policy # 182316 367509913 - Churchill Park Homeowners' Association, Inc.
Attachments: Taylor Agency Insurance Notice 16 Jun 2023.pdf

Good afternoon.

The original of the attached was scheduled to be delivered today. USPS tracking number 70221670000122468901. Also sending via email to ensure receipt today, 16 June 2023.

You can also find additional information in Richland county under cases 2020-CP-40-05255 and 2020-CP-40-06054 and I will provide additional evidence as well ASAP. Recommend you contacting Ms. Stark and Chief Arnold, copied, for additional evidence.

Thank you for your assistance and have a nice weekend.

Best regards,
Alan Nix

14 June 2023

Alan Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466
Cell: 843.991.4170
Email: alan.g.nix@outlook.com

To:
Auto Owners Insurance Company
8101 Anacapi Blvd.
Lansing, MI 48917

Taylor Agency
PO Box 1526
Orangeburg, SC 29116

RE: Notice of Suit / Defense coverage required – Policy Number 182316 367509913 -
Churchill Park Homeowners' Association, Inc.

Dear Auto Owners and Taylor Agency,

Please find enclosed a copy of letters mailed yesterday and this past Monday related to case number 2023-CP-10-00913 which, based on the time period complained of, names your insured, Churchill Park Homeowners' Association, Inc.

While Mr. Mims', Mr. Stoney's and Mr. McNair's claims in the past about who they represent in matters involving Churchill Park Homeowners' Association, Inc have left considerable doubt about who they legally represented, upon information and belief, it appears they represented Churchill Park Homeowners' Association, Inc. based on an insurance policy from Hood Hargett Agency out of Charlotte, NC. As you can see from the letter enclosed and dated 12 June 2023, they have stated / represented in several legal filings that they have represented multiple "Churchill" entities, the majority of which I have been unable to find a record of those entities ever being incorporated in any state, and definitely never in the state of South Carolina. I have copied Mr. Mims and Mr. McNair on this letter but given their numerous previous issues involving Churchill Park Homeowners' Association, Inc., I recommend letting them take whatever action they and Auto Owners believe is appropriate under the North Carolina Hood Hargett insurance policy, not the above named policy number.

Likewise, Mr. Janssen has at various times claimed he was the President of the Plaintiff, "Churchill Park", and the Defendant, Churchill Park Homeowners' Association, Inc. This duplicity on Mr. Janssen's behalf is almost certainly intentional and in coordination with McCabe Trotter, therefore, I do not believe he nor others who have engaged in such misconduct should receive coverage under this policy, and most likely, no insurance policy.

The other two attorneys copied, Mr. Capers Barr and Mr. Justin Kahn, are copied based on their previous involvement with Churchill Park Homeowners' Association, Inc. and McCabe, Trotter and Beverly, respectively. Depending on Auto Owners' preferences in how to defend this matter, I recommend you consider involving Mr. Barr and Mr. Kahn to expedite the resolution of this fraudulent and frivolous case. I also caution against settlement through mediation and/or arbitration given the public interest in ensuring this type of judicial, attorney and Community Association Institute misconduct is publicly exposed and properly addressed.

As stated in the letter dated 12 June 2023, if this case is still pending on 27 June 2023, I will be filing a motion to intervene, change the venue of the case, disqualify McCabe Trotter, etc soon thereafter. Likewise, I plan on reporting this matter, and all related matters, to the DOJ as soon as I have compiled the necessary evidence.

I will send additional information and evidence related to this matter as soon as possible but I wanted to ensure the initial notification was sent today. As you can see from the letter to Mr. Barr yesterday, Mr. Barr has significant evidence in his possession related to this ongoing scheme. It is also worth noting that the Town of Mount Pleasant Police Chief, Chief Mark Arnold, is also a member of Churchill Park Homeowners' Association, Inc. Depending on your assessment of his ability to appropriately investigate a matter which he has a financial interest in, you may want to contact him as well.

Thank you for your assistance.

Best regards,



Alan Nix

cc.

Capers Barr
Barr Unger & McIntosh
11 Broad St.
Charleston, SC 29401

Justin Kahn
Kahn Law Firm
562 Savannah Hwy
Charleston, SC 29407

Churchill Park Homeowners' Association, Inc.
c/o Lee Jansen
1132 Willoughby Ln.
Mount Pleasant, SC 29466

Kevin Mims / Chase McNair
Luzuriaga Mims
1156 King St.
Charleston, SC 29403

13 June 2023

Alan Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466

To:
Auto Owners Insurance Company
6101 Anacapi Blvd.
Lansing, MI 48917

Hood Hargett
500 E. Morehead St., Ste. 325
Charlotte, NC 28202

RE: Defense of your insured – Churchill Park Homeowners' Association, Inc.

Auto Owners and Hood Hargett.

Please find enclosed a copy of a letter mailed yesterday related to case number 2023-CP-10-00913, which names your insured Churchill Park Homeowners' Association, Inc. as a defendant. I've copied Mr. Mims and Mr. McNair on this letter in case you and / or they believe it is appropriate to mount a defense of your insured in this matter. Given the circumstances, it seems likely such a defense is a good faith requirement.

Best regards,



Alan Nix

cc.
Kevin Mims / Chase McNair
Luzuriaga Mims
1156 King St.
Charleston, SC 29403

13 June 2023

Alan Nix
1401 Densmore Circle
Mt. Pleasant, SC 29466

To:
Capers Barr
Barr Unger & McIntosh
PO Box 1037
Charleston, SC 29402

RE: Notice to maintain records and referral to authorities - 2023-CP-10-00913 / 2017-CP-10-04031 and 2014-CP-10-05407

Mr. Barr,

Please find enclosed a copy of a letter mailed yesterday related to case number 2023-CP-10-00913 and a copy of your records produced under subpoena in November 2017 for case number 2017-CP-10-04031.

This letter is intended to notify you that these matters are being referred to multiple law enforcement and prosecutorial agencies and that you and your firm are required to preserve all evidence in your possession related to the same.

Thank you for your assistance in these matters.

Best regards,



Alan Nix

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

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

12 June 2023

Alan Nix
c/o Michael & Taryn Lazroff (living in my family's home based on a void deed dated 23 October 2023)
1401 Dansmore Circle
Mt. Pleasant, SC 29466

To:
Julie Armstrong
Clerk of Court, County of Charleston
100 Broad St.
Charleston, SC 29401
(via certified mail)

Stephanie Trotter
Rep. McCabe & Trotter
4500 Fort Jackson Blvd.
Columbia, SC 29209
(via certified mail)

Victoria Bryant
McCabe & Trotter
680 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464

Churchill Park
c/o S&S Services Group
3061 DeVillie St.
Myrtle Beach, SC 29577

Churchill Park Homeowners' Association, Inc.
c/o Lee Janssen
1132 Wiloughby Ln.
Mt. Pleasant, SC 29466
(via certified mail)

Churchill Park
c/o "CAMS"
1612 Military Cutoff Rd., Ste. 108
Wilmington, NC 28403
(via certified mail)

RE: 2023-CP-10-00913 (and/or 2022-CP-10-00913) *Churchill Park* v. Churchill Park Homeowners' Association, Inc. – Safe Harbor opportunity – Notice of intent to intervene

Dear Ms. Armstrong and Judge Young.

Please file this notice with case number 2023-CP-10-00913 and/or 2022-CP-10-00913.

Just by chance, I came across this case / these cases today and thought that out of an abundance of caution I should promptly notify you that I plan on taking action related to this filing as well as provide Ms. Trotter and Ms. Morgan a safe harbor opportunity related to their current conduct in this case / these cases. A copy of the complaint is included for reference.

After briefly reading Ms. Trotter's and Ms. Morgan's allegations and apparent statements of fact in their filing, it is clear that they have engaged in additional acts of misconduct in

furtherance of their and their coconspirators continuing schemes, including but not limited to, to defraud. There is plenty of information in Ms. Trotter's, Ms. Morgan's, Mr. Mims and Mr. Janseen's possession that proves that what they have stated is not true as well as significant information in the public record that proves the same. With that being said, I believe it is only proper to allow them until close of business Monday, 26 June 2023 to either withdraw this complaint or, in the alternative, to file an amended complaint which does not contain knowing and willful material misrepresentations and omissions.

Shortly after 26 June 2023 I plan on filing a motion to intervene, disqualify McCabe Trotter & Bryant, and for a change of venue. Depending on what McCabe, Trotter and Morgan does or does not do by close of business 26 June 2023, this motion may also contain counterclaims, the addition of third party plaintiffs and defendants as well seeking sanctions against these parties.

Given this information, please ensure you do not enter any orders related to this case, including but not limited to an order of default, until McCabe, Trotter & Morgan does or does not do something by close of business 26 June 2023 and I have sufficient time after receiving McCabe, Trotter & Morgan's filings to respond by filing the above described motion or motions.

Thank you in advance for your assistance in this matter.

Best regards,



Alan Nix

PS. Ms. Hollings. Please accept your copy of this letter as an addendum to the letter delivered to you on 5 June 2023. Tracking number 9506613446773154101003. Additionally, I'm confident that there is evidence in your systems which proves that some of Ms. Trotter's and Ms. Bryant's statements are false. Please ensure that all such records are not deleted or manipulated.

cc.

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

Alan Wilson
SC Attorney General
1000 Assembly St
Columbia, SC 29201

Office of Disciplinary Counsel
1220 Senate St.
Columbia, SC 29201
(please accept this letter as a complaint against
Trotter & Morgan. I will supplement with
additional information)

Karen Hollings
Registrar of Deeds, County of Charleston
101 Meeting St.
Charleston, SC 29401

Michael & Taryn Lazroff
1401 Denmore Circle

Judge Young
100 Broad St.

Mt. Pleasant, SC 29466

Charleston, SC 29401

**Mark Hammond
SC Secretary of State
1205 Pendleton St.
Columbia, SC 29201**

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

**Chief Mark Arnold
Mount Pleasant Police Dept.
100 Ann Edwards Ln.
Mount Pleasant, SC 29464**

**Sarah Schreiber
Charleston Legal Access
1816 Success St., Bldg A, Unit 102
North Charleston, SC 29405**

**Churchill Park at Park West Association, Inc.
and Churchill Park at Parkwest, Inc.
and "Churchill Park"
c/o Luzuriaga Mims
1156 King St.
Charleston, SC 29403**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
C/A No.: 2023-CP-10-_____

Churchill Park,

Plaintiff,

vs.

Churchill Park Homeowners' Association,
Inc.,

Defendant.

COMPLAINT
(NON-JURY QUIET TITLE ACTION)

017990.00024

The above-named Plaintiff, complaining of the above-named Defendant, would show unto this Honorable Court as follows:

PARTIES AND JURISDICTION

1. Plaintiff, Churchill Park, is a nonprofit corporation organized and existing under the laws of the State of South Carolina and having its principal place of business in Charleston County, South Carolina.

2. Upon information and belief, Churchill Park Homeowners' Association, Inc., (hereinafter "CPHA") is a nonprofit corporation organized and existing under the laws of the State of South Carolina.

3. The real property, which is the subject of this action, is located in Charleston County, South Carolina.

4. The Court has jurisdiction over the parties and the subject matter of this action.

FACTUAL ALLEGATIONS

5. On January 10, 2000 C. Dobson Builders, Inc. (hereinafter, the "Declarant") recorded the Declaration of Protective Covenants for Churchill Park (hereinafter, the

"Declaration") in Book S340 at Page 595 in the Charleston County Register of Deeds. See attached Exhibit A.

6. The Declaration contemplated the creation of a homeowners' association to manage the affairs of the Churchill Park subdivision. The Declaration called this homeowners' association "Churchill Park Homeowners' Association, Inc." (Declaration, Article 1(d).) The homeowners association was not incorporated when the Declaration was filed.

7. On January 24, 2000, Articles of Incorporation for CPHAJ were filed with the South Carolina Secretary of State. The Articles state that the members of the corporation were to be the owners of real property located in *Greenville County*, South Carolina. The Articles were filed by an attorney located in the state of *Georgia*. See attached Exhibit B.

8. On August 13, 2003 Declarant conveyed the following parcels of common area property (hereinafter, the "Subject Property") within the Churchill Park subdivision to CPHAJ by deed recorded October 6, 2003 in Book F470 at page 324 in the Office of the RMC for Charleston County:

ALL those certain pieces, parcels or lots of land, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being more particularly shown and delineated as "BUFFER HOA 5,365 SF 0.123 AC, 20' BUFFERYARD (H.O.A.) 2,236 SF 0.051 AC, 20' BUFFERYARD 11,387 SF 0.261 AC, H.O.A. POND 1,962 AC, AND EXISTING 55' BUFFER H.O.A. 37,400 SF 0.859 AC," on that certain plat by Southeastern Surveying, Inc., entitled "A FINAL SUBDIVISION PLAT OF CHURCHILL PARK, PHASE 1, PARKWEST OWNED BY VENTURE MANAGEMENT OF SOUTH CAROLINA, LLC, LOCATED IN THE TOWN OF MOUNT PLEASANT CHARLESTON COUNTY, SOUTH CAROLINA," dated July 16, 1999, and recorded in Plat Book ED at Page 411, in the RMC Office for Charleston County, South Carolina.

TMS: 5980300001, 5980300008, 5980300009, 5980300031, 5980300032

AND:

ALL those certain pieces, parcels or lots of land, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being more particularly shown and delineated as "PARK 18,139 SQ. FT. 0.416 ACRES, POND H.O.A. 38,669 SQ. FT. 0.886 ACRES, HOA 8,190 SQ. FT. 0.188 ACRES, AND BUFFER H.O.A. 5,366 SQ. FT. 0.123 ACRES, EXISTING 55' BUFFER H.O.A. 1,836 ACRES, AND H.O.A. WETLAND/BUFFER 1,417 ACRES" on that certain plat by Southeastern Surveying, Inc., entitled "A FINAL

SUBDIVISION PLAT OF CHURCHILL PARK, PHASE II, PARCEL 10 PARKWEST OWNED BY C. RICHARD DOBSON BUILDERS, INC., LOCATED IN THE TOWN OF MOUNT PLEASANT CHARLESTON COUNTY, SOUTH CAROLINA," dated December 27, 1999, and recorded in Plat Book ED at Page 903, in the RMC Office for Charleston County, South Carolina.

TMS: 5980300033, 5980300059, 5980300062, 5980300074

AND:

ALL those certain pieces, parcels or lots of land, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, and being more particularly shown and delineated as "WETLAND AND WETLAND BUFFER 1.671 AC WETLAND BUFFER E.O.A." on that certain plat by Southeastern Surveying, Inc., entitled "A FINAL SUBDIVISION PLAT OF CHURCHILL PARK, PHASE III, PARCEL 10, PARKWEST OWNED BY C. RICHARD DOBSON BUILDERS, INC., LOCATED IN THE TOWN OF MOUNT PLEASANT CHARLESTON COUNTY, SOUTH CAROLINA," dated December 31, 1999, and recorded in Plat Book ED at Page 904, in the RMC Office for Charleston County, South Carolina.

TMS: 5980300105

See attached Exhibit C.

9. Upon information and belief, it was Declarant's intent to convey the Subject Property to the homeowners' association responsible for managing the common affairs of the Churchill Park Neighborhood in Charleston County, South Carolina. May

10. On July 31, 2003, Plaintiff was incorporated with the South Carolina Secretary of State. The Articles of Incorporation show that its principal office was located in Mt. Pleasant, South Carolina. See attached Exhibit D.

11. At all times since January 2000, the common affairs of the Churchill Park Neighborhood have been managed by volunteer board members and owners of real property within Churchill Park Neighborhood in Charleston County.

12. Based on these and other facts, in November 2017 The Honorable Mikell R. Scarborough entered a Final Order in a foreclosure action against a then homeowner finding that Plaintiff was a successor in interest to CHPAI and entitled to exercise all rights and obligations

contained in the Declaration. See Final Order, 2017-CP-10-04031 (hereinafter, the "2017 Order"). See attached Exhibit E.

13. In his 2017 Order, Judge Scarborough noted that "all property located in Charleston County's Churchill Park Neighborhood and owned by the neighborhood should have been placed in the name of [Plaintiff]." (2017 Order, p. 3).

14. The 2017 Order also recognized that Plaintiff "is the only corporate entity that operates Charleston County's Churchill Park Neighborhood." (2017 Order, p. 4).

15. Prior to the 2017 Order, CPHAI was administratively dissolved by the South Carolina Secretary of State. See attached Exhibit F.

16. In December 2017, the disgruntled former homeowner whose property was the subject of the 2017 Order submitted forms to the South Carolina Secretary of State, in which he fraudulently claimed to be an officer of CPHAI, and was able to reinstate CPHAI as a corporate entity. See attached Exhibit G.

17. Despite Judge Scarborough's 2017 Order, correspondence which is purportedly from the newly reinstated CPHAI has been sent to owners within the Churchill Park Neighborhood fraudulently misrepresenting CPHAI as the homeowner's association of the Churchill Park Neighborhood. See attached Exhibit H.

18. Further, while purporting to be an agent of CPHAI, and the disgruntled former homeowner, has attempted to file fictitious and fraudulent liens against the common area parcels of the Churchill Park Neighborhood in Charleston County, South Carolina, with added threats to file additional fraudulent and fictitious liens against individual property owners in the Churchill Park Neighborhood in Charleston County, South Carolina. See attached Exhibit I.

19. The reinstatement of CPHAI by a disgruntled former homeowner has created a cloud of title on the Subject Property.

20. Plaintiff is the duly constituted homeowner's association of the Churchill Park Subdivision.

21. Plaintiff seeks to quiet title to the Subject Property in its name and seeks an order precluding any other entity from acting as the homeowners' association for the Churchill Park Neighborhood.

FOR A FIRST CAUSE OF ACTION
(Quiet Title)

22. Plaintiff hereby reasserts and re-alleges each and every allegation set forth above.

23. This action is brought pursuant to S.C. Code Ann. § 15-67-10, et seq. seeking to quiet title to the Subject Property.

24. The Defendant has claimed or may claim an interest in the Subject Property.

25. Plaintiff is informed and believes that the claims and rights of the Defendant are inferior to and subject to the rights of the Plaintiff.

26. Plaintiff is informed and believes that it is entitled to an order of this Court quieting title to the Subject Property by:

- a. Determining that Defendant and any others who may assert an interest in the Subject Property have transferred or conveyed their entire interest to Plaintiff, or otherwise abandoned their interest in the Subject Property and, therefore, Plaintiff owns the Subject Property as "Churchill Park" free and clear of the claims of all others.
- b. Such other relief as is just and proper.

FOR A SECOND CAUSE OF ACTION
(Declaratory Judgement – Title to Real Property)

27. Plaintiff hereby reasserts and re-alleges each and every allegation set forth above.

28. This action is further brought pursuant to S.C. Code § 15-53-10 et seq., seeking an Order of this Court declaring the rights, title, ownership, liens, and interests of all parties with respect to the Subject Property.

29. A justiciable controversy exists between the parties hereto and the parties hereto have or claim to have an interest which would be affected by this declaratory judgment.

30. The Plaintiff is informed and believes that it is entitled to an Order of this Court declaring:

- a. That Defendant and any others who may assert an interest in the Subject Property have transferred or conveyed their entire interest to Plaintiff, or otherwise abandoned their interest in the Subject Property and, therefore, Plaintiff owns the Subject Property known as "Churchill Park" free and clear of the claims of all others.
- b. Such other relief as is just and proper.

FOR A THIRD CAUSE OF ACTION
(Declaratory Judgment – Correct Corporate Entity)

31. Plaintiff hereby reasserts and re-alleges each and every allegation set forth above.

32. This action is further brought pursuant to S.C. Code § 15-53-10 et seq., seeking an Order of this Court declaring Defendant is not a valid corporate entity and directing the Secretary of State to dissolve Defendant corporation.

33. A justiciable controversy exists between the parties hereto and the parties hereto have or claim to have an interest which would be affected by this declaratory judgment.

34. The Plaintiff is informed and believes that it is entitled to an Order of this Court declaring:

- a. Defendant was improperly reinstated in December 2017 based upon fraudulent filings by a disgruntled former homeowner with the South Carolina Secretary of State;
- b. The South Carolina Secretary of State shall vacate the reinstatement and any subsequent filings by Defendant or individuals purporting to act on Defendant's behalf;

- c. No action shall be taken to reinstate Defendant as an entity in good standing without further order of the court; and
- d. Such other relief as is just and proper.

FOR A FOURTH CAUSE OF ACTION
(Adverse Possession)

- 35. Plaintiff hereby reasserts and re-alleges each and every allegation set forth above.
- 36. Plaintiff has had actual possession of the Subject Property for at least ten years.
- 37. Plaintiff's possession of the Subject Property has been open and notorious. Plaintiff has maintained landscaping, vegetation, and a monument on various pieces of the Subject Property. Plaintiff has continuously paid property taxes on the Subject Property.
- 38. Plaintiff's possession of the Subject Property has been hostile in that it has been to the exclusion of all other potential claimants.
- 39. Plaintiff's possession of the Subject Property has been continuous and uninterrupted for at least ten years.
- 40. Plaintiff's possession of the Subject Property has been exclusive and not shared with any other claimant.
- 41. Plaintiff is entitled to an order quieting title in its name.

FOR A FIFTH CAUSE OF ACTION
(Injunctive Relief)

- 42. Plaintiff hereby reasserts and re-alleges each and every allegation set forth above.
- 43. At the time of the filing of this Complaint, Defendant, through the actions of a disgruntled former homeowner, has continuously impersonated Plaintiff as the homeowners' association of the Churchill Park Neighborhood. Plaintiff is informed and believed these actions have been taken by the disgruntled former homeowner in an attempt to cause confusion during the

appeal stages of the foreclosure action; and then after appeals were exhausted, the disgruntled former homeowner has continued these actions in an attempt to seek revenge and wreak havoc. These actions are an impediment to Plaintiff's ability to carry out its duly constituted operation of the neighborhood.

44. A temporary injunction or temporary restraining order is necessary to prevent additional harassment of the Churchill Park Neighborhood owners and to prevent Defendant or its agents or purported agents from filing of any additional fraudulent instruments pending the outcome of this action. Upon the expiration of temporary injunction or temporary restraining order, a permanent injunction will be necessary.

45. Plaintiff is entitled to a temporary injunction or temporary restraining order restraining Defendant, its agents, and its purported agents, from taking any action purporting to represent the Churchill Park Neighborhood's homeowners' association or the Churchill Park Neighborhood and upon the expiration of the temporary injunction or temporary restraining order, Plaintiff is entitled to a permanent injunction.

WHEREFORE, Plaintiff prays unto this Honorable Court as Follows:

1. For an order quieting title as set forth in Plaintiff's first cause of action;
2. For declaratory judgment and relief as set forth in Plaintiff's second and third causes of action;
3. For an order declaring Plaintiff as the owner of the Subject Property by adverse possession as set forth in Plaintiff's fourth cause of action;
4. For Injunctive relief:
 - a. For a temporary injunction or temporary restraining order;
 - b. For a permanent injunction;
5. For attorney's fees;
6. For the costs of this action; and
7. For such other and further relief as may be just and proper.

Respectfully submitted,

/s/ V. Morgan Bryant

V. Morgan Bryant, SC Bar No. 103318
Stephanie Trotter Kellahan, SC Bar No. 77680
MCCABE, TROTTER & BEVERLY, P.C.
4500 Fort Jackson Boulevard, Suite 250
Columbia, South Carolina 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email: Morgan.Bryant@mccabetrotter.com
Email: Stephanie.Kellahan@mccabetrotter.com
ATTORNEYS FOR PLAINTIFF

February 22, 2023
Charleston, South Carolina

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF CHARLESTON

CHURCHILL PARK, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

ALAN G NIX and NORMA J NIX, Defendant

Case Number: 2017-CP-18-04031

Pending in Charleston County

TO: Capers G Barr, IV

YOU ARE COMMANDED above case.

PLACE OF TESTIMONY

and time specified below to testify in the

Alan Nix

YOU ARE COMMANDED to deposition in the above case.

PLACE OF DEPOSITION

to testify at the taking of a

YOU ARE COMMANDED to produce and allow copying of the following documents or objects in your possession, custody or control at the date and time specified below (list documents or objects:

All documents in written, printed, or electronically stored format related to 1) liens in the name of Churchill Park Homeowners' Association, Inc. filed by you and the firm of Barr, Unger & McIntosh, LLC with the Charleston County BMC on July 18, 2016 in Book 0569, Page 039 and Page 040 as well as the related satisfaction recorded in Book 575, Page 852. Also, produce all documents in written, printed, or electronically stored format related to the letter dated 5 July 2017. First page of letter included for your reference. If you claim attorney client privilege related to any documents in your possession, please provide register citing document description, date, format, and rationale for claiming privilege.

PLACE Barr, Unger & McIntosh, LLC 11 Broad St, SC 29401

DATE AND TIME November 16, 2017, 10:00 AM

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THIS SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(e)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature

Date

Print Name

**CHURCHILL PARK HOMEOWNERS
ASSOCIATION IN**

300 LONG POINTE LN STE 200
COLUMBIA SC 29229-7544 USA

Commence: 17-May-2005

Corporation Tax

**CHURCHILL PARK HOMEOWNERS
ASSOCIATION IN**

PO BOX 290189
COLUMBIA SC 29229-0004 USA

Commence: 17-May-2005

18 MAY 2022

SCHEDULE D ANNUAL REPORT TO BE COMPLETED BY ALL CORPORATIONS

1 Name CHURCHILL PARK HOMEOWNERS ASSOC INC
 2 Incorporated under the laws of the State of SC
 3 Location of the Registered Office of the Corporation in the State of South Carolina is 1121 PARK WEST BLVD
 in the City of MT PLEASANT Registered Agent at such address is LPM INC
 4 Location of principal office (street address) 1121 PARK WEST BLVD
 Nature of principal business in SC _____
 5 The total number of authorized shares of capital stock, divided by class and series, if any, within each class is as follows:
 NUMBER OF SHARES: _____ CLASS: _____ SERIES: _____

6 The total number of issued and outstanding shares of capital stock divided by class and series, if any, within each class is as follows:
 NUMBER OF SHARES: _____ CLASS: _____ SERIES: _____

7 The names and business addresses of the directors (or individuals functioning as directors) and principal officers in the Corporation are:
 (If additional space is necessary, attach separate schedule.)

NAME	TITLE	BUSINESS ADDRESS

8 Date incorporated: 01-24-2000 Date commenced business in the State of South Carolina was 01-24-2000
 9 Date of this report 02-24-2017 FEIN _____
 10 If Foreign Corporation, the date qualified to do business in the State of South Carolina is _____
 11 Was the name of the Corporation changed during the year? NO Give old name _____
 12 The Corporation's books are in the care of CHURCHILL PARK HOMEOWNERS ASSOC INC
 Located at (street address) 1121 PARK WEST BLVD; MOUNT PLEASANT, SC 29466
 13 If filing consolidated, complete and attach Schedule J for each Corporation included in the consolidation.
 14 The total amount of stated capital per balance sheet is:
 A. Total paid in Capital Stock (cannot be a negative amount) \$ _____
 B. Total paid in Capital Surplus (cannot be a negative amount) \$ _____
 C. Total amount of stated Capital (cannot be a negative amount) \$ _____

ATTACH COMPLETE COPY OF FEDERAL RETURN

Payment Only: Submit payment electronically for free at MyDORWAY.dor.sc.gov.

MAIL RETURN TO THE PROPER ADDRESS

BALANCE DUE:
 SCDOR
 CORPORATE TAXABLE
 COLUMBIA, SC 29214-0033

REFUNDS OR ZERO TAX:
 SCDOR
 CORPORATE REFUND
 COLUMBIA, SC 29214-0033



SCHEDULE D ANNUAL REPORT TO BE COMPLETED BY ALL CORPORATIONS

1. Name Churchill Park Homeowners Assoc Inc.

2. Incorporated under the laws of the State of SC

3. Location of the Registered Office of the Corporation in the State of South Carolina is 317 Ruth Vista Road
 In the City of Lexington Registered Agent at such address is InCorp Services, Inc.

4. Location of principal office (street address) 9500 Statesville Road, Charlotte, NC 28269
 Nature of principal business in SC HOA

5. The total number of authorized shares of capital stock, itemized by class and series, if any, within each class is as follows:
 NUMBER OF SHARES: _____ CLASS: _____ SERIES: _____

6. The total number of issued and outstanding shares of capital stock itemized by class and series, if any, within each class is as follows:
 NUMBER OF SHARES: _____ CLASS: _____ SERIES: _____

7. The names and business addresses of the directors (or individuals functioning as directors) and principal officers in the Corporation are:
 (If additional space is necessary, attach separate schedule).

NAME	TITLE	BUSINESS ADDRESS

8. Date incorporated 01/24/2000 Date commenced business in the State of South Carolina was 01/24/2000

9. Date of this report 03/23/2018 FEIN _____

10. If Foreign Corporation, the date qualified to do business in the State of South Carolina is _____

11. Was the name of the Corporation changed during the year? NO Give old name _____

12. The Corporation's books are in the care of Clear Management Group
 Located at (street address) 9500 Statesville Rd Charlotte NC 28269

13. If filing consolidated, complete and attach Schedule J for each Corporation included in the consolidation.

14. The total amount of stated capital per balance sheet is:

A. Total paid in Capital Stock (cannot be a negative amount)	_____ \$
B. Total paid in Capital Surplus (cannot be a negative amount)	_____ \$
C. Total amount of stated Capital (cannot be a negative amount)	_____ \$

ATTACH COMPLETE COPY OF FEDERAL RETURN
 File electronically using Modernized Electronic Filing (MeF).
 Submit payment electronically for free at MyDORWAY.dor.sc.gov.

MAIL RETURN TO THE PROPER ADDRESS

BALANCE DUE:
 SC DEPARTMENT OF REVENUE
 CORPORATE TAXABLE
 COLUMBIA, SC 29214-0033

REFUNDS OR ZERO TAX:
 SC DEPARTMENT OF REVENUE
 CORPORATE REFUND
 COLUMBIA, SC 29214-0032



SCHEDULE D ANNUAL REPORT TO BE COMPLETED BY ALL CORPORATIONS

- 1. Name Churchill Park Homeowners Assoc Inc.
- 2. Incorporated under the laws of the State of SC
- 3. Location of the Registered Office of the Corporation in the State of South Carolina is 317 Ruth Vista Road
In the City of Lexington Registered Agent at such address is IRCorp Services, Inc.
- 4. Location of principal office (street address) 9500 Statesville Rd, Charlotte, NC 28269
Nature of principal business in SC HOA
- 5. The total number of authorized shares of capital stock, itemized by class and series, if any, within each class is as follows:
NUMBER OF SHARES: _____ CLASS: _____ SERIES: _____
- 6. The total number of issued and outstanding shares of capital stock itemized by class and series, if any, within each class is as follows:
NUMBER OF SHARES: _____ CLASS: _____ SERIES: _____
- 7. The names and business addresses of the directors (or individuals functioning as directors) and principal officers in the Corporation are:
(If additional space is necessary, attach separate schedule).

NAME	TITLE	BUSINESS ADDRESS

- 6. Date incorporated 01/24/2000 Date commenced business in the State of South Carolina was 01/24/2000
- 9. Date of this report 03/28/2019 FEW
- 10. If Foreign Corporation, the date qualified to do business in the State of South Carolina is _____
- 11. Was the name of the Corporation changed during the year? No Give old name _____
- 12. The Corporation's books are in the care of Cedar Management Group
Located at (street address) 9500 Statesville Rd, Charlotte, NC 28269
- 13. If filing consolidated, complete and attach Schedule J for each Corporation included in the consolidation.
- 14. The total amount of stated capital per balance sheet is:
 - A. Total paid in Capital Stock (cannot be a negative amount) \$ _____
 - B. Total paid in Capital Surplus (cannot be a negative amount) \$ _____
 - C. Total amount of stated Capital (cannot be a negative amount) . . . \$ _____

ATTACH COMPLETE COPY OF FEDERAL RETURN

File electronically using Modernized Electronic Filing (MEF).

Pay online by credit card or electronic check using our free tax portal, MyDORWAY, at dor.sc.gov/pay. Select Business Income Tax Payment to get started.

MAIL RETURN TO THE PROPER ADDRESS

BALANCE DUE:
SC DEPARTMENT OF REVENUE
CORPORATE TAXABLE
PO BOX 188161
COLUMBIA, SC 29202

REFUNDS OR ZERO TAX:
SC DEPARTMENT OF REVENUE
CORPORATE REFUND
PO BOX 135
COLUMBIA, SC 29214-0137

Note: if submitting payment by check, make check payable to SC Department of Revenue. Include Business Name and FEW on check.



SCHEDULE D ANNUAL REPORT TO BE COMPLETED BY ALL CORPORATIONS

1. Name Churchill Park Homeowners Association Inc.

2. Incorporated under the laws of the state of SC

3. Location of the registered office of the corporation in South Carolina 1320 Main Street, Suite 300
In the city of Columbia Registered agent at this address Cedar Management Group

4. Location of principal office (street address) 9500 Stateville Road, Charlotte, NC 28269
Nature of principal business in SC HOA

5. Total number of authorized shares of capital stock, itemized by class and series, if any, within each class:
Number of shares Class Series

6. Total number of issued and outstanding shares of capital stock itemized by class and series, if any, within each class:
Number of shares Class Series

7. Names and business addresses of the directors (or individuals functioning as directors) and principal officers in the corporation:
Attach separate schedules if you need more space.

Name	Title	Business address

8. Date incorporated 01/24/2000 Date commenced business in South Carolina 01/24/2000

9. Date of this report 05/05/2020 FEIN _____

10. If foreign corporation, the date qualified to do business in South Carolina _____

11. Was the name of the corporation changed during the year? No Previous name _____

12. The corporation's books are in the care of Cedar Management Group
Located at (street address) 9500 Stateville Rd, Charlotte, NC 28269

13. If filing consolidated, complete and attach Schedule J for each corporation included in the consolidation.

14. Total amount of stated capital per balance sheet is:
 A. Total paid in capital stock (cannot be a negative amount) \$ _____
 B. Total paid in capital surplus (cannot be a negative amount) . . . \$ _____
 C. Total amount of stated capital (cannot be a negative amount) . . . \$ _____

ATTACH COMPLETE COPY OF YOUR FEDERAL RETURN

File electronically using Modernized Electronic Filing (MEF).

Payments: Pay online using our free tax portal, MyDORWAY, at dor.sc.gov/pay. Select Business Income Tax Payment to get started.

If you pay by check, make your check payable to SCDOR and include your business name and FEIN in the memo.

Mail Balance Due returns to:
SCDOR
Corporate Taxable
PO Box 100151
Columbia, SC 29202

Mail Refund or Zero Tax returns to:
SCDOR
Corporate Refund
PO Box 128
Columbia, SC 29214-0032



SCHEDULE D ANNUAL REPORT TO BE COMPLETED BY ALL CORPORATIONS

- 1. Name CHURCHILL PARK HOMEOWNERS' ASSOCIATION, INC.
 - 2. Incorporated under the laws of the state of SC
 - 3. Location of the registered office of the corporation in South Carolina 317 Ruth Vista Road
In the city of Lexington Registered agent at this address InCorp Services, Inc.
 - 4. Principal office address 10610 Metromont Pkwy STE 204, Charlotte NC 28269
Nature of principal business in South Carolina BOA
 - 5. Total number of authorized shares of capital stock, itemized by class and series, if any, within each class:
Number of shares _____ Class _____ Series _____
 - 6. Total number of issued and outstanding shares of capital stock itemized by class and series, if any, within each class:
Number of shares _____ Class _____ Series _____
 - 7. Names and business addresses of the directors (or individuals functioning as directors) and principal officers in the corporation:
Attach separate schedules if you need more space.
- | Name | Title | Business address |
|------|-------|------------------|
| | | |
| | | |
| | | |
| | | |

- 8. Date incorporated 01/24/2000 Date commenced business in South Carolina 01/24/2000
- 9. Date of this report 04/03/2021 FEIN _____
- 10. If foreign corporation, the date qualified to do business in South Carolina _____
- 11. Was the name of the corporation changed during the year? NO Previous name _____
- 12. The corporation's books are in the name of Cedar Management Group, LLC
Located at (street address) 10610 Metromont Pkwy, Charlotte NC 28269
- 13. If filing consolidated, complete and attach Schedule J for each corporation included in the consolidation.
- 14. Total amount of stated capital per balance sheet:
 - A. Total paid in capital stock (cannot be a negative amount) \$ _____
 - B. Total paid in capital surplus (cannot be a negative amount) \$ _____
 - C. Total amount of stated capital (cannot be a negative amount) \$ _____

Attach a complete copy of your federal return.

File electronically using Modernized Electronic Filing (MEF).

Payments: Pay online using our free tax portal, MyDORWAY, at dor.sc.gov/pay. Select Business Income Tax Payment to get started.

If you pay by check, make your check payable to SCDOR, and include your name, FEIN, tax year, and SC1120 in the memo.

Mail Balance Due returns to:
SCDOR
Corporate Taxable
PO Box 100151
Columbia, SC 29202

Mail Refund or Zero Tax returns to:
SCDOR
Corporate Refund
PO Box 125
Columbia, SC 29214-0032

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.

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS CODE OF PROFESSIONAL CONDUCT

Preface

This Code of Professional Conduct was adopted by the National Conference of Appellate Court Clerks on August 11, 1983, at its annual meeting in New Orleans, Louisiana, and amended on August 6, 1992, at the twentieth annual meeting in Washington, D.C., on August 5, 1993, at the twenty-first annual meeting in Nashville, Tennessee, and on August 6, 2009, at the thirty-sixth annual meeting in Sacramento, California.

Preamble

The National Conference of Appellate Court Clerks, mindful that the character and conduct of its members should never be objects of indifference, and that declared ethical standards should become habits of life, adopts these principles which should govern the personal practice of appellate court clerks. The administration of justice requires appellate court clerks to adhere to the highest ideals of personal and official conduct.

The members of the National Conference of Appellate Court Clerks are dedicated to the highest standards of personal integrity and professional conduct. Their role in appellate courts casts upon them duties concerning their relationship to the other branches of government, the citizenry and all who come in contact with him or her. Therefore, the National Conference of Appellate Court Clerks adopts this Code of Professional Conduct as a guide of appropriate professional conduct and to promote the development and application of education, professional judgment and skill within the judiciary they serve. The provisions of this code should be construed and applied to further these objectives.

Where any state or federal statutory requirements or court rules and policies address the same areas, they will take precedence over this code.

CANON I

Members of the National Conference of Appellate Court Clerks Should Maintain the Highest Standard of Professional Conduct in the Performance of their Duties

An independent and honorable judiciary is indispensable to justice in our society. Members of the National Conference of Appellate Court Clerks participate in establishing, maintaining, and enforcing the law, and should themselves observe high standards of conduct so that the integrity, impartiality and independence of the judiciary may be preserved.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993; amended effective August 6, 2009.

CANON II

Members of the National Conference of Appellate Court Clerks Should Avoid Impropriety and the Appearance of Impropriety in all Activities

(A) A member should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

(B) A member should not allow family, social, or other relationships to influence his or her official conduct or the conduct of his or her office. A member should not lend the prestige of his or her office to advance the private interests of others; nor should a member convey or permit others to convey the impression that they are in a special position to exert such influence.

(C) A member may accept a gift donated to a group of employees, e.g. all the employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the employees in the performance of their official duties or that such influence was the purpose of the donor, and provided that any employee accepting such a gift promptly reports the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence employees' official actions, decisions, or judgments are prohibited.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993, amended effective August 6, 2009.

CANON III

Members of the Conference of Appellate Court Clerks Should Perform the Duties of Office Impartially and Diligently

(A) A member should be patient, dignified and courteous to litigants, lawyers, and others with whom he or she deals in an official capacity, and should require similar conduct by staff and others subject to their direction and control.

(B) A member should exercise great care and discretion in initiating or considering ex parte or other communications concerning a pending or impending proceeding. However, a member may be called upon in the course of his or her duties to explain to litigants and their counsel the rules, operating procedures, and other practices of the court. Such explanations should always be rendered in an impartial manner, so as not to advantage or disadvantage any litigant. A member should never offer explanations to one party that the member would not share with the opposing party.

(C) A member should not disclose to any unauthorized person or persons any confidential information concerning authorship of pending opinions, internal calendar memos, internal discussions relating to pending decisions, content of proposed opinions, or any other information designated by the court as confidential.

(D) A member should abstain from public comment on the merits of a pending or impending proceeding in any court, and should require similar abstention on the part of all court personnel subject to his or her direction and control. This subsection does not prohibit members from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(E) A member should support the reputation and integrity of the judicial system and, because statements of a member may carry considerable weight with the public, should not make derogatory comments that would undermine public confidence in or promote disrespect for the judicial system.

(F) A member should maintain the files and other records of the court in a conscientious and accurate manner and continue to develop policies and procedures for reducing time delay and improving efficiency of the appellate process.

(G) A member should diligently discharge responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the responsibilities of other courts and court officials.

(H) A member should require staff and other personnel subject to his or her direction and control to observe the standards of fidelity and diligence that apply to the member.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993, amended effective August 6, 2009.

CANON IV

Members of the National Conference of Appellate Court Clerks Should Engage in Activities to Improve the Law, the Legal System and the Administration of Justice

(A) A member should encourage dialogue between his or her's office and bar associations, judges, legal secretary associations, trial court and appellate court clerk associations and court reporters in an effort to promote better understanding of the court's processes. The member may participate in or conduct educational seminars for the benefit of those doing business with the office.

(B) A member should be alert to the need for improvements in the rules, court procedures and administrative functions of the court and offer suggestions for appropriate changes and improvements of the appellate process.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.

CANON V

Members of the National Conference of Appellate Court Clerks Should Regulate Outside Activities to Minimize Risk of Conflict With Court Related Duties

(A) **Avocational Activities.** A member may engage in avocational activities as long as they do not take undue advantage of their position, demean their office or interfere with the performance of their duties.

(B) **Civic and Charitable Activities.** A member may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their duties. A member may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization except that a member should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the member's court or will be regularly engaged in adversary proceedings in any court.

(C) **Financial Activities.**

(1) A member should refrain from financial and business dealings that tend to reflect adversely on his or her impartiality, interfere with the performance of the member's duties, or exploit the member's position.

(2) Subject to the requirements of subsection (1), a member may hold and manage investments, including real estate, and engage in other remunerative activities, but should not participate in nor permit his or her name to be used in connection with any business venture or commercial advertising program, with or without compensation, in such a way as would justify a reasonable inference that the power or prestige of the member's office is being utilized to promote business or commercial product.

(3) A member should not request or accept any remuneration, gift, bequest, favor, or loan that is made with the intent to influence or that creates an appearance of influencing the member in the exercise of court related duties.

(4) Acceptance by members who are elected of campaign contributions should be governed by any applicable state laws or court rules.

Adopted effective August 11, 1983. Amended effective August 6, 1992; amended effective August 5, 1993, amended effective August 6, 2009.

CANON VI

Members of the National Conference of Appellate Court Clerks Should Avoid Political Activities Which May Give the Appearance of Bias or Impropriety

A member is entitled to entertain personal views on political questions and is not required to surrender rights or opinions as a citizen. Many jurisdictions expressly prohibit political activity on the part of employees of the judicial branch of government. To the extent that political activity is not expressly prohibited, a member should avoid political activity which may give rise to a suspicion of bias or impropriety in any matter pending or impending before his or her court.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.

CANON VII

Members of the National Conference of Appellate Court Clerks Should Seek To Improve His or Her Professional Competence and That of His or Her Staff

(A) A member should seek to improve his or her professional competence and that of his or her staff by participating in educational programs and seminars such as those provided by the Conference, reading profession-related materials, and attending and participating in other activities likely to enhance the level of competence of the member and his or her staff.

(B) A member should participate actively in the exchange of ideas for rule change and improvement in appellate court programs and procedures with other appellate courts in the United States and with other national organizations focused on court management.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.

CANON VIII

A Member of the National Conference of Appellate Courts Should Not Engage in Discrimination Based on Race, Sex, Religion or Political Affiliation

(A) A member should not discriminate based on race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or political affiliation in dealing with attorneys, secretaries, paralegals, court reporters, their staffs, other court related personnel, or others doing business with the court or in hiring practices.

(B) A member should not discriminate in the hiring or the promotion of personnel based on sexual or other favors.

Adopted effective August 11, 1983. Amended effective August 6, 1992, amended effective August 6, 2009.